

## TWENTY-FOURTH DAY

Thursday, March 4, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:35 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend Allan Lee, Pastor of the United Church of Christ, after which the Roll was called showing all members present with the exception of Representative Peters, who was excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Twenty-Third Day.

On motion by Representative Ihara, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the Twenty-Third Day was approved.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 4 to 13) were read by the Clerk and were placed on file:

Sen. Com. No. 4, transmitting Senate Bill No. 262, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on February 24, 1993.

Sen. Com. No. 5, transmitting Senate Bill No. 264, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," which passed Third Reading in the Senate on February 24, 1993.

Sen. Com. No. 6, transmitting Senate Bill No. 514, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDIT," which passed Third Reading in the Senate on February 24, 1993.

Sen. Com. No. 7, transmitting Senate Bill No. 529, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," which passed Third Reading in the Senate on February 24, 1993.

Sen. Com. No. 8, transmitting Senate Bill No. 536, entitled: "A BILL FOR AN ACT RELATING TO REBUILT VEHICLES," which passed Third Reading in the Senate on February 24, 1993.

Sen. Com. No. 9, transmitting Senate Bill No. 576, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on February 24, 1993.

Sen. Com. No. 10, transmitting Senate Bill No. 1454, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," which passed Third Reading in the Senate on February 24, 1993.

Sen. Com. No. 11, transmitting Senate Bill No. 1458, entitled: "A BILL FOR AN ACT RELATING TO USE TAX REPORTS," which passed Third Reading in the Senate on February 24, 1993.

Sen. Com. No. 12, transmitting Senate Bill No. 1477, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE ENTERPRISE ZONES

PROGRAM," which passed Third Reading in the Senate on February 24, 1993.

Sen. Com. No. 13, transmitting Senate Bill No. 261, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," which passed Third Reading in the Senate on February 24, 1993.

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. Nos. 262, SD 1; 264; 514, SD 1; 529, SD 1; 536; 576; 1454, SD 1; 1458; 1477, SD 1; and 261 passed First Reading by title and further action was deferred.

At 11:42 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:43 o'clock a.m.

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

Representative Chang introduced the Hilo High School Prep Squad who are here to participate at the Hawaii State Basketball Tournament. They were accompanied by Mr. and Mrs. Warren Morimoto.

Representative Santiago introduced a group of third grade students from Sunset Beach Elementary School "who came in costumes dressed as cafeterias to illustrate the need for a cafeteria." They were accompanied by their teacher, Ms. Rexann Dubiel.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following House bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1258	Committee on Judiciary
1534	Jointly to the Committees on Education and Labor and Public Employment

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 152 to 155) were read by the Clerk and were disposed of as follows:

H.R. No. 152, entitled: "HOUSE RESOLUTION HONORING ESTHER PARK, A SURVIVOR OF THE FIRST KOREAN IMMIGRANT GROUP TO HAWAII," was jointly offered by Representatives Shon, Amaral, Apo, Arakaki, Bainum, Beirne, Cachola, Chumbley, Chun, Duldulao, Hagino, Herkes, Hiraki, D. Ige, Isbell, Lee, Marumoto, Oshiro, Santiago, Souki, Stegmaier, Takumi, Taniguchi, Tom and Young.

On motion by Representative Young, seconded by Representative Santiago and carried, H.R. No. 152 was adopted.

H.R. No. 153, entitled: "HOUSE RESOLUTION HONORING SALOME C. HAN, A SURVIVOR OF THE FIRST KOREAN IMMIGRANT GROUP TO HAWAII," was jointly offered by Representatives Shon, Young, Amaral, Apo, Arakaki, Bainum, Beirne, Cachola, Chumbley, Chun, Hagino, Herkes, Hiraki, D. Ige, Isbell,

Lee, Marumoto, Oshiro, Santiago, Souki, Stegmaier, Takumi, Taniguchi and Tom.

On motion by Representative Young, seconded by Representative Santiago and carried, H.R. No. 153 was adopted.

H.R. No. 154, entitled: "HOUSE RESOLUTION HONORING SUNGDAI CHOI, A SURVIVOR OF THE FIRST KOREAN IMMIGRANT GROUP TO HAWAII," was jointly offered by Representatives Shon, Young, Beirne, Cachola, Chun, Duldulao, Hagino, Hiraki, D. Ige, Isbell, Lee, Marumoto, Oshiro, Santiago, Souki and Tom.

On motion by Representative Young, seconded by Representative Santiago and carried, H.R. No. 154 was adopted.

Representative Shon rose and proceeded to introduce the honorees, stating:

"Mr. Speaker, as someone who had in my previous existence been a history major, I can tell you that one of the most powerful forces in history is the movement of people and culture around the globe, and certainly, we have many examples of this in Hawaii and particularly with the Korean community which, as it's moved around the globe through the centuries, has had an indelible impact, enriching the culture wherever it went, even back into the 6th century where many of the top artisans of Korea went to Japan. The Japanese arts are very much enhanced because of all the pottery and other kinds of arts which were imported into Japan at that time.

"And later of course, in Hawaii, we are also very much enriched by the arrival of Korean immigrants and honoring them today is, in fact, honoring virtually all of the groups that have come to Hawaii because it is this tapestry of unique and varied cultures and attitudes, food and language that have made us really a special place.

"I would like very much, at this time, to introduce to you our three honorees.

"First of all, again one of the survivors of the first immigrant group who came here at the age of six, I would like to introduce Salome Han," who then rose to be recognized.

"Also with us today, someone who has been just really involved in so many things that I know of in the life of our community, and his accolades range from business to culture to many other aspects ... please welcome Mr. Sungdai Choi," who then rose to be recognized.

"Our final honoree, Esther Park, could not be with us personally today but representing her and Esther's family is her sister-in-law, Mary Han Park," who then rose to be recognized.

Representative Shon continued:

"Finally, Mr. Speaker, in the spirit of our multicultural tradition, I have a little message on behalf of all of us to the Korean community."

Representative Shon, in Korean, delivered the following message:

"On the occasion of the 90th anniversary of Korean immigration to Hawaii, we are pleased to congratulate all of our honorees for the contributions to the development of the Korean community in Hawaii, enriching and promoting Korean culture in Hawaii. Our warm

congratulations for the splendid achievements you made in representing the Koreans for this 90-year history.

"Thank you very much for all you have done."

Representative Young then rose and stated:

"In keeping also with the multicultural tradition of Hawaii, I would like to say -- this is my first foray into this bilingual field" -- and delivered her remarks in Korean.

"Now, what it really says is ... thank you, colleagues, for all the support that you gave us for supporting the 90th Anniversary Commission that we passed last session. If you may recall, we had quite a feast on the last day of our session last year.

"What it really says is that. . . I'm going to speak in English for that one, and also that my teacher for that phrase was Representative Jim Shon. I would like to say that it really is an honor and privilege to have this opportunity to extend my greetings to Choi Sungdai, Esther Park and Salome Han.

"My grandparents were among the first wave of Korean immigrants to Hawaii. I would like to say at this point that my nephew, Kevin Young, is a page here. It was his great grandparents also that were among the first wave of Korean immigrants to Hawaii. My father, Paul B. Young, was born in 1905, soon after his parents arrived, so I have in my heritage a very strong nostalgic link to that historic time. I grew up listening to stories of what it was like in those early years of hardship and struggle.

"The transition from their homeland in Korea was difficult and they often yearned to return. But they turned their energies to creating a good life here in America while actively supporting the Korean independence movement. And what better mark of success for the Korean community for this 90th anniversary year celebration than the recent appointment of our new Chief Justice of the Supreme Court, Ronald Moon, whose grandparents were also among those early pioneers.

"So it is with great honor that I congratulate our honorees today, and it is also with fond remembrances of my grandparents, my parents and their friends, that I say, 'Kumsum me da' from the bottom of my heart."

Certificates of Recognition were presented to the honorees by Representatives Young, Santiago and Shon, and Representatives Hirono, Tam and Takumi presented them with floral leis.

H.R. No. 155, entitled: "HOUSE RESOLUTION CONGRATULATING THE UNIVERSITY OF HAWAII RAINBOW WARRIORS FOOTBALL TEAM FOR CAPTURING THE 1992 WESTERN ATHLETIC CONFERENCE CHAMPIONSHIP, WINNING THE HOLIDAY BOWL AND FINISHING THE SEASON RANKED AMONG THE TOP 20 COLLEGE FOOTBALL TEAMS IN THE COUNTRY," was jointly offered by Representatives Lee, Taniguchi, Chun, Alcon, Amaral, Apo, Arakaki, Bainum, Baker, Beirne, Bunda, Cachola, Chang, Chumbley, Duldulao, Hagino, Hiraki, Hirono, D. Ige, M. Ige, Ihara, Isbell, Ishii-Morikami, Kanoho, Kawakami, Marumoto, Menor, Morihara, Nakasone, Nekoba, Okamura, Oshiro, Pepper, Peters, Santiago, Say, Shon, Souki, Stegmaier, Suzuki, Tajiri, Takumi, Tam, Thielen, Tom, Ward, Yonamine and Young.

On motion by Representative Lee, seconded by Representative Hagino and carried, H.R. No. 155 was adopted.

Representative Lee rose and proceeded to introduce the honorees, stating:

"Mr. Speaker, I appreciate greatly the opportunity to honor and congratulate the coaches, players, and staff of the 1992 UH football team. Their exploits are well known. They had a marvelous season with eleven wins and two losses, went to the Holiday Bowl, defeated the University of Illinois, and achieved a rank among the twenty top teams in the nation.

"To do this today brings back some emotions because when I was young, I was a denizen of the old Honolulu Stadium, and at that time it was a single wing and the T-formation was very radical, and the split had not yet come. To tell you how small the city was, I was pressed into the Press Box along with Red McQueen, Joe Rose, and my good friend Carl Machado.

"And then to see the progression of football to the spread formation today is a good indication how dynamic life is. But more than how dynamic life is, is how football players exemplify what one life experience can be a model for all of us. In other words, this 1992 team rose from a fairly unfavorable record the previous year. It dedicated itself, it committed itself, and exceeded all expectations by winning the WAC Conference, winning in the Holiday Bowl, and then coming home with honors all over the place. That has been a great pride to all of us in Hawaii.

"But above all, what is really important is what they showed in how they knew the rules and how they played. You will recall that in the Holiday Bowl, the Illinois quarterback forgot or didn't realize that it was a dropped lateral and not a dropped pass, and Hawaii recovered and went on to score three points. That was a very interesting demonstration that whatever you do in life, you must know the rules and if you know the rules, you have to really take advantage of what happens within the rules. The 1992 Rainbow football team has shown that it's got, not only the power, but they also got the brain.

"With that, it gives me great pleasure to introduce the people we are honoring today."

Representative Lee asked the following honorees, who were seated on the chamber floor, to stand to be recognized: Coach Bob Wagner, Doug Vaioleti, Walter Santiago, Darrick Branch and Louis Randall.

Representative Lee then asked the other players and staff, who were seated in the gallery, to stand to be recognized, as follows: Coach Kanani Souza; Hugh Yoshida, Acting Athletic Director; Kaia Hedlund; and team members -- Peter Pale; Michael Carter, "the Most Valuable Player of the Holiday Bowl; Ivan Jasper, John Shaw and Brian Gordon.

Representative Lee continued:

"Maa Tanuvasa could not come today because he didn't want to cut class. He wanted to attend his class and his priority was first -- education. I congratulate him on that."

Representative Hagino then rose and remarked:

"The students who did show up today are in between classes and they are going back to classes as soon as this is over. They also believe in education."

Representative Ward then rose and stated:

"May I rise to join the commendation of Representative Lee for the Warriors who brought great pride to Hawaii, and I want all of you players to know that I cut my teeth as a quarterback on the football team, and the stamina and the perseverance that you are learning, someday, may have you end up here like some of us.

"Thank you very much and aloha."

Representative Chun then rose and stated:

"Although I was not fortunate enough to attend any of your football games, I've tracked you in my own little ways, and I really am proud of you and I know those that are athletes and non-athletes are extremely proud -- congratulations!"

Representative Beirne then rose and stated:

"I would like to take this opportunity to acknowledge football player Santiago. He is also from Kahuku and is also my ohana, so my colleagues, if you will take note, we do have some very valuable players that come from the North Shore.

"Thank you very much."

Certificates of Recognition were presented to the honorees by Representatives Lee and Taniguchi, and Representatives Young, Thielen, Hirono, Beirne, Marumoto, Duldulao, Chun, Baker, Kawakami and Ishii-Morikami presented them with floral leis.

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

Upon reconvening at 12:33 o'clock p.m., Representative Kawakami rose and made the following announcement:

"The solar race car from Kauai Community College and the group are situated out by the Father Damien statue. They were not able to be here on the floor but they want to remind you that the solar car will be on view and it is a community effort, and we want you to know that Kauai Community College was one of 36 projects that were accepted an entry in the sunrayce. They are going to race from Dallas Texas all the way up to Minneapolis -- a 1100-mile race and we are certainly pulling for them. This is the first time a community college from Hawaii has been accepted to enter the race. We invite you all to see it at the Father Damien statue before 3:00 o'clock.

"Thank you."

#### SUSPENSION OF RULES

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

#### UNFINISHED BUSINESS

##### Stand. Com. Rep. No. 486 on H.B. No. 293:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 293, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. No. 293 had passed Third Reading at 12:36 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative M. Ige, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 497) recommending that H.B. No. 1582 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Ige, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1582, entitled: "A BILL FOR AN ACT RELATING TO MEAT INSPECTION," passed Second Reading and was placed on the calendar for Third Reading.

Representative M. Ige, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 498) recommending that H.B. No. 1584 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Ige, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1584, entitled: "A BILL FOR AN ACT RELATING TO EXPORTS OF FLOWERS AND FOLIAGE," passed Second Reading and was placed on the calendar for Third Reading.

Representative M. Ige, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 499) recommending that H.B. No. 1604 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Ige, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1604, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE ENTERPRISE ZONES PROGRAM," passed Second Reading and was placed on the calendar for Third Reading.

Representative M. Ige, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 500) recommending that H.B. No. 1851 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Ige, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1851, entitled: "A BILL FOR AN ACT RELATING TO FEED," passed Second Reading and was placed on the calendar for Third Reading.

Representative Isbell, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 1601 pass Second Reading and be placed on the calendar for Third Reading.

Representative Isbell moved that the report of the Committee be adopted and H.B. No. 1601 pass Second Reading and be placed on the calendar for Third Reading.

Representative O'Kieffe rose and requested a conflict ruling, saying that he is part owner of a solar energy company, and the Chair ruled "no conflict."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1601, entitled: "A BILL FOR AN ACT RELATING TO SOLAR

ENERGY," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Bainum and Stegmaier, for the Committees on Energy and Environmental Protection and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 502) recommending that H.B. No. 1606 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bainum, seconded by Representative Stegmaier and carried, the joint report of the Committees was adopted and H.B. No. 1606, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 503) recommending that H.B. No. 1881, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.B. No. 1881, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF CHARITABLE ORGANIZATIONS, PROFESSIONAL FUND-RAISING COUNSEL, AND PROFESSIONAL SOLICITORS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 504) recommending that H.B. No. 603 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 603, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 505) recommending that H.B. No. 438, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 438, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCOUNTANTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 506) recommending that H.B. No. 232, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 232, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRECIOUS AND SEMIPRECIOUS METAL," passed Second Reading and was placed on the calendar for Third Reading.

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

Com. Rep. No. 507) recommending that H.B. No. 25, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 25, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 767, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 767, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOYS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 773, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 773, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 510) recommending that H.B. No. 569 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 569, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE PROCEEDINGS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 511) recommending that H.B. No. 52, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 52, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 570, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 570, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 1717, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1717, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 782, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 782, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION RIGHTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 515) recommending that H.B. No. 781, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 781, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen voting no.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 516) recommending that H.B. No. 2116, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom moved that the report of the Committee be adopted and H.B. No. 2116, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Menor.

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

"I would like to commend the Chair of the Judiciary Committee for recognizing the contribution to the marital estate in the form of service and having that kind of language in the Committee report. I hope, eventually, we will be able to move and actually put that in the law as one of the standards to which the court should look when deciding how to allocate property in a divorce situation."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2116, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 517) recommending that H.B. No. 1594 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1594, entitled: "A

BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 518) recommending that H.B. No. 948 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 948, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC INSPECTION OF STATEMENTS REQUIRED BY THE LOBBYISTS LAW," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 519) recommending that H.B. No. 1593 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1593, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 520) recommending that H.B. No. 921 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 921, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF FINANCIAL INTERESTS AMOUNTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 521) recommending that H.B. No. 922 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 922, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF FINANCIAL DISCLOSURE STATEMENTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 522) recommending that H.B. No. 926, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 926, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPORTING OF GIFTS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen voting no.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 523) recommending that H.B. No. 1591, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1591, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT ORDERS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 524) recommending that H.B. No. 1117, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1117, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 525) recommending that H.B. No. 210, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 210, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 526) recommending that H.B. No. 2045, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 2045, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE OF PRETRIAL INMATES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 527) recommending that H.B. No. 1988, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom moved that the report of the Committee be adopted and H.B. No. 1988, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Menor.

Representative Thielen rose to speak against the bill, stating:

"What this bill will do is allow people to remove their names from petitions once they have signed those petitions, and I would really urge members to look at that carefully.

"We have a situation where if a person wants to mount a recall movement, or a Sandy Beach initiative, or a Save Mount Olomana initiative, people sign their names to a petition. Then what happens is the affected government agency or affected government official mounts a huge campaign to have those people remove their names.

"There's a real chilling effect on the right to vote and the privacy and sanctity of one's vote, and I think that's

a dangerous precedent. It really signals to the advocates of a certain measure, or the opponents of a certain measure -- go spend a lot of money getting into that voter's head. Getting into that voter's head and putting pressure on that voter to withdraw their name from a petition or a ballot, I think that's wrong. I think that a vote once cast should be determined to be final, and I think that we should not encourage or allow the intimidation of those people by the people that oppose how that person voted.

"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. 1988, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen voting no.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 528) recommending that H.B. No. 2003 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2003, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 529) recommending that H.B. No. 882, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 529 and H.B. No. 882, HD 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. 882, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 530) recommending that H.B. No. 2023, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 530 and H.B. No. 2023, HD 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. 2023, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 531) recommending that H.B. No. 1199, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 531 and H.B. No. 1199, HD 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. 1199, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 532) recommending that H.B. No. 1645, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 532 and H.B. No. 1645, HD 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. 1645, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 533) recommending that H.B. No. 1740, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 533 and H.B. No. 1740, HD 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, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 534) recommending that H.B. No. 1906, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1906, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes voting no.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 1904, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1904, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAXATION OF EMPLOYEE BENEFIT PLANS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 536) recommending that H.B. No. 1627, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1627, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT PAYMENTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 537) recommending that H.B. No. 1296, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1296, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS AND CONTRACTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 538) recommending that H.B. No. 2071, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2071, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN ADD-ON, NON-PROFIT, LONG-TERM HEALTH CARE FACILITY TO POHAI NANI CARE CENTER," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 539) recommending that H.B. No. 1147, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1147, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 540) recommending that H.B. No. 1376 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1376, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 1147 and 1376 had passed Third Reading at 12:47 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 541) recommending that H.B. No. 1771, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 541 and H.B. No. 1771, HD 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. 1771, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 542) recommending that H.B. No. 2018, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 542 and H.B. No. 2018, HD 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. 2018, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 543) recommending that H.B. No. 2060, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 543 and H.B. No. 2060, HD 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. 2060, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 544) recommending that H.B. No. 924, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 544 and H.B. No. 924, HD 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. 924, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 545) recommending that H.B. No. 687, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 545 and H.B. No. 687, HD 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. 687, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 546) recommending that H.B. No. 1677, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 546 and H.B. No. 1677, HD 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. 1677, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 547) recommending that H.B. No. 1209, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 547 and H.B. No. 1209, HD 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. 1209, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 548) recommending that H.B. No. 1449, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 548 and H.B. No. 1449, HD 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. 1449, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 549) recommending that H.B. No. 1427, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 549 and H.B. No. 1427, HD 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. 1427, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 550) recommending that H.B. No. 1424, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 550 and H.B. No. 1424, HD 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. 1424, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 551) recommending that H.B. No. 1796, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 551 and H.B. No. 1796, HD 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. 1796, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 552) recommending that H.B. No. 434, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 552 and H.B. No. 434, HD 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. 434, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 553) recommending that H.B. No. 1773, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 553 and H.B. No. 1773, HD 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. 1773, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 554) recommending that H.B. No. 2078 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2078, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. No. 2078 had passed Third Reading at 12:48 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 555) recommending that H.B. No. 2006 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2006, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 556) recommending that H.B. No. 2052 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2052, entitled: "A

BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR HARBORS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 557) recommending that H.B. No. 2019 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2019, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 558) recommending that H.B. No. 1930 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1930, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 559) recommending that H.B. No. 2001 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2001, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR ENERGY DEVELOPMENT," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 560) recommending that H.B. No. 2017 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2017, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 561) recommending that H.B. No. 1055, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1055, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Herkes voting no, and Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 562) recommending that H.B. No. 830, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 830, HD 1,

entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII-HILO HALE KUAMO'O HAWAIIAN LANGUAGE CENTER AND THE HAWAIIAN STUDIES DEPARTMENT," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 2006, 2052, 2019, 1930, 2001, 2017, 1055, and 830 had passed Third Reading at 12:49 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 563) recommending that H.B. No. 785, HD 1, pass Third Reading.

Representative Say moved that the report of the Committee be adopted and H.B. No. 785, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Ward rose to speak against the bill, stating:

"This is a bill to spend a million dollars to publish the laws of the State of Hawaii. This is a million dollars, of course, in the general fund we don't have this year and as we've all talked about re-inventing government in ways that we can be faster, better, and quicker and more efficient. By passing this bill, we're missing an ideal opportunity to privatize.

"Hawaii is only one of seven states out of the whole nation that doesn't privatize the publishing of their statutes. Here's a million dollars we could save. We've already had a publisher locally who said, 'look, I'll give the State seven thousand copies ... don't even worry about you getting one in your office and all the other government offices.'

"It's an opportunity that's such a golden one, Mr. Speaker. It's even ... the LRB's Sam Chang had an objection that he didn't like the footnotes that the private sector had, and that's even a negotiable that we could settle with this one. And I am told, even though I am not a lawyer, that all the lawyers prefer the private version rather than the State-produced version.

"So, Mr. Speaker, this is a way we can save money, it's a way we can re-invent government, and it's a way I think we can all say that when we run out of money at the end of the session, here's a million dollars we could have put out in the private sector.

"Thank you, Mr. Speaker."

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

"I think it's important to note for the record that this measure, as it is currently before us, has one dollar in it.

"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. 785, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REVISED STATUTES," having been read throughout, passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives O'Kieffe, Thielen and Ward voting no, and Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 564)

recommending that H.B. No. 1327, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1327, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR ENERGY DEVELOPMENT," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 565) recommending that H.B. No. 1208, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1208, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOMASS RESEARCH," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 566) recommending that H.B. No. 1082 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1082, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 567) recommending that H.B. No. 435, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 435, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 568) recommending that H.B. No. 1600 pass Third Reading.

Representative Say moved that the report of the Committee be adopted and H.B. No. 1600 pass Third Reading, seconded by Representative Kawakami.

Representative O'Kieffe rose and requested a conflict ruling, saying that he is owner of an alternative energy company, and the Chair ruled "no conflict."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1600, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS FOR ENERGY CONSERVATION," having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Lee voting no, and Representative Peters being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 569) recommending that H.B. No. 1592, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1592, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 785, 1327, 1208, 1082, 435, 1600 and 1592 had passed Third Reading at 12:52 o'clock p.m.

Representative Duldulao, for the Committee on Health, presented a report (Stand. Com. Rep. No. 570) recommending that H.B. No. 1648 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Duldulao, seconded by Representative Pepper and carried, the report of the Committee was adopted and H.B. No. 1648, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL RUBELLA TESTING," passed Second Reading and was placed on the calendar for Third Reading.

Representative Duldulao, for the Committee on Health, presented a report (Stand. Com. Rep. No. 571) recommending that H.B. No. 883, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Duldulao, seconded by Representative Pepper and carried, the report of the Committee was adopted and H.B. No. 883, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEENAGE HEALTH," passed Second Reading and was placed on the calendar for Third Reading.

Representative Duldulao, for the Committee on Health, presented a report (Stand. Com. Rep. No. 572) recommending that H.B. No. 1650, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Duldulao, seconded by Representative Pepper and carried, the report of the Committee was adopted and H.B. No. 1650, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS FOR ADMISSION TO WAIMANO TRAINING SCHOOL AND HOSPITAL," passed Second Reading and was placed on the calendar for Third Reading.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 573) recommending that H.B. No. 6 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 6, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 574) recommending that H.B. No. 247, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 574 and H.B. No. 247, HD 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. 247, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 575) recommending that H.B. No. 1667, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 575 and H.B. No. 1667, HD 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. 1667, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 576) recommending that H.B. No. 1659, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 576 and H.B. No. 1659, HD 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. 1659, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 577) recommending that H.B. No. 1671, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 577 and H.B. No. 1671, HD 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. 1671, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 578) recommending that H.B. No. 2028, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 578 and H.B. No. 2028, HD 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. 2028, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 579) recommending that H.B. No. 783, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 783, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 580) recommending that H.B. No. 620, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 620, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 581) recommending that H.B. No. 1987, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1987, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION DATES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 582) recommending that H.B. No. 1400 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1400, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen voting no.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 583) recommending that H.B. No. 1880, as amended in HD 1, be recommitted to the Committee on Consumer Protection and Commerce.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1880, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," was recommitted to the Committee on Consumer Protection and Commerce.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 584) recommending that H.B. No. 947, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom moved that the report of the Committee be adopted and H.B. No. 947, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Menor.

Representative Thielen rose to speak against the bill, stating:

"My concern is, this relates to lobbyists' disclosure of their expenditures and I think it is really important that those lobbyists disclose what they are either contributing to elected officials or other expenses that they have in relation to their lobbying, that they disclose this in a time that's going to be useful for the public -- whence we are in session.

"We have, unfortunately, changed the date from a March 31st requirement for disclosure which, of course, would be useful for the public, for Common Cause, for everyone to look at, while we are in session, and it now is changed to May 15th, after we've concluded our session.

"I don't think that's in the best interest of open government. Their two dates for disclosure will be January 31st, a couple of days after we've gone into session, and then May 15th, after we're pau. And, unfortunately, Common Cause and the other watchdogs for the public interest won't have the information available to them when they should have it. This is quite a significant departure from the way the law has stated which was a March 31st date, and I would hope that we

could amend this, whether on the floor or in Conference Committee, to go back to the March 31st date.

"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. 947, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOBBYISTS LAW STATEMENT OF EXPENDITURES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Shon and Thielen voting no.

### THIRD READING

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

#### H.B. No. 534, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, H.B. No. 534, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

#### H.B. No. 1597, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, H.B. No. 1597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

#### H.B. No. 1250, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, H.B. No. 1250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TERRORISTIC THREATENING OF EDUCATION WORKERS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 534, 1597 and 1250 had passed Third Reading at 12:59 o'clock p.m.

#### H.B. No. 22, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 22, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

#### H.B. No. 1609, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1609, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

#### H.B. No. 1610, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1610, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 1611, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1611, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 1616, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1616, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 22, 1609, 1610, 1611 and 1616 had passed Third Reading at 1:00 o'clock p.m.

**H.B. No. 1617, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1617, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 1618, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1618, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 1619, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1619, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 1621, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1621, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 1589, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1589, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 1617, 1618, 1619, 1621 and 1589 had passed Third Reading at 1:01 o'clock p.m.

At 1:02 o'clock p.m., Representative Thielen asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:03 o'clock p.m.

**H.B. No. 628, HD 1:**

Representative Say moved that H.B. No. 628, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Marumoto rose to speak against the bill, stating:

"This is the bill that lapses special funds and the Committee diligently went through the funds and spared many of the funds. I do think we could have lapsed a few more funds, been a little more critical, but there is one in particular that I always thought we should take a closer look at and perhaps lapse if we thought it was necessary, and this is the Aloha Stadium Special Fund. It has eight million dollars in it now, and that is eight million dollars which is hard to say whether it is needed for the present upkeep and maintenance of the stadium. But it is also eight million dollars which is not in the general fund which we could use for our State programs.

"Presently, the Stadium Fund does not even pay a portion of the debt service. In other words, the State issues bonds for repair and capital improvement projects and the State pays the debt service, not the special fund. So this bill in a way is somewhat an improvement in that we are adding a proviso that the Stadium Fund will pay a portion of the debt service. But, as you all know, the State has been suing for a judgment because of the rust problems we've had at the stadium, and we are expecting money from this rust lawsuit, and when that comes in it will be a very sizeable amount -- in the tens of millions. I really can't say how much it is, but I was querying the stadium people and I was asking, thirty/fifty million dollars? And they were just nodding, yes, it is sizeable. Well, all this money, all this cash, will go into the special fund -- the Stadium Fund -- and I contend that we could use it better in the general fund for our educational system and for our human services.

"So, I think we should keep an eye out on this fund in the future. Maybe next session we can make use of these funds through special legislation.

"Thank you very much."

Representative Ward rose and stated:

"I would like to praise the bill a little bit more than my colleague, but I have first a question to the Chair of the Finance Committee, if I may."

The Chair responded:

"You may, Representative Ward, but I wish to remind you that you are a member of the Finance Committee."

Representative Say then rose and said:

"Mr. Speaker, I will yield to the question."

Representative Ward thanked the Chair and asked:

"In the special fund granting authority to the University of Hawaii -- was that to be in this bill or a separate entity where we withdrew their authority to create their own special fund?"

Representative Say answered:

"Mr. Speaker, in response to Representative Ward's question, the answer is that in this particular measure, there is reference that that particular section of the law has been deleted at the request of your insistence and the members of the Finance Committee."

Representative Ward thanked the Chair and continued:

"This bill represents a new day in this Legislature. It's the first time that we have taken aside the special funds, giving them a thorough going over, and finally our sunseting some of them of which we know we have an over-abundance of. We haven't done all of them but it's a good beginning to what, in housecleaning terms, returns the fiscal responsibility to this body and not in the executive, as you know we've lost a bit of that control.

"So in that sense, I would like to commend Representative Suzuki for introducing it and a very fair and as you now know, very complete analysis that Representative Say did in cutting the special funds out. It's being very fair for those that were kept.

"Thank you, Mr. Speaker."

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

"The reason for that is quite simply -- it doesn't go far enough. I think by way of some history, I believe this represents the third attempt of the Legislature over the last . . . some twenty years, I think, to try to control special funds. What normally happens is some administrator, or governor will come in and begin to create a lot of special funds. The Legislature will acquiesce to these creations and then after a number of years go by, they realize that they've delegated a lot of authority and they begin to restrict and eliminate some of the funds. What happens is that with each new wave, the number of funds actually decrease over time. Back in the days of, I believe, Senator Larry Kuriyama and Senator Donald Ching, there was a reduction of special funds. After they hit a low point, the special funds, by some means of fusion or fishing or whatever, began to expand again under George Ariyoshi. When I first got in, there was a dent. Again, another attempt to repeal and reduce some of these funds as well as some of the agencies that we attached to the Governor's Office. So there was a reduction once again. Then again the special funds came back in with a vengeance under Governor Waihee and so now we're doing, I think, a very miniscule attempt to retard or repeal some of these funds, but what happens is that with each new wave, the bottom line is that there are more funds being created over the period of twenty or twenty-five years since the days of Governor Burns.

"And so I think we're fooling ourselves to think that we've made any measurable effect on the creation of special funds. In the next ten or fifteen years, you're going to see the size of these funds greatly increased again.

The other reason I'm opposed to House Bill 628, when I did a quick check of some of the funds that we did agree to give the repeal or reduce, I think it is kind of sad that one of the groups that we hit are the artists in Hawaii. You know, a lot of these people are struggling people and we reduced the State arts fund by five million dollars, and I think this is a mistake. I don't see why we did it. I join Representative Marumoto . . . you've got eight million dollars in the Stadium Special Fund. We should have gone after that first rather than picking on poor struggling artists, and that is the net effect this has done. We're picking on poor struggling artists because we look at a

huge sum of money and this amount of money has just been added recently to the State arts special fund and now we're hitting on people who, I think, spend all of their lives trying to create beauty for all of us and we're taking away some badly needed funds which they should have, so I am voting no.

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

"The words of Representative Marumoto have convinced me that I am very troubled by the stadium arrangement as well as perhaps the reception of millions of dollars in the settlement into that fund, and I prefer we not have that in this bill.

"Thank you, Mr. Speaker."

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

"I would like to commend also Representative Nathan Suzuki, Representative Nekoba, and the Finance Committee for taking this first step.

"Thank you."

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

"I thank the previous speakers that adequately presented their points of view -- we may like one, we may not like the other -- but our collective wisdom has come about in this entire process. There has been a thorough review. I do like artists. I also like football, too, so I am in favor of both special funds.

"Now the point is . . . what is very important is that the Legislature has again reviewed the funds, made its determination, and the most important fund has remained intact, and that is the special fund for school facilities -- ninety million dollars a year. If it weren't for that fund, we would not have placed priority on education.

"I am voting for this bill because this bill shows clearly that we do place high priority on education, and I am all for education, higher SAT scores, and higher football scores.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 628, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Hagino, Marumoto, O'Kieffe and Shon voting no, and Representative Peters being excused.

#### **H.B. No. 1366:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1366, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY BUDGET," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

#### **H.B. No. 1686:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1686, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 220:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 220, entitled: "A BILL FOR AN ACT RELATING TO THE FIREFIGHTER'S CONTINGENCY FUND," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 1612, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1612, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 1613, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1613, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 1614, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1614, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 1366, 1686, 220, 1612, 1613 and 1614 had passed Third Reading at 1:14 o'clock p.m.

**H.B. No. 1046:**

On motion by Representative Cachola, seconded by Representative Hirono and carried, H.B. No. 1046, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 1615, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1615, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

**H.B. No. 1620, HD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1620, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 1046, 1615 and 1620 had passed Third Reading at 1:15 o'clock p.m.

**INTRODUCTION OF RESOLUTIONS**

H.R. No. 151, entitled: "HOUSE RESOLUTION ESTABLISHING POLICIES FOR A LEGISLATIVE ACCESS CABLE TELEVISION PILOT PROJECT FOR

THE SEVENTEENTH LEGISLATURE," was jointly offered by Representatives Souki, Baker, Ihara and O'Kieffe and was read by the Clerk.

On motion by Representative Baker, seconded by Representative Ihara and carried, H.R. No. 151 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 107 to 112) and concurrent resolutions (H.C.R. Nos. 110 to 115) were offered and referred to committee:

H.R. No. 107, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO OFFER ITS MASTERS OF EDUCATION PROGRAM TO THE HILO CAMPUS," was jointly offered by Representatives Chang and Cachola.

Referred to: Committee on Higher Education and the Arts, then to the Committee on Finance

H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ENHANCE HIGHWAY SAFETY BY ADDING A QUESTION CONCERNING PROPER USE OF HANDHELD CELLULAR TELEPHONES TO TESTS FOR DRIVERS' LICENSES ISSUED PURSUANT TO CHAPTER 286, HAWAII REVISED STATUTES," was offered by Representative Thielen.

Referred to: Jointly to the Committees on Transportation; Judiciary; and Intergovernmental Relations and International Affairs, then to the Committee on Finance

H.R. No. 109, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTY POLICE DEPARTMENTS TO ENHANCE HIGHWAY SAFETY BY HEIGHTENING OBSERVATION OF AUTOMOBILE DRIVERS USING HANDHELD CELLULAR TELEPHONES. CITING INATTENTIVE DRIVERS, AND MAINTAINING STATISTICS ON CITATIONS GIVEN TO THESE INATTENTIVE DRIVERS," was offered by Representative Thielen.

Referred to: Jointly to the Committees on Transportation; Judiciary; and Intergovernmental Relations and International Affairs, then to the Committee on Finance

H.R. No. 110, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REPORT ON PLANS FOR EMERGENCY MEASURES FOR DOWNED UTILITY POLES ALONG HIGHWAY 130 BETWEEN KEA'AU AND PAHOA," was offered by Representative Herkes.

Referred to: Committee on Transportation, then to the Committee on Finance

H.R. No. 111, entitled: "HOUSE RESOLUTION REQUESTING A RESPONSE AS TO THE EFFECTIVENESS OF THE HAWAII INSURANCE BUREAU'S FIRE RATING PROGRAM," was offered by Representative Herkes.

Referred to: Committee on Consumer Protection and Commerce, then to the Committee on Finance

H.R. No. 112, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF STATE PLANNING AND THE LAND USE COMMISSION TO POSTPONE FURTHER ACTION REGARDING THE REDESIGNATION OF LANDS TO THE

CONSERVATION DISTRICT," was offered by Representative Ishii-Morikami.

Referred to: Committee on Water and Land Use Planning, then to the Committee on Finance

H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO OFFER ITS MASTERS OF EDUCATION PROGRAM AT THE HILO CAMPUS," was jointly offered by Representatives Chang and Cachola.

Referred to: Committee on Higher Education and the Arts, then to the Committee on Finance

H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ENHANCE HIGHWAY SAFETY BY ADDING A QUESTION CONCERNING PROPER USE OF HANDHELD CELLULAR TELEPHONES TO TESTS FOR A DRIVER'S LICENSE ISSUED PURSUANT TO CHAPTER 286, HAWAII REVISED STATUTES," was offered by Representative Thielen.

Referred to: Jointly to the Committees on Transportation; Judiciary; and Intergovernmental Relations and International Affairs, then to the Committee on Finance

H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTY POLICE DEPARTMENTS TO ENHANCE HIGHWAY SAFETY BY HEIGHTENING OBSERVATION OF AUTOMOBILE DRIVERS USING HANDHELD CELLULAR TELEPHONES, CITING INATTENTIVE DRIVERS, AND MAINTAINING STATISTICS ON CITATIONS GIVEN TO THESE INATTENTIVE DRIVERS," was offered by Representative Thielen.

Referred to: Jointly to the Committees on Transportation; Judiciary; and Intergovernmental Relations and International Affairs, then to the Committee on Finance

H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REPORT ON PLANS FOR EMERGENCY MEASURES FOR DOWNED UTILITY POLES ALONG HIGHWAY 130 BETWEEN KEA'AU AND PAHOA," was offered by Representative Herkes.

Referred to: Committee on Transportation, then to the Committee on Finance

H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A RESPONSE AS TO THE EFFECTIVENESS OF THE HAWAII INSURANCE BUREAU'S FIRE RATING PROGRAM," was offered by Representative Herkes.

Referred to: Committee on Consumer Protection and Commerce, then to the Committee on Finance

H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF STATE PLANNING AND THE LAND USE COMMISSION TO POSTPONE FURTHER ACTION REGARDING THE REDESIGNATION OF LANDS TO THE CONSERVATION DISTRICT," was offered by Representative Ishii-Morikami.

Referred to: Committee on Water and Land Use Planning, then to the Committee on Finance

By unanimous consent, the following resolutions (H.R. Nos. 113 to 150) and concurrent resolutions (H.C.R. Nos. 116 to 158) were referred to Printing and further action was deferred:

H.R. No. 113, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF PRIVATIZING GOVERNMENT FUNCTIONS," was jointly offered by Representatives Ward and Thielen.

H.R. No. 114, entitled: "HOUSE RESOLUTION REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII TO DETERMINE THE TYPES OF CROPS THAT WOULD ADEQUATELY REPLACE SUGAR AND PINEAPPLE," was jointly offered by Representatives Ward, Chang, Okamura, Shon and Thielen.

H.R. No. 115, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT AN EXAMINATION OF THE TEACHER TRAINING PROGRAM OPPORTUNITIES AND EDUCATION AVAILABLE IN THE STATE," was offered by Representative Lee.

H.R. No. 116, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO EXAMINE THE FEASIBILITY OF A STAGGERED CLASS SCHEDULE," was offered by Representative Lee.

H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE RETIREMENT SAVINGS OF NONCONTRIBUTORY MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM," was offered by Representative Takumi.

H.R. No. 118, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO DETERMINE WHAT PERSONNEL AND PROGRAM RESOURCES ARE NEEDED, AND HOW TO DEPLOY THESE RESOURCES, TO ENSURE THAT SCHOOLS ON THE ISLAND OF OAHU RECEIVE A LEVEL OF REPAIR AND MAINTENANCE SERVICE EQUIVALENT TO SCHOOLS ON THE ISLANDS OF KAUAI, MAUI, AND HAWAII," was offered by Representative Takumi.

H.R. No. 119, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE ENFORCEMENT OF CHAPTER 104, HAWAII REVISED STATUTES (HAWAII'S "LITTLE DAVIS-BACON ACT")," was offered by Representative Yonamine.

H.R. No. 120, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO ASSESS THE FEASIBILITY OF IMPOSING PENALTY OR INTEREST PAYMENTS ON THE STATE FOR OVERDUE OR LATE STATE SUPPLEMENTAL PAYMENTS FROM THE STATE TO ADULT RESIDENTIAL CARE HOME OPERATORS," was offered by Representative Duldulao.

H.R. No. 121, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO RENAME AND DEDICATE THE HPER-ATHLETIC COMPLEX TO THE THOMAS K. KAULUKUKUI, SR. ATHLETIC COMPLEX," was offered by Representative Souki.

H.R. No. 122, entitled: "HOUSE RESOLUTION REQUESTING THE VARIOUS DEPARTMENTS, AGENCIES, AND OFFICES OF THE STATE AUTHORIZED TO EXPEND MONEYS OUT OF ANY SPECIAL OR REVOLVING FUND TO SUBMIT ANNUAL REPORTS TO THE LEGISLATURE ON ALL FUND TRANSACTIONS CARRIED OUT OVER THE

PREVIOUS FISCAL YEAR," was offered by Representative Ward.

H.R. No. 123, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REPORT ON ALTERNATIVE MEANS TO IMPROVE TRAFFIC CONGESTION ON THE H-1 FREEWAY ON- AND OFF-RAMPS," was jointly offered by Representatives Ward, Arakaki and Taniguchi.

H.R. No. 124, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO SET EXPORT GOALS AND QUOTAS FOR THE NEXT SEVEN YEARS," was jointly offered by Representatives Ward, Arakaki and Taniguchi.

H.R. No. 125, entitled: "HOUSE RESOLUTION REQUESTING A STUDY BY THE LEGISLATIVE REFERENCE BUREAU TO DETERMINE A SYSTEM FOR IDENTIFYING HIGH PRIORITY ITEMS IN THE STATE BUDGET," was offered by Representative Ward.

H.R. No. 126, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF THE STADIUM AUTHORITY AND ITS APPOINTED MANAGEMENT," was offered by Representative Ward.

H.R. No. 127, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF THE CORPORATION COUNSEL AND SPECIAL COUNSEL FOR THE CITY AND COUNTY OF HONOLULU TO IMMEDIATELY PURSUE AN INTERLOCUTORY APPEAL OF THAT PORTION OF THE ORDER OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII IN CIVIL NO. 91-00725 DAE HOLDING UNCONSTITUTIONAL ORDINANCE 91-96," was jointly offered by Representatives Hirono, Shon and Hiraki.

H.R. No. 128, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO OBSERVE THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES, BY HOLDING PUBLIC HEARINGS BEFORE RESTRICTING OR AMENDING ANY EXPENDITURE ITEMS CONTAINED IN ANY BUDGET PASSED BY THE LEGISLATURE," was jointly offered by Representatives Tam, Amaral, Hiraki and Shon.

H.R. No. 129, entitled: "HOUSE RESOLUTION REQUESTING AN EVALUATION OF THE IMPACT OF NONRESIDENT ALIEN RESIDENTIAL PROPERTY ACQUISITIONS ON VALUES OF RESIDENTIAL REAL PROPERTY IN HAWAII," was offered by Representative Tam.

H.R. No. 130, entitled: "HOUSE RESOLUTION REQUESTING THE REAL ESTATE RESEARCH AND EDUCATION CENTER TO CONDUCT AN INVENTORY OF ALL NONRESIDENT ALIEN OWNERSHIP OF RESIDENTIAL SINGLE-FAMILY REAL PROPERTY," was jointly offered by Representatives Tam and Amaral.

H.R. No. 131, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO TRANSFER TO THE COUNTIES ALL UNUSED STATE-OWNED URBAN LAND FOR AFFORDABLE HOUSING," was jointly offered by Representatives Tam and Amaral.

H.R. No. 132, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO PHASE OUT THE USE

OF GOVERNMENT-OWNED PASSENGER MOTOR VEHICLES TO PERFORM STATE BUSINESS BY ENCOURAGING STATE EMPLOYEES TO USE THEIR PERSONAL VEHICLES," was jointly offered by Representatives Tam, Amaral, Apo, Hiraki, Shon and Takumi.

H.R. No. 133, entitled: "HOUSE RESOLUTION REQUESTING THAT LEGISLATIVE STUDIES BE PERFORMED BY PRIVATE CONSULTANTS ONLY IN LIMITED CIRCUMSTANCES," was jointly offered by Representatives Tam, Amaral, Apo and Shon.

H.R. No. 134, entitled: "HOUSE RESOLUTION REQUESTING A DETERMINATION OF THE NUMBER OF VETERANS WHO RETIRED UNDER THE STATE RETIREMENT SYSTEM BEFORE JULY 1, 1989, AND ARE NOT ELIGIBLE FOR MILITARY SERVICE CREDIT," was jointly offered by Representatives Tam and Amaral.

H.R. No. 135, entitled: "HOUSE RESOLUTION REQUESTING A PROGRESS REPORT ON THE STATE PLAN," was jointly offered by Representatives Tam and Amaral.

H.R. No. 136, entitled: "HOUSE RESOLUTION REQUESTING A PROHIBITION OF FORMAL PUBLIC HEARINGS DURING RECESS PERIODS DURING REGULAR LEGISLATIVE SESSIONS TO PERMIT LEGISLATORS TO BE MORE ACCESSIBLE TO THE PUBLIC," was jointly offered by Representatives Tam, Amaral, Hiraki, Hirono, Shon and Takumi.

H.R. No. 137, entitled: "HOUSE RESOLUTION REQUESTING DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO STUDY POTENTIAL COST SAVINGS FOR MEDICAID PATIENTS BY ELIMINATING DUPLICATION IN PAPERWORK AND OTHER PROCEDURES," was jointly offered by Representatives Santiago, Chun and Duldulao.

H.R. No. 138, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTY OF HAWAII TO AMEND THE HAWAII COUNTY CODE TO FACILITATE THE DEVELOPMENT OF DIVERSIFIED TOURISM," was offered by Representative Herkes.

H.R. No. 139, entitled: "HOUSE RESOLUTION URGING THE STATE DEPARTMENT OF TAXATION TO INVESTIGATE THE FEASIBILITY OF REAL PROPERTY TAX EXEMPTION FOR WIDOWS AND WIDOWERS," was offered by Representative Thielen.

H.R. No. 140, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO STUDY GENERAL OBLIGATION BONDS TO DETERMINE WHETHER HIGH INTEREST BONDS CAN BE REFUNDED AT THE LOWER INTEREST RATES," was offered by Representative Thielen.

H.R. No. 141, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF REGENTS TO GRANT A NONRESIDENT TUITION DIFFERENTIAL WAIVER TO STUDENTS FROM ANY STATE THAT WAS PART OF THE FORMER UNION OF SOVIET SOCIALIST REPUBLICS THAT PROVIDE RECIPROCAL WAIVER OF NONRESIDENT TUITION," was offered by Representative Thielen.

H.R. No. 142, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION REQUIRING PAYMENT OF STATE TOBACCO TAXES ON CIGARETTES SOLD ON MILITARY

INSTALLATIONS," was offered by Representatives Shon and Taniguchi.

H.R. No. 143, entitled: "HOUSE RESOLUTION REQUESTING THE STATE CHILD SUPPORT ENFORCEMENT AGENCY TO PRIVATIZE THE CHILD SUPPORT COLLECTION AND DISBURSEMENT PROCESS," was jointly offered by Representatives Ward, Duldulao, Morihara and Tam.

H.R. No. 144, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII VISITORS BUREAU TO SURVEY TOURIST ATTITUDES TOWARD LEGALIZED GAMBLING IN THE STATE," was jointly offered by Representatives Ward, Duldulao and Tam.

H.R. No. 145, entitled: "HOUSE RESOLUTION REQUESTING THE FEDERAL HIGHWAY ADMINISTRATION TO ACCEPT THE OAHU METROPOLITAN PLANNING ORGANIZATION'S APPLICATION FOR THE CONGESTION PRICING PILOT PROGRAM," was offered by Representative Ward.

H.R. No. 146, entitled: "HOUSE RESOLUTION REQUESTING PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO FORMULATE AND PASS A BALANCED BUDGET TO ASSIST IN THE RENEWAL OF THE ECONOMY OF THE UNITED STATES," was jointly offered by Representatives Ward, Duldulao, Morihara and Tam.

H.R. No. 147, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO REVIEW AND CONDUCT A STUDY OF THE RECOMMENDATIONS, PROPOSALS, AND DISCUSSION OF THE GOVERNOR'S BLUE RIBBON PANEL ESTABLISHED BY ACT 291, SESSION LAWS OF HAWAII 1990," was offered by Representative Duldulao.

H.R. No. 148, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PURSUE ALL AVAILABLE FEDERAL FUNDING FOR SPECIAL SERVICES RENDERED AS A RESULT OF FEDERAL MANDATES," was offered by Representative Duldulao.

H.R. No. 149, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO REVIEW THE STATE TAX SYSTEM BY ASSESSING THE FISCAL RAMIFICATIONS OF UTILIZING TAX EXPENDITURES IN LIEU OF DIRECT APPROPRIATIONS ON HAWAII'S ECONOMY," was jointly offered by Representatives Arakaki, Alcon, Kawakami and Say.

H.R. No. 150, entitled: "HOUSE RESOLUTION URGING THE ADOPTION OF SCANS COMPETENCIES AND FOUNDATION SKILLS TO PREPARE HAWAII'S RESIDENTS FOR A HIGH PERFORMANCE WORKPLACE," was offered by Representative Takumi.

H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PREPARE A STUDY OF HAWAII'S CEDED LANDS FOR POSSIBILITY OF HAWAIIAN SOVEREIGNTY AND THE RETURN OF SOME OF THESE LANDS TO THE HAWAIIAN PEOPLE," was jointly offered by Representatives Ward, Okamura, Shon, Takumi and Thielen.

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII TO

DETERMINE THE TYPES OF CROPS THAT WOULD ADEQUATELY REPLACE SUGAR AND PINEAPPLE," was jointly offered by Representatives Ward, Chang, Okamura, Shon and Thielen.

H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION PROVIDING WRITTEN CERTIFICATION TO THE FEDERAL GOVERNMENT THAT THE STATE LEGISLATURE IS OPPOSED TO THE FEDERAL MANDATE AND ANY LAW REQUIRING STATES TO REVOKE OR SUSPEND THE DRIVER'S LICENSES OF DRUG OFFENDERS OR SUFFER THE LOSS OF FEDERAL FUNDS," was offered by Representative Oshiro.

H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONTINUATION OF THE PAPAYA INDUSTRY'S FEDERAL MARKETING ORDER," was jointly offered by Representatives M. Ige and Chumbley.

H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO EXAMINE THE FEASIBILITY OF A STAGGERED CLASS SCHEDULE," was jointly offered by Representatives Lee, Chumbley, D. Ige, Peters and Young.

H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT AN EXAMINATION OF THE TEACHER TRAINING PROGRAM OPPORTUNITIES AND EDUCATION AVAILABLE IN THE STATE," was jointly offered by Representatives Lee, Chumbley, D. Ige, Peters and Young.

H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ENFORCEMENT OF CHAPTER 104, HAWAII REVISED STATUTES (HAWAII'S 'LITTLE DAVIS-BACON' ACT)," was offered by Representative Yonamine.

H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE FEASIBILITY OF IMPOSING PENALTY OR INTEREST PAYMENTS ON THE STATE FOR OVERDUE OR LATE STATE SUPPLEMENTAL PAYMENTS FROM THE STATE TO ADULT RESIDENTIAL CARE HOME OPERATORS," was offered by Representative Duldulao.

H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO RENAME AND DEDICATE THE HPER-ATHLETIC COMPLEX TO THE THOMAS K. KAULUKUKUI, SR. ATHLETIC COMPLEX," was offered by Representative Souki.

H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE VARIOUS DEPARTMENTS, AGENCIES, AND OFFICES OF THE STATE AUTHORIZED TO EXPEND MONEYS OUT OF ANY SPECIAL OR REVOLVING FUND TO SUBMIT ANNUAL REPORTS TO THE LEGISLATURE ON ALL FUND TRANSACTIONS CARRIED OUT OVER THE PREVIOUS FISCAL YEAR," was offered by Representative Ward.

H.C.R. No. 126, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REPORT ON ALTERNATIVE MEANS TO IMPROVE TRAFFIC CONGESTION ON THE H-1 FREEWAY ON- AND OFF-RAMPS," was jointly offered by Representatives Ward and Arakaki.

H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO SET EXPORT GOALS AND QUOTAS FOR THE NEXT SEVEN YEARS," was jointly offered by Representatives Ward and Arakaki.

H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY BY THE LEGISLATIVE REFERENCE BUREAU TO DETERMINE A SYSTEM FOR IDENTIFYING HIGH PRIORITY ITEMS IN THE STATE BUDGET," was offered by Representative Ward.

H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE STADIUM AUTHORITY AND ITS APPOINTED MANAGEMENT," was offered by Representative Ward.

H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF LAND MONOPOLY IN HAWAII," was jointly offered by Representatives Ward and Arakaki.

H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE CORPORATION COUNSEL AND SPECIAL COUNSEL FOR THE CITY AND COUNTY OF HONOLULU TO IMMEDIATELY PURSUE AN INTERLOCUTORY APPEAL OF THAT PORTION OF THE ORDER OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII IN CIVIL NO. 91-00725 DAE HOLDING UNCONSTITUTIONAL ORDINANCE 91-96," was jointly offered by Representatives Hirono, Shon and Hiraki.

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO TRANSFER TO THE COUNTIES ALL UNUSED STATE-OWNED URBAN LAND FOR AFFORDABLE HOUSING," was jointly offered by Representatives Tam and Amaral.

H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A PROGRAM AND MANAGEMENT AUDIT OF THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REPAIR AND MAINTENANCE PROGRAM," was jointly offered by Representatives Tam, Amaral, Hiraki, Hirono, Shon and Takumi.

H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO OBSERVE THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES, BY HOLDING PUBLIC HEARINGS BEFORE RESTRICTING OR AMENDING ANY EXPENDITURE ITEMS CONTAINED IN ANY BUDGET PASSED BY THE LEGISLATURE," was jointly offered by Representatives Tam, Amaral, Hiraki and Shon.

H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ASSESSING THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR ACUPUNCTURE SERVICES," was jointly offered by Representatives Tam, Amaral, Apo, Hirono, Shon and Takumi.

H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EVALUATION OF THE IMPACT OF NONRESIDENT ALIEN RESIDENTIAL PROPERTY ACQUISITIONS ON VALUES OF RESIDENTIAL REAL PROPERTY IN HAWAII," was offered by Representative Tam.

H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE REAL ESTATE RESEARCH AND EDUCATION CENTER TO CONDUCT AN INVENTORY OF ALL NONRESIDENT ALIEN OWNERSHIP OF RESIDENTIAL SINGLE-FAMILY REAL PROPERTY," was jointly offered by Representatives Tam and Amaral.

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO PHASE OUT THE USE OF GOVERNMENT-OWNED PASSENGER MOTOR VEHICLES TO PERFORM STATE BUSINESS BY ENCOURAGING STATE EMPLOYEES TO USE THEIR PERSONAL VEHICLES," was jointly offered by Representatives Tam, Amaral, Apo, Hiraki, Shon and Takumi.

H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT LEGISLATIVE STUDIES BE PERFORMED BY PRIVATE CONSULTANTS ONLY IN LIMITED CIRCUMSTANCES," was jointly offered by Representatives Tam, Amaral, Apo and Shon.

H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A DETERMINATION OF THE NUMBER OF VETERANS WHO RETIRED UNDER THE STATE RETIREMENT SYSTEM BEFORE JULY 1, 1989, AND ARE NOT ELIGIBLE FOR MILITARY SERVICE CREDIT," was jointly offered by Representatives Tam and Amaral.

H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROGRESS REPORT ON THE STATE PLAN," was jointly offered by Representatives Tam and Amaral.

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE FEASIBILITY OF REPLACING THE PURCHASE AND MAINTENANCE OF GOVERNMENT-OWNED PASSENGER MOTOR VEHICLES WITH A MILEAGE REIMBURSEMENT SYSTEM OF PRIVATELY-OWNED VEHICLES IN GOVERNMENT SERVICE," was jointly offered by Representatives Tam, Amaral, Apo, Hiraki, Hirono, Shon and Takumi.

H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROHIBITION OF FORMAL PUBLIC HEARINGS DURING RECESS PERIODS DURING REGULAR LEGISLATIVE SESSIONS TO PERMIT LEGISLATORS TO BE MORE ACCESSIBLE TO THE PUBLIC," was jointly offered by Representatives Tam, Amaral, Hiraki, Hirono, Shon and Takumi.

H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO STUDY POTENTIAL COST SAVINGS FOR MEDICAID PATIENTS BY ELIMINATING DUPLICATION IN PAPERWORK AND OTHER PROCEDURES," was jointly offered by Representatives Santiago, Chun and Duldulao.

H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTY OF HAWAII TO AMEND THE HAWAII COUNTY CODE TO FACILITATE THE DEVELOPMENT OF DIVERSIFIED TOURISM," was offered by Representative Herkes.

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO GRANT AN

EASEMENT OR TO LEASE CERTAIN SUBMERGED LANDS AT SOUTH KOHALA, HAWAII TO MAUNA LANI RESORT, INC.," was offered by Representative Souki.

H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENT OF TAXATION TO INVESTIGATE THE FEASIBILITY OF REAL PROPERTY TAX EXEMPTION FOR WIDOWS AND WIDOWERS," was offered by Representative Thielen.

H.C.R. No. 148, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO STUDY GENERAL OBLIGATION BONDS TO DETERMINE WHETHER HIGH INTEREST BONDS CAN BE REFUNDED AT THE LOWER INTEREST RATES," was offered by Representative Thielen.

H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS TO GRANT A NONRESIDENT TUITION DIFFERENTIAL WAIVER TO STUDENTS FROM ANY STATE THAT WAS PART OF THE FORMER UNION OF SOVIET SOCIALIST REPUBLICS THAT PROVIDE RECIPROCAL WAIVER OF NONRESIDENT TUITION," was offered by Representative Thielen.

H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION REQUIRING PAYMENT OF STATE TOBACCO TAXES ON CIGARETTES SOLD ON MILITARY INSTALLATIONS," was jointly offered by Representatives Shon and Taniguchi.

H.C.R. No. 151, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE CHILD SUPPORT ENFORCEMENT AGENCY TO PRIVATIZE THE CHILD SUPPORT COLLECTION AND DISBURSEMENT PROCESS," was jointly offered by Representatives Ward, Duldulao, Morihara and Tam.

H.C.R. No. 152, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII VISITORS BUREAU TO SURVEY TOURIST ATTITUDES TOWARD LEGALIZED GAMBLING IN THE STATE," was jointly offered by Representatives Ward, Duldulao and Tam.

H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL HIGHWAY ADMINISTRATION TO ACCEPT THE OAHU METROPOLITAN PLANNING ORGANIZATION'S APPLICATION FOR THE CONGESTION PRICING PILOT PROGRAM," was offered by Representative Ward.

H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO FORMULATE AND PASS A BALANCED BUDGET TO ASSIST IN THE RENEWAL OF THE ECONOMY OF THE UNITED STATES," was jointly offered by Representatives Ward, Duldulao, Morihara and Tam.

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO REVIEW AND CONDUCT A STUDY OF THE RECOMMENDATIONS, PROPOSALS, AND DISCUSSION OF THE GOVERNOR'S BLUE RIBBON PANEL ESTABLISHED BY ACT 291, SESSION LAWS

OF HAWAII 1990," was offered by Representative Duldulao.

H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PURSUE ALL AVAILABLE FEDERAL FUNDING FOR SPECIAL SERVICES RENDERED AS A RESULT OF FEDERAL MANDATES," was offered by Representative Duldulao.

H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW THE STATE TAX SYSTEM BY ASSESSING THE FISCAL RAMIFICATIONS OF UTILIZING TAX EXPENDITURES IN LIEU OF DIRECT APPROPRIATIONS ON HAWAII'S ECONOMY," was jointly offered by Representatives Arakaki, Alcon, Kawakami and Say.

H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADOPTION OF SCANS COMPETENCIES AND FOUNDATION SKILLS TO PREPARE HAWAII'S RESIDENTS FOR A HIGH PERFORMANCE WORKPLACE," was offered by Representative Takumi.

#### ANNOUNCEMENTS

Representative Baker: "I want to remind all of my colleagues that session will convene tomorrow night at 8:00 o'clock, and for the Majority members, we will have a caucus at 7:45 p.m. in the Majority Caucus Room. There are about fifteen bills that will be available for Third Reading."

Representative Menor: "I would like to remind the members of the Judiciary Committee that there's going to be a Committee hearing on several bills immediately following this floor session in Conference Room 802."

Representative Menor then requested waiver of the 48-hour notice requirement for decision-making purposes only on H.B. No. 1467, relating to parole, and the Chair "so ordered."

Representative Tom: "I just want to remind the members that we're going to have decision-making on a CPC/Jud bill today."

#### ADJOURNMENT

At 1:18 o'clock p.m., on motion by Representative Ihara, seconded by Representative Thielen and carried, the House of Representatives adjourned until 8:00 o'clock p.m. tomorrow, Friday, March 5, 1993.

## TWENTY-FIFTH DAY

Friday, March 5, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 8:17 o'clock p.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend Clarence L. Fisher of Our Lady of Sorrows Church, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journal of the House of Representatives of the Twenty-Fourth Day.

On motion by Representative Ihara, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the Twenty-Fourth Day was approved.

## ORDER OF THE DAY

## SUSPENSION OF RULES

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

## STANDING COMMITTEE REPORTS

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 585) recommending that H.B. No. 16 pass Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 16, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES," having been read throughout, passed Third Reading by a vote of 51 ayes.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 586) recommending that H.B. No. 789, HD 1, pass Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 789, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading by a vote of 51 ayes.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 587) recommending that H.B. No. 1660 pass Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1660, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 16, 789 and 1660 had passed Third Reading at 8:26 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 588) recommending that H.B. No. 1673 pass Third Reading.

Representative Tom moved that the report of the Committee be adopted and H.B. No. 1673, having been read throughout, pass Third Reading, seconded by Representative Menor.

Representative Hagino rose to speak against the bill, stating:

"This bill is a bill that I personally encountered for a number of years, and in the last four years I've always killed this bill when I was Water Land chairman, and several bills like this. This is not the only bill of its type -- DAGS wanted similar bills like this to deal with the management of their buildings.

"The problem with these bills, like the public lands bill that you see before you, is that the Department will give you a very good reason as to why they need a measure like this. In the case of this particular bill, they do have some problems with dealing with some of the people who run commercial activities on State lands without permit. Now, the problem with these kinds of bills is that they're overly broad, and I've dealt with these bills since I've been in the House of Representatives.

"The net effect of bills like this is that although it may be aimed against people who may be engaged in illegal commercial activity, they can also be used against Hawaiians who are squatting on lands. They can be used against protesters. It's going to be a very simple mechanism for the State to issue these citations and secure contempt charges against people engaged in these violations.

"On this public lands bill, I had asked specifically what problems they had in the managing of the lands and fifty percent of the problems they had dealt with Hawaiians who are squatting on lands that they felt they had owned, or whether they were kuleana lands or State lands, they thought they owned the land. I am afraid that a bill like this is really too overly broad and it could be used in the wrong way -- to shut off dissent and protest.

"And so, although I kind of figure that this was the year that they'd try to push this bill, I do have to stand up and make my reasons known as to why I have always opposed this bill for all the years that I have been in the House of Representatives."

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

"I feel that Representative Hagino brings forward a very good point. At a time when our native Hawaiians are trying to make things right and trying to correct those things that have been part of their lifestyle, I think it would be very, very important at this time that we really look into something like this concerning our public lands. Of course, we have many, many Hawaiians that squat on lands because they feel that it's their right -- they are part of this land, whether it be ceded lands, kuleana lands, royal patent lands, whatever the issue is.

"I stand to speak against this, Mr. Speaker, because I am native Hawaiian and I have many family members that may be affected in this manner.

"Thank you very much."

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

"I just want to clarify something. Regarding this issue, I think the bill is attempting to be clear to, in fact, address issues such as the unencumbered public lands and persons illegally performing commercial uses or other uses on the lands which are not proper. I say this because this five hundred dollar fine, first of all, is discretionary, in which the DLNR can fine up to five hundred dollars or they don't have to fine at all.

"On the issues of the unencumbered public lands, there is now a definite definition in the bill which narrows the definition so that the DLNR just cannot go into any situation and do as they please. This issue was discussed at the hearing, and I believe that this was not the kind of situation that the DLNR, which Representative Hagino was referring to, has been going after. It's a controlled aspect and not necessarily this kind of problem.

"I would like to state that at no time has Representative Hagino or any of the representatives brought up these issues, and again I remind the members ... yes, these issues were discussed at the hearing and this was not the intent of DLNR."

At 8:32 o'clock p.m., Representative Arakaki asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:34 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. 1673, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading by a vote of 40 ayes to 11 noes, with Representatives Amaral, Apo, Beirne, Hagino, Marumoto, O'Kieffe, Shon, Takumi, Tam, Thielen and Ward voting no.

The Chair directed the Clerk to note that H.B. No. 1673 had passed Third Reading at 8:35 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 589) recommending that H.B. No. 1664, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 589 and H.B. No. 1664, HD 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. 1664, HD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 590) recommending that H.B. No. 1665, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 590 and H.B. No. 1665, HD 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, HD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 591) recommending that H.B. No. 1662, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 591 and H.B. No. 1662, HD 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. 1662, HD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 592) recommending that H.B. No. 1661, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 592 and H.B. No. 1661, HD 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. 1661, HD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 593) recommending that H.B. No. 1628, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1628, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAWS AFFECTING FINANCIAL INSTITUTIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Oshiro and Taniguchi, for the Committees on Transportation and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 594) recommending that H.B. No. 152, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 594 and H.B. No. 152, HD 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. 152, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

Representatives Oshiro and Taniguchi, for the Committees on Transportation and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 595) recommending that H.B. No. 1139, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Oshiro, seconded by Representative Taniguchi and carried, the joint report of the Committees was adopted and H.B. No. 1139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTI-SPEED BUMPS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 596) recommending that H.B. No. 310, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, the report of the Committee was adopted and H.B. No. 310, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRANSPORTATION COUNCIL," passed Second Reading and was placed on the calendar for Third Reading.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 597) recommending that H.B. No. 1191, as amended

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

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, the report of the Committee was adopted and H.B. No. 1191, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 598) recommending that H.B. No. 8 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, the report of the Committee was adopted and H.B. No. 8, entitled: "A BILL FOR AN ACT RELATING TO REBUILT VEHICLES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 599) recommending that H.B. No. 20 pass Second Reading and be placed on the calendar for Third Reading.

Representative Oshiro moved that the report of the Committee be adopted and H.B. No. 20 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Nakasone.

Representative Alcon rose to speak in favor of the motion, stating:

"You know, Mr. Speaker, I have been trying to solve this problem for the past eight years that I have been back at this honorable body. This is just about the best senior citizen bill, Mr. Speaker.

"Mr. Speaker, I think drivers should be judged by their coordinating ability and not by age because even if you are below the age of 60 or 65, Mr. Speaker, there are some people who do not have the agility of us senior citizens, and I would like to thank the Chairman of the Transportation Committee for considering this bill and giving the senior citizens some break.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 20, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 600) recommending that H.B. No. 747, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 747, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 601) recommending that H.B. No. 1062, as amended in HD 1,

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

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1062, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 602) recommending that H.B. No. 929, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 929, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 603) recommending that H.B. No. 1466 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1466, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 604) recommending that H.B. No. 1564 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1564, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 605) recommending that H.B. No. 1587, pass Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1587, entitled: "A BILL FOR AN ACT RELATING TO PESTS," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1587 had passed Third Reading at 8:41 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 606) recommending that H.B. No. 2026, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 606 and H.B. No. 2026, HD 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. 2026, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 607) recommending that H.B. No. 51, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 607 and H.B. No. 51, HD 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. 51, HD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 608) recommending that H.B. No. 1647, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 608 and H.B. No. 1647, HD 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. 1647, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 609) recommending that H.B. No. 1538, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 609 and H.B. No. 1538, HD 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. 1538, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 610) recommending that H.B. No. 1276, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 610 and H.B. No. 1276, HD 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. 1276, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 611) recommending that H.B. No. 1655, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 611 and H.B. No. 1655, HD 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. 1655, HD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 612) recommending that H.B. No. 2020, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 612 and H.B. No. 2020, HD 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. 2020, HD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 613) recommending that H.B. No. 179, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 613 and H.B. No. 179, HD 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. 179, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 614) recommending that H.B. No. 1797, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 613 and H.B. No. 1797, HD 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. 1797, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

### THIRD READING

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

#### H.B. No. 1582:

On motion by Representative M. Ige, seconded by Representative Chumbley and carried, H.B. No. 1582, entitled: "A BILL FOR AN ACT RELATING TO MEAT INSPECTION," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 1584:

On motion by Representative M. Ige, seconded by Representative Chumbley and carried, H.B. No. 1584, entitled: "A BILL FOR AN ACT RELATING TO EXPORTS OF FLOWERS AND FOLIAGE," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 1604:

On motion by Representative M. Ige, seconded by Representative Chumbley and carried, H.B. No. 1604, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE ENTERPRISE ZONES PROGRAM," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 1851:

On motion by Representative M. Ige, seconded by Representative Chumbley and carried, H.B. No. 1851, entitled: "A BILL FOR AN ACT RELATING TO FEED," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1582, 1584, 1604 and 1851 had passed Third Reading at 8:41 o'clock p.m.

#### H.B. No. 1601:

Representative Isbell moved that H.B. No. 1601, having been read throughout, pass Third Reading, seconded by Representative Santiago.

Representative O'Kieffe rose and requested a conflict ruling, saying that he is part owner of a solar energy company, and the Chair ruled "no conflict."

The motion was put by the Chair and carried, and H.B. No. 1601, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1601 had passed Third Reading at 8:42 o'clock p.m.

**H.B. No. 1606:**

On motion by Representative Bainum, seconded by Representative Stegmaier and carried, H.B. No. 1606, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Third Reading by a vote of 51 ayes.

**H.B. No. 603:**

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, H.B. No. 603, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1606 and 603 had passed Third Reading at 8:43 o'clock p.m.

**H.B. No. 569:**

On motion by Representative Tom, seconded by Representative Menor and carried, H.B. No. 569, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE PROCEEDINGS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1594:**

On motion by Representative Tom, seconded by Representative Menor and carried, H.B. No. 1594, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Third Reading by a vote of 51 ayes.

**H.B. No. 948:**

On motion by Representative Tom, seconded by Representative Menor and carried, H.B. No. 948, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC INSPECTION OF STATEMENTS REQUIRED BY THE LOBBYISTS LAW," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1593:**

On motion by Representative Tom, seconded by Representative Menor and carried, H.B. No. 1593, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Third Reading by a vote of 51 ayes.

**H.B. No. 921:**

On motion by Representative Tom, seconded by Representative Menor and carried, H.B. No. 921, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF FINANCIAL INTERESTS AMOUNTS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 922:**

On motion by Representative Tom, seconded by Representative Menor and carried, H.B. No. 922,

entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF FINANCIAL DISCLOSURE STATEMENTS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 569, 1594, 948, 1593, 921 and 922 had passed Third Reading at 8:44 o'clock p.m.

**H.B. No. 2003:**

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 2003, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1648:**

On motion by Representative Duldulao, seconded by Representative Pepper and carried, H.B. No. 1648, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL RUBELLA TESTING," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2003 and 1648 had passed Third Reading at 8:45 o'clock p.m.

At 8:45 o'clock p.m., Representative Hirono asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:46 o'clock p.m.

**H.B. No. 6:**

On motion by Representative Yonamine, seconded by Representative Nekoba and carried, H.B. No. 6, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 6 had passed Third Reading at 8:47 o'clock p.m.

**H.B. No. 1400:**

On motion by Representative Tom, seconded by Representative Menor and carried, H.B. No. 1400, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Hirono, O'Kieffe and Thielen voting no.

The Chair directed the Clerk to note that H.B. No. 1400 had passed Third Reading at 8:48 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 615) recommending that H.B. No. 246, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 246, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOLOKAI WATER RESOURCE MANAGEMENT," having been read throughout, passed Third Reading by a vote of 51 ayes.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 616)

recommending that H.B. No. 656, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 656, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM," having been read throughout, passed Third Reading by a vote of 51 ayes.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 617) recommending that H.B. No. 1047, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1047, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Hagino voting no.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 618) recommending that H.B. No. 1374, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1374, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A DIALYSIS MACHINE TO SERVE THE NEEDS OF THE RESIDENTS OF NORTH HAWAII," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 246, 656, 1047 and 1374 had passed Third Reading at 8:49 o'clock p.m.

Representatives Bainum and Stegmaier, for the Committees on Energy and Environmental Protection and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 619) recommending that H.B. No. 673, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bainum, seconded by Representative Stegmaier and carried, the joint report of the Committees was adopted and H.B. No. 673, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bainum, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 620) recommending that H.B. No. 66, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bainum, seconded by Representative Herkes and carried, the report of the Committee was adopted and H.B. No. 66, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT, CONTROL, DISTRIBUTION, AND SALE OF PETROLEUM PRODUCTS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Hiraki, Takamine and Stegmaier, for the Committees on Ocean Recreation and Marine Resources; Water and Land Use Planning; and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 621) recommending that

H.B. No. 723, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hiraki, seconded by Representative Takamine and carried, the joint report of the Committees was adopted and H.B. No. 723, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading.

Representative Hiraki, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 622) recommending that H.B. No. 1669 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hiraki, seconded by Representative Beirne and carried, the report of the Committee was adopted and H.B. No. 1669, entitled: "A BILL FOR AN ACT RELATING TO FISHING IN CERTAIN WATERS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Hiraki, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 623) recommending that H.B. No. 1721, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hiraki, seconded by Representative Beirne and carried, the report of the Committee was adopted and H.B. No. 1721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 624) recommending that H.B. No. 82, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 82, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was placed on the calendar for Third Reading, with Representative O'Kieffe voting no.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 625) recommending that H.B. No. 120, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

Representative Say moved that the report of the Committee be adopted and H.B. No. 120, HD 2, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shon rose to speak against the bill, stating:

"I have often wondered why the word 'investment' is seldom applied to situations like this because we often do invest in material objects. We invest in tourist promotion cars, we invest in sports arenas, we invest in convention centers, in people movers, in court houses, but when it comes to people issues, sometimes that word 'investment' gets lost. I think the President has it right, that part of his economic stimulation package is very directly and

overtly an investment in people -- expansion of the Head Start Program is one example of that.

"I do believe that this bill is in the end, short-sighted. For a while, it may save us some money this year. I believe it is based on a lack of understanding of how people become productive. I believe it is based on a lack of understanding -- even how money moves.

"I recall last year, during this debate, someone pointed out to us that the fastest way to provide an economic boost to the small business economy is to provide funds for those who are poorest amongst us. And the reason for this is that when a poor person has money, they must spend it. They must spend it on their rent, they must spend it on food, they must buy clothes for their kids, they must pay for babysitters -- they spend the money in the economy. Do we really believe that by removing money from those on the lowest rung, that we're somehow investing in a better economic future for all of us, for the short-term savings this year?

"It is clear to me that the administration, in proposing this, does not want to reinvent government or to reprioritize. 'Let's take the easy way out,' they've said to us. That doesn't mean we have to follow along. We can reshuffle the deck, we can attempt to place the investment in people among our highest priority.

"Now it can be said, I suppose, that this is part of a larger financial plan and we simply need the money, and there are just no alternatives. But I don't really believe that. I look at the overall package and I see that there was no apparent attempt to increase income taxes for the wealthiest citizens in Hawaii. No, we will not attempt to increase the income taxes on the wealthiest, but we will freeze for those who are poorest. I think that is the wrong prioritization.

"It could be said that we might raise the tourist accommodations tax. We are not doing that and that would pay for this. We could also pursue a convention center in the context but we didn't have to allocate money away from the counties which, incidentally, will raise rents on the poor because of the property taxes.

"There are a lot of alternatives in this economic package of ours and I'm disappointed that we've gone along with the administration so far, that our idea of investment -- and we have a lot of investment ideas this year -- that our idea of investment doesn't really embrace those who are the frailest amongst us economically. I think we should all think again about this tonight and the weeks ahead. I do believe that there is at least an attempt at the national level to elevate the notion of people and investment at a higher level and to recognize that when you do invest in people, that you don't lose, that government doesn't lose, that we all win. I think this is an incorrect prioritization.

"I've always stood to defend the weakest among us. I think that is one essential mission of government and I think, in this bill, we may be falling short of that ideal which I know we all hold. I know every single person in this room would have voided this if they could. I am suggesting we can and that we should assemble a financial package that truly does place people first. I don't care that the administration thinks this is a great idea. It was a lousy idea last year, it's not a good idea this year either. This is not part of a creative approach to dealing with the deficit.

"I think that this bill, as another one that I will speak on in a minute, has some real deficiencies, and I ask you all to think about this as we move forward -- that investing in people is very important. I will have some

remarks on the next bill, but I will sit down now in case anyone wants to speak on this one.

"Thank you."

Representative Lee then rose to speak in support of the bill, stating:

"The President of the United States has made a very bold move to invest in people and to get the country moving ahead. When we say invest in people, we mean those who are productive and those who can make a contribution. The President also said that we should have shared contributions. Mr. Perot's words were 'shared sacrifices.'

"Last year, the sacrifice was entirely at the expense of the University of Hawaii. Sixty million dollars was taken out. That is known as disinvestment so that this year we have less to spend on minorities going to the University of Hawaii system, on projects like PREP, for Hawaiians, for Filipinos, for Samoans, Laotians, and all other people who are going to the University and cannot take classes because moneys were cut out.

"Ladies and gentlemen, let us be proper in the use of the word 'investment.' Here are young people, trying to improve themselves to be productive persons in the whole society, and what do we do? We make it more difficult for them. That is not what government is all about.

"Finally, a last word. Mr. Clinton also stated that those on welfare should not be on welfare forever, and that is a very good thought for creative thinking. Therefore, I urge you that we should invest definitely, but let us invest in those who can make a real contribution.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, the issue is one of priorities and fairness. The downturn is suddenly upon us and suddenly we are on the backs of the poor and not one drop of blood has been let from the warm-bodied policies of the administration, and I say that because nothing in government has hurt so far in what otherwise in the private sector people are really hurting -- they are really pinching to stay alive there. They are really going off into far extremes of which we, as government, have not done, and who do we immediately pick on? The most vulnerable and the weakest of all of us.

"And I only say that, not as a bleeding hard liberal, but one who is trying to speak for many people who are out there saying -- government, get your priorities straight. You've spent billions of dollars on brick and water, lest we point to the renovation of the Capitol, the airport, the people mover -- priorities which are not people. And until we get the priorities straight, it's not fair, it's not equitable -- we have not tightened our belt in this House of Representatives. We have not done anything to feel the pinch of what otherwise the people in the private sector are feeling it now, the poor are feeling it.

"To vote for this bill is to vote for the misprioritization. It's clear and it's as simple as that.

"Thank you."

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

"I guess some of the previous speakers have addressed some of the substance of the bill and I think the members of the Human Services Committee know quite well what this bill does, and I think all the members should be made aware, if they're not already aware, that the Human Services Committee did vote down this bill. I find it a little distasteful that this bill should resurface again. Obviously, it's coming through the back door and there's a sense of *deja vu* because this is the same thing that happened last year. Fortunately, the Senate killed the bill. But it only made me realize, Mr. Speaker, that even though we talk about reform, the politics haven't changed. We're still playing games with bills such as this, and I think it is an affront to the subject matter committees to have this bill resurrected in this fashion.

"For that reason, and for many other reasons that I hope I won't have to speak on later, I would like to have the Clerk cast a no vote on this bill.

"Thank you, Mr. Speaker."

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

"First of all, no other bill has so affected me emotionally as this bill. Mr. Speaker, I serve on the committee under an individual who I have the utmost respect for, who I know is a compassionate person, and I want the members to understand this was not an easy decision for the members to have to come to.

"This bill, and I hope we will not have to take it up again later on in the session, does not accomplish what I think it's intended to do. The ramifications will be felt by many for many years to come.

"I am very, very much against House Bill No. 120.

"Thank you, Mr. Speaker."

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

"The statistics show that 40 percent of those that need assistance are native Hawaiians. That is a high percentage, Mr. Speaker. When I get calls in my office that say, 'How do you vote on this bill?' and when it affects my people, I have to say that I cannot support a bill like this if it affects a percentage so large as that for native Hawaiians.

"I feel, Mr. Speaker, that the Polynesians really did not have a welfare system. It was part of government's process to really give handouts to those that have created this problem. I feel that there should be incentive programs to bring them on, and I really feel that they are contributors to our society. I have been a part of the educational system at the University of Hawaii, and I think that I can say that I am a product of these kinds of circumstances.

"Thank you, Mr. Speaker."

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

"We hear the term 'shared sacrifice.' That's not just some kind of a rhetorical device that we can toss around here. I really think that this is a bad bill. Why make the least economically advantaged among us bear a disproportionate share of the sacrifice? Where are the bills that will redo our income taxes for the wealthier among us? Where are the measures which will tighten our own House? Our sense of priorities are very much out of whack with this bill.

"Thank you, Mr. Speaker."

Representative Duldulao then rose to speak in favor of the bill, with grave reservations, stating:

"As a member of the House Human Services Committee, I was the first one to bring about the reasons why I will have big objections on this bill, and I voted no, Mr. Speaker.

"There are lots of questions that popped out from my mind when I started to get calls from my constituency, and I am still trying to find the answers through the Director of Human Services. At this point, I'm still having difficulty so, at this time, I have prepared comments which I would like to have inserted into the Journal, in the interest of time.

"Thank you."

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

Representative Duldulao's remarks are as follows:

"This is a inhumanitarian bill. As legislators, we should be looking at improving the quality of life of those who are less fortunate. When a person seeks financial aid, that person or family needs help to survive. When the government gives the assistance with a cruel condition that they must exercise extreme austerity, how would a parent feel when she sees or hears her children ask for more food when there is insufficient food to go around the table? People on welfare are already making a lot of sacrifices and their children are deprived.

"This bill does not have good economic sense and health sense. It is intimidating. Charity begins at home. Therefore, this State should help the needy in the communities before pledging our help to other states. Take care of our own people. Government should be honest and committed to the people they serve."

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

"With much respect for the Finance Chair, I know he told me to vote my conscience, I think last year, former Chair Tom spoke very eloquently and very movingly about this particular bill. Our Committee this year again took a very tough stand, and I think in the Finance Committee there were a lot of brave people that came forward -- mothers with children who have benefitted from this, and I think they were speaking on behalf of a lot of people that are benefitting now.

"The Department of Human Services has provided some information about the turnaround time of these families and the majority of them get this assistance and get off -- an average of two to three years -- and they become independent.

"I think the Finance Chair did what he thought was right. I appreciate him allowing us to speak freely as well from our hearts, and so I speak in opposition."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 120, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ASSISTANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Amaral, Apo, Arakaki, Beirne, Chun, Hagino, Hiraki, Hirono, M. Ige, Isbell, O'Kieffe, Pepper, Santiago, Shon, Takamine, Takumi, Thielen and Ward voting no.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 626) recommending that H.B. No. 122, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

Representative Say moved that the report of the Committee be adopted and H.B. No. 122, HD 2, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Kawakami.

Representative Shon rose to speak against the bill, stating:

"There are five reasons why, and I thought a lot about this mechanism to bring in more Medicaid money, but there are five basic reasons why I think we should pause on this one.

"Number one is noted by a previous speaker. The process, I think, is a bit of an affront to the committee system. I believe very deeply in committees, and I really believe that each and every one of us express their work through membership on the committees. By the resuscitation of this bill from the grave, I think all of us -- all chairs and all members -- are accepting somewhat a precedent for a diminished role. I think also -- perhaps more importantly -- those who came out and testified at the first hearing, I think their role is diminished when their testimony carried the day and carried the vote to no avail.

"Second reason. Philosophically, I believe that although Hawaii has a comparatively cheaper health care system than any other states, still, we are increasing our cost by 12 to 15 percent a year and it is beginning to pinch. I believe that we should be seeking ways to reduce the cost of health care, not increase it, and rather than raising the sick tax, I would eliminate it altogether. I do believe that, regardless of what other mechanism may be added later on to 'pay back' the providers, that this will result in increased cost of health care, particularly for long-term care.

"Third reason is that I think this is a shaky leg on which to base a financial plan. Everything I've heard coming from the federal government is that the doors are quickly slamming on these schemes that many states have had in the past where they initiated a tax and initially were able to pay back providers almost with the formula -- one dollar for one dollar. Those days are over. The federal government is becoming much wiser to this, and they are going to insist that there is a very large wall between the provider tax and the providers if they're going to be subsidized subsequently. I think that this probably will evaporate before the end of the year and so if we're counting on this twenty million or so, I think that will be another emergency funding bill in the next session to make up for it.

"The fourth reason is that... my understanding is that the first calculation of this tax was that both long-term care and acute care would add up to a little over twenty million. But the subsequent calculation shows that just the acute care alone will add up to that, so it is not necessary for us to include long-term care in this particular provider tax. At least that is what I was told by folks in the Department of Human Services, at the staff level at least, that the take on acute care would be significant and therefore it is unnecessary for us to have to go back to all those long-term care facilities and explain why an additional tax will be imposed on them. And I might add also that as we look at... well, are we going to tax the health care system? The most prosperous segment of the health care system, which is the physician

community, has never been asked to participate in this at all. I really wonder about that, too. Why wasn't the entire industry brought in on this from the beginning if that was the intent?

"Fifth, I must say that so far, the bill does not include a coherent plan to return the tax dollars to those institutions. There is no doubt in my mind that this cost is going to be shifted right on to the patient. There is no doubt. And I know that many of the providers have bent over backwards to... oh, yes, if we can work something out, maybe we can support it. They're trying to work with the administration on this, but I'll tell you when you get out and you talk to them, many of them do not believe this will work.

"Number one, they don't believe the Feds will openly accept it. Number two, they don't believe that they will be able to get their money back, and this is especially true for those who are private payers. There is a mechanism, of course, to increase the reimbursements for Medicaid and that is one way. But for those other institutions, and it's particularly true of the trend in long-term care, where Arcadia-like institutions are growing up and you have a mixture of Medicaid and private payers, or all private payers -- these folks are going to get hit the hardest with this as our care homes and others.

"I really think that this particular proposal by the administration probably will be derailed by the end of the session, I hope, but if it is not, even if we can come up with a very sound stabilization fund or something to repay the institution, that it is going to increase the cost of health care, and we should think very deeply about this because we're increasing the cost of living left and right with many of these proposals.

"For these reasons, I would ask the Clerk to cast a no vote on H.B. No. 122.

"Thank you, Mr. Speaker."

Representative Duldulao then rose and stated:

"For now, I have to rise and say that, you know, I'm voting on this bill with serious reservations.

"Mr. Speaker, I do not believe, in good conscience, that this bill will truly address health care cost containment. We have two bills that would address that, but this bill will work against that. The reason for this is that we are imposing a tax on health care providers like the nursing homes, hospitals, and although -- let me point out real quick, Mr. Speaker, because the bill has been amended -- but there's still technical defects on this bill.

"Now, the tax has shifted to nursing homes only and eliminating the hospitals and they reduced the percentage of the tax from ten to four. When I asked the Director of Human Services Committee to address the two questions that I had during my committee hearing, which are these two items, I asked her whether there was a financial plan to address those nursing home facilities or hospitals that will be in distress. The answer, Mr. Speaker, was 'None, we're working on it.'

"Another concern that I have was... what will be your tax plan? What are the penalties? What are the schedules of monetary penalties or other penalties that would come under this if they are not able to pay for the provider's tax. At this point -- the last hearing -- there was none.

"So with all of this, Mr. Speaker, I cannot support this bill in its entirety. It seems like this is a bill that has a head but missing is the legs or arms. If you feel free to

push a bill without the parts of its body, I think it is a very dangerous piece of legislation, and until the Director of Human Services will discuss this matter in clear view and really lay out the financial plan which we are all looking at, I would probably change my vote, Mr. Speaker, on Third Reading. I just have to express this to you and my colleagues, with due respect to the Finance Chair, because it is a great sentiment that I have in my heart and I just need to say it.

"Thank you very much."

Representative Stegmaier then rose and stated:

"I would like to register support but with serious reservations on this bill because of my understanding that the bill would have a very onerous impact on the small number of private payers.

"Thank you."

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

"Mr. Speaker, this is one of the largest taxes in medical history being imposed. Even the insurance companies, the telephone, the electrical companies don't pay this much. The real question is ... why are we doing it on those who are weak and the sick? Again, a matter of priorities.

"Thirdly, we're sending the wrong message to the American people who are taught to look after themselves and pay their own way, and the message in this bill, Mr. Speaker, is ... hey, don't pull your own weight -- go the government way because they're going to pay for it. If you pay for it, we're going to tax you; therefore, we're going to encourage you to do that.

"Lastly, Mr. Speaker, I would encourage the Finance Chair who is a man of vision -- he is fair and he is creative. We only need nine million dollars to get the welfare freeze off. This one may be a little bit more but I think, putting our heads together, we can do this and I think we can come up with it, and I know the Chair is capable of doing that.

"Thank you, Mr. Speaker."

Representative Tam then rose and stated:

"Mr. Speaker, please register my vote as 'with reservations' on this bill as I did in the Finance Committee. I will have further comments on Third Reading.

"Thank you."

Representative Beirne then rose to cast her no vote, stating:

"I see no reason why we should pick on those in nursing homes.

"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. 122, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Amaral, Arakaki, Beirne, Hagino, Hirono, M. Ige, Isbell, O'Kieffe, Takumi, Thielen and Ward voting no.

At 9:26 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:28 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 627) recommending that H.B. No. 1710, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1710, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 628) recommending that H.B. No. 2156, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 628 and H.B. No. 2156, HD 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. 2156, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 629) recommending that H.B. No. 1975, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 629 and H.B. No. 1975, HD 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. 1975, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 630) recommending that H.B. No. 1194, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 630 and H.B. No. 1194, HD 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. 1194, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 631) recommending that H.B. No. 816, as amended in HD 1, be recommitted to the Committee on Education.

On motion by Representative D. Ige, seconded by Representative Chumbley and carried, the report of the Committee was adopted and H.B. No. 816, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was recommitted to the Committee on Education.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 632) recommending that H.B. No. 815, as amended in HD 1, be recommitted to the Committee on Education.

On motion by Representative D. Ige, seconded by Representative Chumbley and carried, the report of the Committee was adopted and H.B. No. 815, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was recommitted to the Committee on Education.

Representatives Cachola and Taniguchi, for the Committees on Tourism and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 633) recommending that H.B. No. 625, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cachola, seconded by Representative Taniguchi and carried, the joint report of the Committees was adopted and H.B. No. 625, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA SPIRIT," passed Second Reading and was placed on the calendar for Third Reading.

Representative Isbell, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 634) recommending that H.B. No. 1897, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Isbell, seconded by Representative Santiago and carried, the report of the Committee was adopted and H.B. No. 1897, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Menor, Chun and Tom, for the Committees on Public Safety and Corrections; Human Services; and Judiciary, presented a joint report (Stand. Com. Rep. No. 635) recommending that H.B. No. 1338, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Menor, seconded by Representative Chun and carried, the joint report of the Committees was adopted and H.B. No. 1338, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTHFUL OFFENDERS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Menor and Tom, for the Committees on Public Safety and Corrections and Judiciary, presented a joint report (Stand. Com. Rep. No. 636) recommending that H.B. No. 1690, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

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

Representative Menor, for the Committee on Public Safety and Corrections, presented a report (Stand. Com. Rep. No. 637) recommending that H.B. No. 1467, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Menor, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1467, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Public Safety and Corrections, presented a report (Stand. Com. Rep. No. 638) recommending that H.B. No. 1688, as

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

On motion by Representative Menor, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1688, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE CENTERS FOR COMMITTED PERSONS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Menor and Tom, for the Committees on Public Safety and Corrections and Judiciary, presented a joint report (Stand. Com. Rep. No. 639) recommending that H.B. No. 1687, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Menor, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.B. No. 1687, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 640) recommending that H.B. No. 1691, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1691, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 641) recommending that H.B. No. 125, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 125, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 642) recommending that H.B. No. 1855, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1855, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 643) recommending that H.B. No. 2008, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2008, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

INTEREST AND USURY," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 644) recommending that H.B. No. 1607, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1607, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 645) recommending that H.B. No. 1495, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Say moved that the report of the Committee be adopted and H.B. No. 1495, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Kawakami.

Representative Thielen rose to speak against the bill, stating:

"I think we have trouble right here in 'Tax City,' and that trouble really is the lottery. It's gambling, Mr. Speaker, with the help of our State. The lottery, as we all know. . . we all know this -- it's a regressive tax. The Honolulu Police Department has cited two studies -- one done in New Jersey and one done in Maryland. Both offer the same data. Those with incomes of less than ten thousand -- ten thousand, folks -- were seven times more likely to spend at least five percent of their incomes on lottery tickets. One-third of the poor who gamble spend more than twenty percent of their incomes on lottery tickets.

"The regressive tax continues a bad trend of this legislative session. In times of fiscal crisis, this Legislature is choosing to squeeze the poor, and the sick, and the old, for extra revenues. We're freezing welfare payments at 1992 levels. We gave ourselves five thousand dollars for legislative expenses and didn't give that kind of money to people who need it the most. We've just instigated a private provider tax -- taxing the elderly and the sick.

"The social costs of a lottery far outweigh any minimal financial gain. The Honolulu Police Department showed us statistics that reveal a direct correlation between those states with legalized lottery and an overall increase in crime in the states. Do we want that here?

"Gambling, for an easy way out of financial crises, is proven to be addictive and compulsive. This is going to affect our families, their finances, and it's debilitating and destructive. The Chamber of Commerce cited that it weakens the stability of family life. We know that. And it necessitates a larger welfare burden. We know that. And that will increase taxes. Lottery simply redistributes money from the poor -- it takes from the poor. It doesn't create money. It doesn't create a tax bonanza, and it certainly doesn't create much profit.

"We have fat in government. I don't think there's anyone sitting here that would deny that. And we could be focusing on more efficient uses of existing revenues. We have the Hilo courthouse, we have the Capitol renovation, we have the race car, we have the escalating

size and cost of government, but instead, we deflect attention from the pork and propose a lottery.

"I wonder why this bill calls lottery tickets, bonds. Bill Clinton calls taxes, contributions, and now we're calling lottery tickets, bonds. I suggest that's bonds with a capital B and that rhymes with C, and that is cruel, folks -- that is cruel!

"This lottery would create a bureaucratic backlog of paperwork. We're going to keep track of all those bonds all year and then refund a portion of money for the losing bonds in December, and the administrative cost will eat up fifteen percent of the revenue.

"Hawaii is one of two states without any form of legalized gambling. Many have argued it's time to jump on the gambling bandwagon, and I think, instead, we should walk the road of fiscal responsibility. Let's be proud of Hawaii's distinction as a gambling-free state. Let's kill this bill and let's kill it tonight, and let's have the guts and the courage and the foresight to do that tonight.

"Thank you, Mr. Speaker."

Representative Duldulao then rose to speak in strong support of the bill, stating:

"Mr. Speaker and fellow colleagues, I prefer the State lottery rather than the sick tax and the welfare freeze. If you talk about addiction and evil, it's a matter of choice. Aren't we all pro-choice? So this is a matter of choice, Mr. Speaker. If you want to be poor and gamble all your income, then that's up to you if you become poor. But I think that, as responsible adults and you know your financial limitations, then use that good judgment. But I think that will help the vendors and other small businesses and it helps the State revenues too, so this is a good avenue to raise State tax money.

"Again, it's not a sin to gamble.

"Thank you."

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

"Mr. Speaker, we're hitting the poor again, but this time with a million to one odds that they will remain poor.

"Thank you."

At 9:41 o'clock p.m., Representative O'Kieffe asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:43 o'clock p.m.

At this time, Representative Shon rose and requested a Roll Call vote on H.B. No. 1495.

At 9:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:48 o'clock p.m.

Representative Tam rose to cast a no vote, stating:

"I would also like to add that this bill shall call attention to things that was not mentioned before.

"This bill is a very political bill. What it does ... it disregards the civil service statutes whereby it makes political appointments, political favoritisms, by excluding Chapters 76 and 77. By doing this, we're going to have low morale within the State of Hawaii, among the civil service employees.

"Thank you."

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

"I don't know that anyone would pick a game of chance to raise revenues if it were not for the fact that there were not other alternatives except perhaps raising taxes. Lotteries have been quite successful in some states for a long number of years, perhaps not as successful in others.

"But I think it's awfully early in the session for us to be closing off our options and boxing ourselves in without considering all of the possibilities available to us. I would certainly hate for us, on Second Reading, without having an opportunity for everyone to thoroughly review the measure, to look at it more carefully and all of its implications, not merely with what one has read in the press or heard from another source, but had an opportunity to really think, consider, and look at all of the ramifications, both pro and con, before casting votes on this measure.

"Therefore, I respectfully ask all of my colleagues who have heretofore not voiced their opinions to please ... let's move this measure forward for further consideration.

"Thank you, Mr. Speaker."

Representative Hirono then rose and stated:

"Very briefly on House Bill 1495, I wish to speak against it.

"The lottery has been generally viewed as a painless, so-called way, to raise money and the times do not call for us to take the easy way out.

"I would like my no vote recorded on this measure."

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

"Being the movant of this particular measure, Mr. Speaker, let me say that this legislation before all of you. . .if it dies on the floor this evening, let me explain the reason of this particular idea.

"It was brought to my attention, campaigning in 1992, during the election that I think we all went through. I met this senior citizen up on St. Louis Heights and he broached this idea that the lottery ... yes, it is a lottery, but we called it a lottery bond. It was not the intent to have it drafted as a lottery ticket.

"The intent primarily, Mr. Speaker, was to sell a million lottery bonds during a calendar year. One-third of the twenty-five dollar lottery bond, which I had named Lokele (Hawaiian name for lottery), would be set aside in escrow where it would be accruing interest on behalf of the individuals who bought them. Also, Mr. Speaker, two dollars out of that twenty-five dollars would go for the overhead costs, printing, and the operations of it. Five dollars was set aside, Mr. Speaker, for the prizes. The highest prize was during the bonus months -- the sixth month of the year and the twelfth month -- of fifty thousand dollars, twenty-five thousand dollars, and fifteen thousand dollars. During the first five months and the

seventh to the eleventh month, it was an award or prize of twenty-five thousand, fifteen thousand, and ten thousand. The buyer of the bond will be given the opportunity of having a chance in winning it thirty-six times.

"The intent, Mr. Speaker, is correct -- that it is a revenue enhancement. And I am sorry to say that the intent was not to have the poor buy it to get more poor. That was never the intent. I looked at it as a certificate that all of you may have bought for your mother or father, or your wife, and you would have to have their social security numbers, Mr. Speaker. But it was during that calendar year -- from January 1st to December 31st -- there would be the sale of these bonds. Then the following year, you would have the raffle being pulled out -- every three prizes per month.

"I tried to make it very simplistic for all of you but I never did have that opportunity. It was never the intent, Mr. Speaker, to have these computerized lottery bonds, or what people say, a ticket, where you buy it for a dollar, five dollars, or whatever it is. It was a very simple way that I think all of you would have gotten involved -- eighteen years or older -- in buying it as a gift, and the novel part about it is that one-third was set aside for you to redeem after that calendar year -- eight dollars plus the interest that is set in escrow.

"Mr. Speaker, I'm not ashamed of having this measure being introduced at this particular point because I've really enjoyed the discussion on the floor, as far as listening to all of you. I'm very proud of the Finance Committee in their support, Mr. Speaker, primarily because we really did discuss it -- very, very thoroughly -- in an open and positive way of looking for revenue enhancement.

"So, Mr. Speaker, I would like to say to you and this honorable body that what the Majority Leader stated for the record is true. Let's give it a chance. I'm not going after the poor now. Correct me if I'm wrong, and if you want an amendment in this particular measure, that a particular buyer can only buy four bonds per year ... fine, limit it. But that was never the intent to affect the poor.

"Thank you, Mr. Speaker."

Representative Apo then rose and stated:

"Now that I've heard the explanation, I'll cast a no vote."

The motion was put to a voice vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1495, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE LOTTERY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Amaral, Apo, Arakaki, Bainum, Beirne, Cachola, Hagino, Hiraki, Hirono, D. Ige, Isbell, Marumoto, Morihara, Nekoba, O'Kieffe, Santiago, Shon, Stegmaier, Takumi, Tam, Thielen and Ward voting no.

Representative Hagino then rose and asked for a division of the House on H.B. No. 1495, saying:

"Mr. Speaker, I am asking for a division of the House on H. B. No. 1495, that there be a proper recordation that that bill indeed passed Second Reading. Otherwise, there is a cloud, Mr. Speaker, and I believe then if this bill moves along that it will be subject to court challenge."

At 9:59 o'clock p.m., Representative Baker asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:04 o'clock p.m., Representative Ward rose on a point of order and stated:

"Mr. Speaker, Mason's Manual, on page 156, states that 'the motion to recess cannot be made while another has the floor,' and I believe Representative Hagino had the floor and, according to Mason's Manual, Section 216, he is still supposed to have the floor and we interrupted him. So, is Mason's Manual prevailing here or not? It's page 156, if anyone wants to check it."

The Chair thanked Representative Ward.

Representative Hagino then rose and stated:

"Mr. Speaker, I thank Representative Ward for speaking on my behalf but I did believe that I had completed my request and I did relinquish the floor, so it's not a matter that the floor was taken away from me. I did make the request and ended it at that point.

"However, at this time, Mr. Speaker, I will withdraw my request for a division of the House."

The Chair thanked Representative Hagino.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 646) recommending that H.B. No. 2000, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2000, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC PROCUREMENT CODE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 647) recommending that H.B. No. 126, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Sa, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 126, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Tom and Bunda, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 648) recommending that H.B. No. 966, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Bunda and carried, the joint report of the Committees was adopted and H.B. No. 966, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARD OFFENSES," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Tom and Bunda, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 649) recommending that H.B. No. 1639, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Bunda and carried, the joint report of the Committees was adopted and H.B. No. 1639, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM SECURITIES ACT (MODIFIED)," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Tom and Bunda, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 650) recommending that H.B. No. 928, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Bunda and carried, the joint report of the Committees was adopted and H.B. No. 928, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT REFORM," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Hirono, Shon and Thielen voting no.

Representatives Tom and Bunda, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 651) recommending that H.B. No. 1631, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Bunda and carried, the joint report of the Committees was adopted and H.B. No. 1631, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER AND AUTHORITY OF INVESTIGATORS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Tom and Bunda, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 652) recommending that H.B. No. 740, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Bunda and carried, the joint report of the Committees was adopted and H.B. No. 740, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 653) recommending that H.B. No. 1798, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 1798, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 654) recommending that H.B. No. 1088, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom moved that the report of the Committee be adopted and H.B. No. 1088, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Menor.

Representative Hirono rose to speak against the bill, stating:

"This bill does away, basically, with our joint and several liability provisions and we are doing this in a very summary fashion. The provisions of this bill address the problem in a very convoluted and confusing way and, in my view, very unfair.

"I will have longer remarks on Third Reading. However, I wanted to record my no vote at this juncture."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1088, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Hirono, Shon and Thielen voting no.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 655) recommending that H.B. No. 199, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 199, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTS," passed Second Reading and was placed on the calendar for Third Reading.

At 10:09 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:45 o'clock p.m.

Representatives Takamine and Taniguchi, for the Committees on Water and Land Use Planning and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 656) recommending that H.B. No. 321 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine, seconded by Representative Nekoba and carried, the joint report of the Committees was adopted and H.B. No. 321, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Takamine and Taniguchi, for the Committees on Water and Land Use Planning and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 657) recommending that H.B. No. 1176, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine, seconded by Representative Nekoba and carried, the joint report of the Committees was adopted and H.B. No. 1176, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Takamine, for the Committee on Water and Land Use Planning, presented a report (Stand. Com. Rep. No. 658) recommending that H.B. No. 1955 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine seconded by Representative Nekoba and carried, the report of the

Committee was adopted and H.B. No. 1955, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was placed on the calendar for Third Reading.

Representative Takamine, for the Committee on Water and Land Use Planning, presented a report (Stand. Com. Rep. No. 659) recommending that H.B. No. 1141, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine, seconded by Representative Nekoba and carried, the report of the Committee was adopted and H.B. No. 1141, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASE OF CAMPSITES," passed Second Reading and was placed on the calendar for Third Reading.

Representatives D. Ige and Yonamine, for the Committees on Education and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 660) recommending that H.B. No. 1534, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chumbley, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1534, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 661) recommending that H.B. No. 182, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 182, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURAL LANDSCAPES," passed Second Reading and was placed on the calendar for Third Reading.

At 10:47 o'clock p.m., Representative Bunda asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:49 o'clock p.m.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 662) recommending that H.B. No. 1732, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.B. No. 1732, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MISCELLANEOUS PERMITS FOR PHARMACY," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 663) recommending that H.B. No. 1880, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1880, HD 2,

entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed Second Reading as amended in HD 2, and was placed on the calendar for Third Reading, with Representative Thielen voting no.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 664) recommending that H.B. No. 1883, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1883, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF BARBERS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 665) recommending that H.B. No. 1735, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1735, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 666) recommending that H.B. No. 1891, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1891, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC BROADCASTING AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 667) recommending that H.B. No. 1887, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1887, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY PERSONNEL," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 668) recommending that H.B. No. 1889, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1889, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY LICENSING REQUIREMENTS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Bunda and Say, for the Committees on Consumer Protection and Commerce and Finance, presented a joint report (Stand. Com. Rep. No. 669) recommending that H.B. No. 1890, as amended in HD 1,

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

Representative Bunda moved that the joint report of the Committees be adopted and H.B. No. 1890, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Say.

Representative Hirono rose to speak against the bill, stating:

"This is the infamous hurricane/windstorm pool bill. This bill gets the State into the insurance business half way -- the junk half -- and it's a bailout on the backs of the consumers. I hope that between now and the time that we deal with this bill on Third Reading, that the members will read this bill and see all of the provisions of the bill and how it will affect our consumers' wallets, and really think about whether this is the way we want to go to address the homeowners' crisis.

"Our suggestion is that rather than going this route which is very, very extreme, amounting to a bailout of the insurance industry, that we really should look at a mandatory renewal of existing policies requirement with a cap and a drop dead provision as a much better route to go.

"So, I would like my no vote recorded on this measure."

Representative Thielen then rose and stated:

"I also would like my no vote recorded on House Bill 1890, HD 1.

"What we're doing is really allowing the insurance companies to gather a windfall. They'll be laughing all the way to the bank but the consumers will be paying out of their pockets. The insurance companies have indicated, even when they are not required to cover for wind damage, that they aren't going to reduce your premiums.

"So go back and talk to your people in your districts about that before Third Reading on this bill and come back and let's really look at this as to what it does to our consumers.

"Thank you, Mr. Speaker."

Representative Shon then rose to record his no vote, stating:

"Basically, the reason is that if your intent was to come out with a shark control measure and all the sharks are wildly crazy about it, I think you better rethink. We know that the insurance companies are extremely happy with not having to deal with some of these risks, and I pause when I see that because one of the real problems we have right now, I think, is an abuse of the market where people are being essentially exploited through this crisis.

"I think it's very important that, in the remaining days of the session, that we try to find ways that in ensuring their financial health, we do not insure our financial illness for the many consumers who are homeowners. I have heard lots of discussion on how the profits of the industry over the last ten years -- some of these companies making four or five hundred million dollars every year -- every year -- investing this significantly. And one bad year -- a significant bad year -- but one bad year, and we're saying, hey, no need taking any of these risks.

"Second reason is that, in recent years, I've grown very skeptical of when government does attempt to set up essentially a business, and I'm not really confident that we have the will and the way to do this as best as could be.

"For those reasons, I will be voting no.

"Thank you."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 1890, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAWS AFFECTING INSURANCE," passed Second Reading as amended in HD 1, and was placed on the calendar for Third Reading, with Representatives Hirono, O'Kieffe, Shon, Tam and Thielen voting no.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 670) recommending that H.B. No. 1034, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.B. No. 1034, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF AND REHABILITATION," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 671) recommending that H.B. No. 1630, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Bunda moved that the joint report of the Committees be adopted and H.B. No. 1630, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Tom.

Representative Thielen rose to record a no vote, stating:

"My concern is that the bill goes too far and even covers your neighbor who might be helping you do some repairs to your car."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 1630, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CITATIONS FOR UNLICENSED ACTIVITY," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen voting no.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 672) recommending that H.B. No. 1638, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.B. No. 1638, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 673) recommending that H.B. No. 1636, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.B. No. 1636, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNREGISTERED MOTOR VEHICLE MECHANICS AND REPAIR DEALERS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 674) recommending that H.B. No. 1629, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.B. No. 1629, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WARRANTIES," passed Second Reading and was placed on the calendar for Third Reading.

At 10:58 o'clock p.m., Representative Santiago asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:59 o'clock p.m.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 675) recommending that H.B. No. 1734, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1734, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 676) recommending that H.B. No. 1537, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1537, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 677) recommending that H.B. No. 1565, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1565, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 678) recommending that H.B. No. 775, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 775, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 679) recommending that H.B. No. 1971, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1971, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE SALES PRACTICES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 680) recommending that H.B. No. 1635, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1635, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM LAND SALES PRACTICES ACT," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 681) recommending that H.B. No. 1632, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1632, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DURATION OF LICENSE SANCTION," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 682) recommending that H.B. No. 1127, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1127, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 683) recommending that H.B. No. 2087, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of

the Committee was adopted and H.B. No. 2087, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 684) recommending that H.B. No. 1158, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1158, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 685) recommending that H.B. No. 1886, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1886, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF ENGINEERS, ARCHITECTS, SURVEYORS AND LANDSCAPE ARCHITECTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 686) recommending that H.B. No. 1633 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1633, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF MASSAGE THERAPISTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 687) recommending that H.B. No. 1678 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1678, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCE REGISTRATIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 688) recommending that H.B. No. 1731 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1731, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES," passed Second Reading and was placed on the calendar for Third Reading.

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

Com. Rep. No. 689) recommending that H.B. No. 1583 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1583, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 690) recommending that H.B. No. 1634 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 1634, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIR DEALER AND MECHANIC REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Tom and Bunda, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 691) recommending that H.B. No. 1585, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 691 and H.B. No. 1585, HD 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. 1585, HD 1, were made available to the members of the House.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 692) recommending that H.B. No. 62 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 692 and H.B. No. 62 was deferred until Tuesday, March 9, 1993.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 693) recommending that H.B. No. 1603, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 693 and H.B. No. 1603, HD 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. 1603, HD 1, were made available to the members of the House.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 694) recommending that H.B. No. 284, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 694 and H.B. No. 284, HD 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. 284, HD 2, were made available to the members of the House.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 695) recommending that H.B. No. 1990, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 695 and H.B. No. 1990, HD 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. 1990, HD 1, were made available to the members of the House.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 696) recommending that H.B. No. 975, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 696 and H.B. No. 975, HD 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. 975, HD 2, were made available to the members of the House.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 697) recommending that H.B. No. 1322, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 697 and H.B. No. 1322, HD 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. 1322, HD 2, were made available to the members of the House.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 698) recommending that H.B. No. 251, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 698 and H.B. No. 251, HD 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. 251, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 699) recommending that H.B. No. 1453, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 699 and H.B. No. 1453, HD 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. 1453, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 700) recommending that H.B. No. 1653, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 700 and H.B. No. 1653, HD 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. 1653, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 701) recommending that H.B. No. 1730, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 701 and H.B. No. 1730, HD 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. 1730, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 702) recommending that H.B. No. 1330, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 702 and H.B. No. 1330, HD 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. 1330, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 703) recommending that H.B. No. 741, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 703 and H.B. No. 741, HD 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. 741, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 704) recommending that H.B. No. 658, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 704 and H.B. No. 658, HD 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. 658, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 705) recommending that H.B. No. 1178, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 705 and H.B. No. 1178, HD 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. 1178, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 706) recommending that H.B. No. 1473, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 706 and H.B. No. 1473, HD 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. 1473, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 707) recommending that H.B. No. 124, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 707 and H.B. No. 124, HD 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. 124, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 708) recommending that H.B. No. 1522, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 708 and H.B. No. 1522, HD 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. 1522, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 709) recommending that H.B. No. 1738, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 709 and H.B. No. 1738, HD 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. 1738, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 710) recommending that H.B. No. 888, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 710 and H.B. No. 888, HD 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. 888, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 711) recommending that H.B. No. 1799, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 711 and H.B. No. 1799, HD 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. 1799, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 712) recommending that H.B. No. 2015, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 712 and H.B. No. 2015, HD 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. 2015, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 713) recommending that H.B. No. 2042, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 713 and H.B. No. 2042, HD 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. 2042, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 714) recommending that H.B. No. 187, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 714 and H.B. No. 187, HD 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. 187, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 715) recommending that H.B. No. 300, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 715 and H.B. No. 300, HD 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. 300, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 716) recommending that H.B. No. 1675, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 716 and H.B. No. 1675, HD 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. 1675, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 717) recommending that H.B. No. 1737, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 717 and H.B. No. 1737, HD 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. 1737, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 718) recommending that H.B. No. 1861, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 718 and H.B. No. 1861, as amended in HD 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. 1861, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 719) recommending that H.B. No. 1739, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 719 and H.B. No. 1739, HD 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. 1739, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 720) recommending that H.B. No. 925, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 720 and H.B. No. 925, HD 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. 925, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 721) recommending that H.B. No. 1899, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 721 and H.B. No. 1899, HD 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. 1899, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 722) recommending that H.B. No. 1992, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 722 and H.B. No. 1992, HD 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. 1992, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 723) recommending that H.B. No. 2014, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 723 and H.B. No. 2014, HD 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. 2014, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 724) recommending that H.B. No. 2032, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 724 and H.B. No. 2032, HD 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. 2032, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 725) recommending that H.B. No. 1885, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 725 and H.B. No. 1885, HD 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. 1885, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 726) recommending that H.B. No. 2098, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 726 and H.B. No. 2098, HD 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. 2098, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 727) recommending that H.B. No. 1563, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 727 and H.B. No. 1563, HD 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. 1563, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 728) recommending that H.B. No. 874, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 728 and H.B. No. 874, HD 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. 874, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 729) recommending that H.B. No. 525, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 729 and H.B. No. 525, HD 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. 525, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 730) recommending that H.B. No. 241, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 730 and H.B. No. 241, HD 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. 241, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 731) recommending that H.B. No. 1942, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 731 and H.B. No. 1942, HD 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. 1942, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 732) recommending that H.B. No. 2010, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 732 and H.B. No. 2010, HD 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. 2010, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 733) recommending that H.B. No. 2022, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 733 and H.B. No. 2022, HD 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. 2022, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 734) recommending that H.B. No. 653, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 734 and H.B. No. 653, HD 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. 653, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 735) recommending that H.B. No. 2024, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 735 and H.B. No. 2024, HD 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. 2024, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 736) recommending that H.B. No. 1213, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 736 and H.B. No. 1213, HD 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. 1213, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 737) recommending that H.B. No. 1741, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 737 and H.B. No. 1741, HD 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. 1741, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 738) recommending that H.B. No. 1765, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 738 and H.B. No. 1765, HD 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. 1765, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 739) recommending that H.B. No. 1703, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 739 and H.B. No. 1703, HD 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. 1703, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 740) recommending that H.B. No. 2027, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 740 and H.B. No. 2027, HD 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. 2027, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 741) recommending that H.B. No. 1363, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 741 and H.B. No. 1363, HD 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. 1363, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 742) recommending that H.B. No. 2012, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 742 and H.B. No. 2012, HD 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. 2012, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 743) recommending that H.B. No. 759, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 743 and H.B. No. 759, HD 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. 759, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 744) recommending that H.B. No. 1120, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 744 and H.B. No. 1120, HD 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. 1120, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 745) recommending that H.B. No. 1828, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 745 and H.B. No. 1828, HD 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. 1828, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 746) recommending that H.B. No. 1888, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 746 and H.B. No. 1888, HD 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. 1888, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 747) recommending that H.B. No. 150, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 747 and H.B. No. 150, HD 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. 150, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 748) recommending that H.B. No. 2034, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 748 and H.B. No. 2034, HD 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. 2034, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 749) recommending that H.B. No. 1202, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 749 and H.B. No. 1202, HD 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. 1202, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 750) recommending that H.B. No. 1445, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 750 and H.B. No. 1445, HD 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. 1445, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 751) recommending that H.B. No. 1119, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 751 and H.B. No. 1119, HD 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. 1119, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 752) recommending that H.B. No. 1029, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 752 and H.B. No. 1029, HD 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. 1029, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 753) recommending that H.B. No. 173, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 753 and H.B. No. 173, HD 3, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 173, HD 3, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 754) recommending that H.B. No. 1170, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 754 and H.B. No. 1170, HD 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. 1170, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 755) recommending that H.B. No. 1500, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 755 and H.B. No. 1500, HD 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. 1500, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 756) recommending that H.B. No. 1698, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 756 and H.B. No. 1698, HD 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. 1698, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 757) recommending that H.B. No. 777, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 757 and H.B. No. 777, HD 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. 777, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 758) recommending that H.B. No. 2029, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 758 and H.B. No. 2029, HD 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. 2029, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 759) recommending that H.B. No. 2030, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 759 and H.B. No. 2030, HD 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. 2030, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 760) recommending that H.B. No. 1736, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 760 and H.B. No. 1736, HD 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. 1736, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 761) recommending that H.B. No. 1370, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 761 and H.B. No. 1370, HD 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. 1370, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 762) recommending that H.B. No. 2057, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 762 and H.B. No. 2057, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 763) recommending that H.B. No. 1701 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 763 and H.B. No. 1701 was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 764) recommending that H.B. No. 1882, HD 1 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 764 and H.B. No. 1882, HD 1 was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 765) recommending that H.B. No. 1405, HD 1 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 765 and H.B. No. 1405, HD 1 was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 766) recommending that H.B. No. 1146 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 766 and H.B. No. 1146 was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 767) recommending that H.B. No. 1646 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 767 and H.B. No. 1646 was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 768) recommending that H.B. No. 1530, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 768 and H.B. No. 1530, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 769) recommending that H.B. No. 1505, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 769 and H.B. No. 1505, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 770) recommending that H.B. No. 192, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 770 and H.B. No. 192, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 771) recommending that H.B. No. 951, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 771 and H.B. No. 951, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 772) recommending that H.B. No. 576, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 772 and H.B. No. 576, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 773) recommending that H.B. No. 2050 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 773 and H.B. No. 2050 was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 774) recommending that H.B. No. 2031 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 774 and H.B. No. 2031 was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 775) recommending that H.B. No. 1800, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 775 and H.B. No. 1800, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 776) recommending that H.B. No. 1017 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 776 and H.B. No. 1017 was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 777) recommending that H.B. No. 2051, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 777 and H.B. No. 2051, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 778) recommending that H.B. No. 2075, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 778 and H.B. No. 2075, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 779) recommending that H.B. No. 635, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 779 and H.B. No. 635, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 780) recommending that H.B. No. 734, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 780 and H.B. No. 734, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 781) recommending that H.B. No. 65, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 781 and H.B. No. 65, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 782) recommending that H.B. No. 1626, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 782 and H.B. No. 1626, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 783) recommending that H.B. No. 1364, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 783 and H.B. No. 1364, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 784) recommending that H.B. No. 1895, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 784 and H.B. No. 1895, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 785) recommending that H.B. No. 1896, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 785 and H.B. No. 1896, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 786) recommending that H.B. No. 1702, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 786 and H.B. No. 1702, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 787) recommending that H.B. No. 1156, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 787 and H.B. No. 1156, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 788) recommending that H.B. No. 178, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 788 and H.B. No. 178, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 789) recommending that H.B. No. 694, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 789 and H.B. No. 694, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Takamine, for the Committee on Water and Land Use Planning, presented a report (Stand. Com. Rep. No. 790) recommending that H.B. No. 1307, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 790 and H.B. No. 1307, HD 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. 1307, HD 1, were made available to the members of the House.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 791) recommending that H.B. No. 1668, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 791 and H.B. No. 1668, HD 1, was deferred until Tuesday, March 9, 1993.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 792)

recommending that H.B. No. 433, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 792 and H.B. No. 433, HD 1, was deferred until Tuesday, March 9, 1993.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 793) recommending that H.B. No. 526, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 793 and H.B. No. 526, HD 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. 526, HD 2, were made available to the members of the House.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 794) recommending that H.B. No. 1663 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 794 and H.B. No. 1663 was deferred until Tuesday, March 9, 1993.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 795) recommending that H.B. No. 313, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 795 and H.B. No. 313, HD 1, was deferred until Tuesday, March 9, 1993.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 796) recommending that H.B. No. 118 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 796 and H.B. No. 118 was deferred until Tuesday, March 9, 1993.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 797) recommending that H.B. No. 446 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 797 and H.B. No. 446 was deferred until Tuesday, March 9, 1993.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 798) recommending that H.B. No. 1624, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 798 and H.B. No. 1624, HD 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. 1624, HD 2, were made available to the members of the House.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 799) recommending that H.B. No. 1411, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 799 and H.B. No. 1411, HD 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. 1411, HD 1, were made available to the members of the House.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 800) recommending that H.B. No. 690, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 800 and H.B. No. 690, HD 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. 690, HD 1, were made available to the members of the House.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 801) recommending that H.B. No. 1754, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 801 and H.B. No. 1754, HD 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. 1754, HD 2, were made available to the members of the House.

#### ANNOUNCEMENTS

Representative Baker: "I would like to provide clarification on a matter for my colleagues. I should have made this announcement earlier so there wouldn't have been confusion. The items that we acted on tonight were only those measures that had to meet the lateral deadline for decking tonight and pass Second Reading before the day adjourned. There are plenty of bills that would have been available for Third Reading, or for the 48-hour notice, had we had sufficient time to get them printed and on the OD. So if members are concerned that a measure that was duly passed out of committee and decked today did not show up tonight, it will be on the OD on Tuesday and will be available for the members to vote at that time. As far as I know, all of the committees decked their committee reports on time.

"I would also remind the members that we will be having a Majority caucus on Monday at 10:00 a.m. in Conference Room 1111, and that session will be convening on Tuesday at 9:00 o'clock a.m."

Representative Ihara: "On Tuesday and Thursday, they will see a robotic camera to the right of the Speaker's podium and that will be operated by the Olelo Project. It'll still be rehearsal and there will be a lot of logistical lights, sound, et cetera -- things to be worked out -- but I just wanted to let you know that if you see that contraption moving, you'll be on air."

Representative Young: "In light of the Olelo, I would just like to say 'thanks' to the hard work of Speaker Souki, Representative Les Ihara and his staff. We had a historic day today ... starting at midnight today, the public, on this island, was able to watch four hours of complete, unedited, gavel to gavel hearing. Representative Ken Hiraki and his Committee met on artificial reef and fish feeding and the public was able to enjoy every single hour of it. They also saw a matinee performance at 12:00 today, again for four hours. And for those of you who are wide awake, Representative Bainum and Representative Isbell will be featured starting at midnight tonight, and we have submitted a schedule for your enjoyment."

#### ADJOURNMENT

At 11:04 o'clock p.m., on motion by Representative Ihara, seconded by Representative Thielen and carried, the House of Representatives adjourned until 9:00 o'clock a.m. on Tuesday, March 9, 1993.

## TWENTY-SIXTH DAY

**Tuesday, March 9, 1993**

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 9:18 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend M. Stanley Bain of the Harris United Methodist Church, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journal of the House of Representatives of the Twenty-Fifth Day.

On motion by Representative Ihara, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the Twenty-Fifth Day was approved.

## ORDER OF THE DAY

## COMMITTEE REFERRALS

The following Senate bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
261	Committee on Finance
262	Committee on Finance
264	Committee on Finance
514	Committee on Finance
529	Jointly to the Committees on Transportation and Intergovernmental Relations and International Affairs, then to the Committee on Finance
536	Committee on Transportation
576	Committee on Finance
1057	Committee on Legislative Management
1454	Committee on Finance
1458	Committee on Finance
1477	Committee on Agriculture

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 113 to 150) and concurrent resolutions (H.C.R. Nos. 116 to 158) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
113	Committee on Finance
114	Jointly to the Committees on Higher Education and the Arts and Agriculture, then to the Committee on Finance
115	Jointly to the Committees on Higher Education and the Arts and Education, then to the Committee on Finance

116 Jointly to the Committees on Higher Education and the Arts and Transportation, then to the Committee on Finance

117 Committee on Labor and Public Employment, then to the Committee on Finance

118 Committee on Education, then to the Committee on Finance

119 Committee on Labor and Public Employment, then to the Committee on Legislative Management

120 Jointly to the Committees on Human Services and Health, then to the Committee on Finance

121 Committee on Higher Education and the Arts

122 Committee on Finance

123 Committee on Transportation, then to the Committee on Finance

124 Committee on Economic Development and Business Concerns

125 Committee on Legislative Management, then to the Committee on Finance

126 Jointly to the Committees on Water and Land Use Planning and Legislative Management, then to the Committee on Finance

127 Jointly to the Committees on Judiciary and Consumer Protection and Commerce

128 Committee on Finance

129 Jointly to the Committees on Higher Education and the Arts and Housing, then to the Committee on Finance

130 Jointly to the Committees on Higher Education and the Arts and Housing, then to the Committee on Finance

131 Jointly to the Committees on Water and Land Use Planning; Housing; and Intergovernmental Relations and International Affairs, then to the Committee on Finance

132 Committee on Finance

133 Committee on Finance

134 Committee on Labor and Public Employment, then to the Committee on Finance

135 Committee on Economic Development and Business Concerns, then to the Committee on Education

136 Committee on Legislative Management, then to the Committee on Finance

137 Jointly to the Committees on Human Services and Health, then to the Committee on Finance

138 Jointly to the Committees on Tourism and Intergovernmental Relations and International Affairs

- 139 Jointly to the Committees on Human Services and Intergovernmental Relations and International Affairs, then to the Committee on Finance
- 140 Committee on Legislative Management, then to the Committee on Finance
- 141 Jointly to the Committees on Higher Education and the Arts and Intergovernmental Relations and International Affairs, then to the Committee on Finance
- 142 Jointly to the Committees on Consumer Protection and Commerce and Intergovernmental Relations and International Affairs, then to the Committee on Finance
- 143 Committee on Judiciary, then to the Committee on Finance
- 144 Jointly to the Committees on Tourism and Judiciary, then to the Committee on Finance
- 145 Committee on Transportation, then to the Committee on Finance
- 146 Committee on Economic Development and Business Concerns, then to the Committee on Finance
- 147 Jointly to the Committees on Health and Consumer Protection and Commerce, then to the Committee on Finance
- 148 Committee on Education, then to the Committee on Finance
- 149 Committees on Economic Development and Business Concerns, then to the Committee on Legislative Management, then to the Committee on Finance
- 150 Jointly to the Committees on Labor and Public Employment; Education; and Higher Education and the Arts
- H.C.R. Nos.**
- 116 Jointly to the Committees on Hawaiian Affairs and Legislative Management, then to the Committee on Finance
- 117 Jointly to the Committees on Higher Education and the Arts and Agriculture, then to the Committee on Finance
- 118 Committee on Transportation, then to the Committee on Judiciary
- 119 Committee on Agriculture
- 120 Jointly to the Committees on Higher Education and the Arts and Transportation, then to the Committee on Finance
- 121 Jointly to the Committees on Higher Education and the Arts and Education, then to the Committee on Finance
- 122 Committee on Labor and Public Employment, then to the Committee on Legislative Management
- 123 Jointly to the Committees on Human Services and Health, then to the Committee on Finance
- 124 Committee on Higher Education and the Arts
- 125 Committee on Finance
- 126 Committee on Transportation, then to the Committee on Finance
- 127 Committee on Economic Development and Business Concerns
- 128 Committee on Legislative Management, then to the Committee on Finance
- 129 Jointly to the Committees on Water and Land Use Planning and Legislative Management, then to the Committee on Finance
- 130 Jointly to the Committees on Water and Land Use Planning and Legislative Management, then to the Committee on Finance
- 131 Jointly to the Committees on Judiciary and Consumer Protection and Commerce
- 132 Jointly to the Committees on Water and Land Use Planning; Housing; and Intergovernmental Relations and International Affairs, then to the Committee on Finance
- 133 Committee on Legislative Management, then to the Committee on Finance
- 134 Committee on Finance
- 135 Jointly to the Committees on Health and Consumer Protection and Commerce, then to the Committee on Legislative Management
- 136 Jointly to the Committees on Higher Education and the Arts and Housing, then to the Committee on Finance
- 137 Jointly to the Committees on Higher Education and the Arts and Housing, then to the Committee on Finance
- 138 Committee on Finance
- 139 Committee on Finance
- 140 Committee on Labor and Public Employment, then to the Committee on Finance
- 141 Committee on Economic Development and Business Concerns, then to the Committee on Finance
- 142 Committee on Legislative Management, then to the Committee on Finance
- 143 Committee on Legislative Management, then to the Committee on Finance
- 144 Jointly to the Committees on Human Services and Health, then to the Committee on Finance
- 145 Jointly to the Committees on Tourism and Intergovernmental Relations and International Affairs
- 146 Committee on Water and Land Use Planning, then to the Committee on Finance
- 147 Jointly to the Committees on Human Services and Intergovernmental Relations and International Affairs, then to the Committee on Finance

148 Committee on Legislative Management, then to the Committee on Finance

149 Jointly to the Committees on Higher Education and the Arts and Intergovernmental Relations and International Affairs, then to the Committee on Finance

150 Jointly to the Committees on Consumer Protection and Commerce and Intergovernmental Relations and International Affairs, then to the Committee on Finance

151 Committee on Judiciary, then to the Committee on Finance

152 Jointly to the Committees on Tourism and Judiciary, then to the Committee on Finance

153 Committee on Transportation, then to the Committee on Finance

154 Committee on Economic Development and Business Concerns, then to the Committee on Finance

155 Jointly to the Committees on Health and Consumer Protection and Commerce, then to the Committee on Finance

156 Committee on Education, then to the Committee on Finance

157 Jointly to the Committees on Economic Development and Business Concerns and Legislative Management, then to the Committee on Finance

158 Jointly to the Committees on Labor and Public Employment; Education; and Higher Education and the Arts

At 9:22 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:59 o'clock a.m.

#### SUSPENSION OF RULES

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

#### UNFINISHED BUSINESS

##### **Stand. Com. Rep. No. 487 on H.B. No. 604, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 604, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," having been read throughout, passed Third Reading by a vote of 51 ayes.

##### **Stand. Com. Rep. No. 529 on H.B. No. 882, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 882, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDSCAPING," having been read throughout, passed Third Reading by a vote of 51 ayes.

##### **Stand. Com. Rep. No. 530 on H.B. No. 2023, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2023, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR OPERATING EXPENSES FOR THE STATE MEDICAL ASSISTANCE PROGRAM," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 604, 882 and 2023 had passed Third Reading at 10:00 o'clock a.m.

##### **Stand. Com. Rep. No. 531 on H.B. No. 1199, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, Stand. Com. Rep. No. 531 and H.B. No. 1199, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," were recommitted to the Committee on Finance.

##### **Stand. Com. Rep. No. 532 on H.B. No. 1645, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1645, HD 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE PAYMENT PROGRAMS," having been read throughout, passed Third Reading by a vote of 51 ayes.

##### **Stand. Com. Rep. No. 533 on H.B. No. 1740, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1740, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," having been read throughout, passed Third Reading by a vote of 51 ayes.

##### **Stand. Com. Rep. No. 541 on H.B. No. 1771, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1771, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," having been read throughout, passed Third Reading by a vote of 51 ayes.

##### **Stand. Com. Rep. No. 542 on H.B. No. 2018, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2018, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," having been read throughout, passed Third Reading by a vote of 51 ayes.

##### **Stand. Com. Rep. No. 543 on H.B. No. 2060, HD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 2060, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Taniguchi 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."

"Over the years, the University of Hawaii has had a major impact on the Manoa community. While the University has provided a quality education for many of Manoa's residents and while many employees of the University live and contribute to the Manoa community.

much of the impact on our neighborhood has been negative. Along with increased traffic, congestion and parking problems, the expansion of the University further and further into the Valley, in some instances by condemnation, is of great concern. In most cases, the community has not been consulted and in other cases, reasonable requests of the community have been ignored.

"Over the 12 years that I have represented the Manoa district, numerous requests have been made to the University to assist the community and to mitigate its negative impact on the community. None of these requests have been accommodated. A request was made to allow Manoa Library employees to park in the largely unused Astronomy Building parking lot next door to free up two or three stalls for library users. The library employees withdrew the request when the University indicated that the employees would be charged parking fees.

"A request was made to allow use of vacant University land for a temporary relocation site for those facing land movement problems. That request was denied. A request was made to work with the community to develop both elderly and faculty housing on University land in Manoa. That request was not acted upon in a timely manner and the City proceeded to build elderly housing at Manoa park. A request was made to swap land to allow for expansion of Manoa Library two years ago. That request was turned down in favor of building thirty for-sale faculty housing units on that site. Because of a proposal to build homeless shelters on the University land across from the Manoa Longs Drug Store, the community was pressured into agreeing with faculty housing 'fast tracked' on the site. Requests that the project meet standard parking requirements, that it provide park space for the community as a whole rather than a closed picnic area for project residents and that it provide space for an expanded Manoa Library were all denied. The lesson for us in Manoa is that we have not been successful in trying to reason with the University.

"That brings me to the proposed expansion of Manoa Library, the Noelani School playground and House Bill 2060.

"The existing Manoa Library is much too small to handle the needs of a community that is growing by leaps and bounds. According to the Hawaii State Public Library System's Master Plan, the facility should have at least 22,692 square feet of space, which is three and a half times larger than the current 6,523 square foot library. In addition to a new library building, an additional 77 parking stalls will be required. The existing library has roughly 20 stalls.

"A site selection project was initiated and four sites were selected, the two most plausible being the Noelani Elementary School playground and the other the University of Hawaii parcel described in H.B. 2060, where the USDA fruit fly experimental station now sits. The community of Manoa is largely against having the new library placed on the Noelani Elementary School playground as it is one of the few remaining open spaces that the residents have for recreational uses. Because few alternatives exist in a mature community such as Manoa, it was felt that the site occupied by the USDA would be ideal because the fruit fly experimental station was slated to be moved to Waimanalo. However, the fruit fly station sits on only one acre of the nine acre University parcel and more land would be needed from the adjacent agricultural facilities.

"It was never my intent, nor the community's intent to displace any of the agricultural programs currently located adjacent to the USDA site on the nine-acre parcel, however, in light of the fact that the University would not

cooperate in the past on this issue, we strongly felt that the mandated land transfer would be the only means by which the community could be protected from losing its precious recreational space. Mr. Speaker, the Board of Regents not only has a duty to make decisions for the University of Hawaii, they also have a fiduciary duty to the public and should attempt to cooperate with the communities they impact. I think it should be noted that while many agriculture students and faculty came out to testify against this bill because they felt they would be displaced by the library, the University's intent is not to preserve the parcel for future agricultural studies but to construct additional faculty housing projects on the site.

"I am pleased that this bill mandates the University to transfer two of the nine acres for the Manoa Library but I have some concerns with the amendments made to the bill because it requires that no existing facilities be displaced by the construction of the library. If existing facilities are not displaced, the library would then have to be built on a designated flood zone behind all existing facilities. I hope to see a much larger commitment to the community of Manoa. The community of Manoa has been a good neighbor and only asks the University to be a good neighbor in return.

"I would like to thank Chairman Lee, David Ige and Say and their respective Committees for moving this bill. It gives our community some much-needed positive news.

"I urge all members to vote in favor of House Bill 2060.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2060, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Hagino and M. Ige voting no.

**Stand. Com. Rep. No. 544 on H.B. No. 924, HD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 924, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Amaral 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 Amaral's remarks are as follows:

"Mr. Speaker, I speak in support of House Bill 924, HD 1.

"The Juvenile Justice Information System is a key element in the solution to juvenile crime. With this statewide information system, police, prosecutors, family courts, and the Office of Youth Services will share the individual pieces of information that together form a complete picture of a juvenile.

"Right now, each agency has only its own information. The left hand doesn't always know what the right hand is doing. This is not a problem that each agency can solve individually. This is a statewide issue.

"How can we expect to treat kids fairly when we can't even track them through our justice system? How can we expect to measure the relative worth of various programs when no one keeps consolidated information? There is no feedback mechanism in place for measuring the success

factors of the programs that we are asked to fund. We have to step up this task.

"We know we have to seriously look at stopping the flow of kids who grow up to be adult offenders. We know it's cheaper to divert kids from criminal activity than to continue to build new prisons. With the right information, agency staff will be able to focus on what works and what doesn't. Why continue to send kids to a program where there is 80 percent recidivism?"

"Conversely, we have to consider the public's right to be protected from serious juvenile offenders. If a juvenile from Honolulu shows up on Kauai and gets in trouble there, the Kauai police should be able to find out that this is not a kid who will be affected by a harsh scolding.

"The creation of the Juvenile Justice Information System was mandated by this body in 1980. Since that time, thirteen of the juvenile justice agencies have cooperatively designed the system. They are ready to complete the task that we told them to start.

"A prototype of the Juvenile Justice Information System is currently being developed. The entire system can be complete in 1995. We need to make every penny count in these difficult financial times.

"Mr. Speaker, you have consistently supported JJIS in the past. The House needs to continue to recognize that our children are our most precious asset. Agencies do not have the information they need to track juveniles and measure the diversion potential of various programs. Let's make this commitment. Let's put some money where our mouths are. We say kids are a priority. Here's where we can show it."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 924, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR A JUVENILE JUSTICE INFORMATION SYSTEM," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 545 on H.B. No. 687, HD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 687, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Bainum 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 Bainum's remarks are as follows:

"The Ala Wai Canal and the associated Ala Wai Boat Harbor into which it drains form the natural boundaries on the mauka and ewa sides of Waikiki. What should be a beautiful edge and addition to the Hawaiian charm of Waikiki has unfortunately become an embarrassment to all who live along the banks of the waterway. It is a source of complaints from our visitors and its condition directly results in loss revenue to the State and County.

"I think a heading in the local press several years ago best sums up my feelings: 'The Ala Wai Canal -- It's a Dirty Shame!'

"When the Canal was built 65 years ago, it was recognized that periodic dredging would be required. The sediment deposition rate has been measured to be some 10,000 cubic yards a year, and this would indicate that the maximum period between dredgings should be 8 to 10

years. It has now been 13 years since the last dredging, and that dredging was only accomplished through the introduction of specific legislation, rather than as routine scheduled maintenance as is the practice throughout the mainland. Canoe paddlers have routinely struck bottom for a number of years and a recent placement of a cable across the Canal brought up shopping carts, car batteries, and sundry items that have settled quite ungracefully into the mud.

"We have been approached by several organizations interested in staging international rowing regattas in the Ala Wai -- PROVIDED that the Canal be brought up to world standards. Such regattas would result in the attraction of an entirely new segment of tourist visitors, particularly those from Europe that we would like to encourage. Tens of millions of new dollars per year could result from the proper marketing of the use of the Ala Wai for these types of rowing events, but only if the State spends the monies required to bring it back to a useful condition.

"A State consultant, five months ago, delivered a report on engineering methods to improve the clarity of the Ala Wai waters. The techniques are quite simple and will make the Canal a place of beauty. Dredging is a vital part of the clean-up process by the recommended method, and if we are to take advantage of the conclusions, we must immediately dredge the Canal.

"Such dredging is not simply a matter of hiring a company and turning them loose at the Kapahulu end of the Canal and points towards the harbor. It is much like constructing a building, where planning, blueprints, material specifications, contract documents, and schedules must be in place before any sediment can be removed. Permits must be obtained and an environmental impact statement prepared. Because of the fixed engineering approach to be taken for the recommended clean-up technique, careful inter-facing with the needs of the new project must be accomplished. All of this will be accomplished under House Bill 687, and its passage is important for the future of boating and tourism within the Waikiki area."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 687, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALA WAI CANAL," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 546 on H.B. No. 1677, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1677, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1645, 1740, 1771, 2018, 2060, 924, 687 and 1677 had passed Third Reading at 10:03 o'clock a.m.

**Stand. Com. Rep. No. 547 on H.B. No. 1209, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, Stand. Com. Rep. No. 547 and H.B. No. 1209, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PANAWEA MARSHALLING AND PROCESSING FACILITY," were recommitted to the Committee on Finance.

**Stand. Com. Rep. No. 548 on H.B. No. 1449, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1449, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONTROL MELASTOME PLANT PESTS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 549 on H.B. No. 1427, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, Stand. Com. Rep. No. 549 and H.B. No. 1427, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIVESTOCK SHIPPING," were recommitted to the Committee on Finance.

**Stand. Com. Rep. No. 550 on H.B. No. 1424, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1424, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURE," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 551 on H.B. No. 1796, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1796, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 552 on H.B. No. 434, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 434, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 553 on H.B. No. 1773, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1773, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A PROGRAM OF REGIMENTAL DISCIPLINE FOR CORRECTIONS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 574 on H.B. No. 247, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 247, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 575 on H.B. No. 1667, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE TRANSACTIONS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 576 on H.B. No. 1659, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1659, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 577 on H.B. No. 1671, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1671, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 578 on H.B. No. 2028, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2028, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TIRE RECOVERY," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 589 on H.B. No. 1664, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1664, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH VIOLATIONS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 590 on H.B. No. 1665, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1665, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 591 on H.B. No. 1662, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1662, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 592 on H.B. No. 1661, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1661, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1449, 1424, 1796, 434, 1773, 247, 1667, 1659, 1671, 2028, 1664, 1665, 1662 and 1661 had passed Third Reading at 10:04 o'clock a.m.

**Stand. Com. Rep. No. 594 on H.B. No. 152, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.B. No. 152, HD 2, entitled: "A BILL FOR AN ACT RELATING TO

HERBICIDES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 606 on H.B. No. 2026, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2026, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CLEAN AIR," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 607 on H.B. No. 51, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 51, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 608 on H.B. No. 1647, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1647, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTING," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 609 on H.B. No. 1538, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1538, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 610 on H.B. No. 1276, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1276, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LEAD ACID BATTERY RECYCLING," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 611 on H.B. No. 1655, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1655, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative O'Kieffe voting no.

**Stand. Com. Rep. No. 612 on H.B. No. 2020, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2020, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 152, 2026, 51, 1647, 1538, 1276, 1655 and 2020 had passed Third Reading at 10:05 o'clock a.m.

**Stand. Com. Rep. No. 613 on H.B. No. 179, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the

Committee was adopted and H.B. No. 179, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 614 on H.B. No. 1797, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1797, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 628 on H.B. No. 2156, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 2156, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative D. Ige rose to speak in favor of the bill, stating:

"Eric Hoffer once wrote: 'In times of change, learners inherit the earth while the learned find themselves beautifully equipped to deal with the world that no longer exists.'

"I think this quote epitomizes the dilemma and opportunity we face in trying to change our public school system which was designed with the Industrial Age in mind, trying to produce graduates that would work in the same jobs for thirty years, doing the same thing over and over each day, while we move into the 21st century, which represents the Information Age, where critical thinking becomes the norm.

"With House Bill 2156, Mr. Speaker, we are well on our way to reinventing the public school system. We are changing the way that the Department of Education does business. I would just like to summarize a couple of the important changes that we are making in the way that the department does business.

"First of all, in the area of fiscal reform, Mr. Speaker, this bill does away with the allotment system -- the quarterly allotment system -- so rather than trickling money out to the department on a quarterly basis, we will require them to submit an expenditure plan so that we can manage our fiscal and monetary responsibilities. But then, we would allow the schools to plan on when they need the money and then make efforts to provide it to them. We also allow provision that the school system could carry over up to ten percent of their allotments and appropriations. We are encouraging them to be efficient, to look for better ways of doing the same job, with the intentions that if they can do a better job of it, they can keep the savings.

"Mr. Speaker, we also include a public declaration so that in future years, when we vote on the budget, we will know whether we are improving or we are stepping back, in terms of the funds allocated to the public school system. I think that this is an effort so that when we make decisions on funding, we are well aware of what we're doing.

"In the area of assessment and accountability, Mr. Speaker, we are requiring and incorporating into law an assessment and accountability process to ensure the public, as we get away from controlling specific line items in the budget, and empowering schools to determine their own destinies. We are requiring, on the public's behalf, a higher level of assessment and accountability. We incorporated existing efforts but expand them, and we put

into place a requirement that all assessment and accountability reports be made available to all clients of the public school system -- parents as well as interested parties.

"In the area of innovations, Mr. Speaker, we created an incentive and innovation grant program. Currently, as much as the department likes to toss about decentralized government, everything that they do is still centralized. They come to the Legislature and lobby on behalf of the schools rather than trying to really find out what each and every school needs. With the incentive and innovation grant program, Mr. Speaker, we are creating a process so that schools can look at what they need to do to improve and be better and asking them to submit specific proposals for funding.

"First of all, the proposals would have to include specific plans on improvement and expect the students' outcome so that we can be certain that any future funding for the school system are directly related to performance. We also require that they identify an assessment method so that we can measure whether their proposed improvements are being successful.

"We also asked that they submit an expenditure plan for new funding requests, as well as tell us how they plan to use existing appropriations to support the improvement and innovation activities. In that way, we can ensure that existing funds are being spent well, as well as making future funds available to the schools.

"Mr. Speaker, this drastically changes the mechanism that the department currently uses because it empowers the schools to manage and fund their own destinies.

"We also have included provisions for a longer school day and a school year, but rather than doing it statewide, we are requiring that it be included and incorporated into school improvement plans. In that way, we wouldn't be increasing the cost of the public school system haphazardly, but rather, focus, and on a school-by-school basis.

"Community needs are very different, Mr. Speaker, and in this way, we can manage and incorporate all the specific individual community needs.

"This bill also recognizes that leadership during this transformation period is critical and all-important. We provide merit and retention pay for principals, only if their being at a school is critical in the transformation process.

"We also provide and specify a minimum curve for the Superintendent of Education and it would be set at four years. We have seen, in the past, where a merry-go-round of superintendents would come and try to transform the system and not be successful and then get voted out by the Board of Education.

"Mr. Speaker, in the area of facilities, we make a new commitment to reinventing the process. We challenge the department to reexamine every specification that they have and make sure that it meets the needs of a modern school system. We include technology and computers into the basic facility infrastructure because there can be no transformation without technology.

"We are also asking that they look for new revenue and take into consideration the policy impacts of their programs on the facility issue.

"Mr. Speaker, this session, for the first time the department has recognized and acknowledged that class size reduction has had tremendous impact on the cost of

building facilities. And we are requiring that they take into consideration, on all future policy proposals, what the impact on the shortage of facilities would be.

"Mr. Speaker, I am proud to say and would like to thank the members of the Education Committee that has worked through long hearings to really shape this proposal. I'd also like to thank Chairman Say and the members of the Finance Committee for retaining all of the important elements of this measure.

"I think we can all go home proud at the end of this session, Mr. Speaker, if we can pass this measure.

"Thank you."

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

Representative Chumbley's remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of House Bill 2156, HD 2, relating to education, which provides for progressive reforms to improve our public schools. I feel that passage of this measure will guide the State in the right direction toward public school reform. However, one aspect of this measure which I would like to see greater emphasis placed upon, Mr. Speaker and colleagues, is school facilities.

"In recent years, the State has made education a priority issue, but it has yet to develop a comprehensive long-range facility funding plan. I firmly believe that to insure quality education for all of Hawaii's children, we must focus on providing adequate classrooms, cafeterias, restrooms, even athletic instructional areas.

"It has been estimated that by the end of this decade, we will be well over a billion dollars short in the development of school facilities. This projection takes into account the current annual allocation of 90 million dollars.

"A recent overview of existing problems brought to light that our public education system is short 675 classrooms, many lacking ready access to such basic necessities as water and restrooms. Mr. Speaker, we even have 307 wooden classrooms which are well over 50 years old and in great disrepair, not to mention generally obsolete.

"Over 45 percent (107 schools) have sub-standard libraries, and an appalling 17 percent (40 schools) have no library facility at all.

"I ask you, Mr. Speaker, how can we build the 34 new schools needed to accommodate projected student enrollment over the next ten years and at the same time keep up with the repair and maintenance needs of the 10,800 projects already backlogged and estimated at over 255 million dollars with our current 90 million dollar facilities superfund?

"We have embarked on many education reforms over the past five years, but Mr. Speaker, this measure takes us that significant step further towards the decentralization of our Department of Education (DOE) bureaucracy to empower the schools with decision-making authority at the lowest level, the schools.

"How can we afford not to make the needed investments in education? There is constant discussion as to how Hawaii's students measure up against national standards in student achievement tests. I propose that we

need to look into how the State supports our public education system.

"How do we as a State measure up to national standards in this respect? Not very well, Mr. Speaker. In the area of per pupil expenditure, Hawaii ranks 35th nationally, and expends only 4,200 dollars per student annually. I would like to note that in a recent study, New Hampshire has 414 fewer students than Hawaii, and is ranked 7th nationally and yet spends only 314 million more per year for public education.

"We have taken great strides to reduce the ratio in grades K-2 from 26:1 to 20:1. In retrospect, last year this legislative body passed a bill to reduce the class size ratio in grade 3, but no monies were made available to implement this reduction. We have failed to maintain a ratio at the national average of 17:1, and in fact have fallen in the per pupil ratio to the ranks of 45th nationally.

"Mr. Speaker, in fiscal year 1966-67, Hawaii spent 166.32 per capita for public education. That was sufficient to place Hawaii in the 9th position nationally. Since then, Hawaii has taken a nose-dive close to the bottom, and currently ranks in 47th place in regards to per capita appropriations earmarked for our school system.

"Education, Mr. Speaker, is an expensive service requiring thirteen years of intensive nurturing, attention, and personal commitment to steer each child toward becoming a better adult intellectually, socially, physically, and morally.

"Quality education requires highly educated teachers, capable administrators, proper equipment, adequate number of books, supplies, and numerous support services.

"Mr. Speaker, in order for us to move progressively toward reaching our education reform goals, we must have adequate school facilities.

"Members, it is my wish that in the upcoming conference committee deliberations, each of you makes a deliberate choice to make education your number one priority, and pledge to work together to initiate the long-range funding plans necessary to meet the facilities needs throughout our public school system.

"Mr. Speaker, colleagues, thank you very much for allowing me to speak in support of H.B. 2156, HD 2, and to elaborate on school facilities."

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

Representative Kawakami's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill 2156, House Draft 2, regarding educational reform initiatives. I would also like to commend the Education Chair, Representative David Ige, for all his hard work in putting together this omnibus education bill.

"This bill deals with three major areas, the first of which is budgetary reforms. In order to facilitate the lump-sum budgeting process and provide greater flexibility to the schools, this bill removes obstacles to local funding and planning.

"In the second area of assessment and accountability, this would enhance the SCBM program by encouraging

greater community involvement in school affairs. This bill would also foster competition among schools to be innovative in achieving student improvement while attempting to reduce student apathy.

"In order to retain outstanding school administrators, this bill would boost morale and encourage their commitment to a particular school through various pay adjustments.

"The third major area deals with school facilities. This bill aims for creative methods to finance quality school facilities and equipment, which for too long have been the subject of neglect and inadequacy due to a lack of resources.

"In closing, I strongly urge your support for House Bill 2156, HD 2. Although we are again faced with very lean times and current budget restrictions, Hawaii will have no future without a quality educational system. It is often said that economic development is the area in which we should concentrate, for it is from here that we derive the bulk of the State's revenues. I do agree that this is true, however, if our children enter the workforce unprepared, unmotivated, and unskilled, our economic development will be limited at best."

Representative Chun then rose and stated:

"I also speak in strong support of House Bill 2156, HD 2, and commend both the Chair of the Education Committee as well as his members for having the foresight in this area.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2156, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 629 on H.B. No. 1975, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1975, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose and stated:

"Mr. Speaker, I am rising to speak against Standing Committee Report 629, House Bill 1975, HD 2, the Hamakua Sugar, so-called, bailout.

"This bill is a cruel Band-Aid approach, Mr. Speaker, to the people of Hamakua. By supporting House Bill 1975, this Legislature is condoning a shortsighted plan that leaves the people in this region without a plan for the future.

"This bill, while appropriating money to ensure medical services and housing needs, does nothing to relieve Hamakua, or provide for its sustainable future. It will leave the employees and the citizens of Hamakua in the same predicament a year from now as they are now -- tied to an economic situation that will leave these people unemployed.

"The bill only serves to deal with the immediate problem of the closure of Hamakua, and it seems to be based upon the assumption that the region will be left with no future. In twelve to eighteen months, the only difference Hamakua will see is an increase of social services flown in to counsel them on how to live in poverty, and this is just unacceptable. Mr. Speaker.

"Thanks to this bill, money will be spent to distribute a newsletter to the residents of Hamakua, informing them of the social services available to them in Hilo. This is not a future -- this is abandonment and shortsightedness. After congratulations have been made for supporting the people of Hamakua, the people in the region will be left with only minimal health care, minimal housing needs, a year's worth of employment, and a newsletter telling them where to pick up their welfare checks.

"This bill offers no solution but, instead, it just prolongs the pain while wasting resources. Not only do we waste the money that barely secures the region for another year, but we waste the precious agricultural resources and agricultural expertise of the Hamakua people that the State just frankly cannot afford to lose.

"As responsible leaders, our focus should not be on this shortsighted Band-Aid but, instead, on a long-term comprehensive plan for the area that would encourage economic and cultural preservation. This long-term plan already outlined by the Office of State Planning, in the Hamakua Regional Plan, recognizes three important goals.

"First, the Plan stresses the importance of diversifying agriculture and redesignating land uses. For example, the Hamakua Regional Plan recommends releasing five thousand acres near Kaawalii Gulch from sugar production. By using a mixture of agricultural densities, its market value would be increased and agriculture diversified.

"Second, the Plan recommends mixed land uses to invite the private sector to help the region. Any long-term plan, if it is to have economic viability, must include the private sector. The Hamakua Regional Plan calls for a mix of commercial uses, urban expansion, residential, resort and golf course uses, in the Waipio Mauka area and preservation for the Waipio Rim and makai areas. By including the private sector and commercial uses, the region is more secured financially, and revenues are gained for the State.

"Third, this Plan advises that the 25,000 acres of Hamakua remain as the productive core of sugar harvesting. It is shortsighted, colleagues, to prematurely can sugar. As I will explain later, sugarcane and new technology are symbiotic and may have tremendous benefits for the future of Hamakua and for Hawaii on the whole.

"A rural development authority can save the region. The only quick way to implement the long-term solutions is to create a rural development authority that can go into the region, oversee this transition, ensure that development is consistent with the regional plan. The rural development authority would represent the community, economic interests, the State environmental interests, and would provide supervision of private development projects, along with district-wide improvement programs.

"Sugar is symbiotic with alternative energy, so why are we eliminating sugar? Currently, Hamakua comprises fifty percent of all sugar production on the Big Island, and one-fifth of all sugar production in the State. Out of 28,000 acres of Hamakua Sugar, 25,000 are core plantation lands which, according to the regional plan, would be kept this way. To machete sugar on the second largest plantation is frankly a knee jerk reflex that doesn't consider the upcoming possibilities related to sugar. If we were to continue to encourage full sugarcane production on the 25,000 acres of good crop land, Hamakua could serve the island of Hawaii with the new ethanol plant.

"The production of ethanol, as an alternative fuel source, introduces a new industry to the State, Mr. Speaker, that would be compatible with current agricultural priorities. The agriculture lands of Hamakua would not only be preserved as agricultural, but would also supply the Big Island with much needed electricity. An enzyme process that converts sugarcane into ethanol is viable for Hamakua. Ethanol is an alternative fuel. It has exciting economic prospects for the State of Hawaii. With the new enzyme conversion process, the price of ethanol can be produced for less than seventy cents a gallon. DBED acknowledges that even if the cost of producing ethanol were double, the State would still make money by its production. Currently, DBED notes that because Hawaii has not switched to using alternative fuel like ethanol, or gasoline mixes -- part gasoline and part ethanol -- the State loses out on ten million dollars in federal tax incentive moneys annually. Agricultural lands and jobs would be preserved. Ethanol production would need the same harvesting process of sugarcane as was needed in producing sugar. Therefore, the lands now used for the growing of sugar would continue to be used in exactly the same way as before. Only the use of the cane would be different. In preserving the lands for growing sugar, we preserve the jobs, the community, and the community that is built around the sugarcane industry."

At this point, the Chair interrupted and advised Representative Thielen that her ten minutes "is just about up."

Representative O'Kieffe rose and yielded his ten minutes to Representative Thielen.

Representative Thielen thanked Representative O'Kieffe and continued her remarks, stating:

"The 26,000 acres of core land in Hamakua would supply the plant with 360 tons of cane per day. That is enough to support a thirty to thirty-five megawatt a year ethanol plant which is approximately twenty to twenty-five percent of the Big Island's current energy usage.

"House Bill 1975 ignores all of these possibilities, giving only an aspirin to Hamakua when antibiotics are needed. If helping the people and region of Hamakua to become more economically stable is a priority, then this bill undermines that goal. We, as legislators, need to provide a comprehensive plan for the area to diversify agriculture, redesignate land, and pursue new uses of sugarcane, to ensure that these people and regions won't be suffering the same problem in another twelve to eighteen months. In times of fiscal crisis, we simply don't have money to waste on a Band-Aid approach. We need to spend our moneys and energies toward implementing a long-term plan which includes the private sector and responds to the community's cry for long-term stable jobs. We can supervise this transition through a rural development authority. Sugar and ethanol, diversified agriculture, mixed commercial uses, residential, resort and golf course uses, and preservation of the Waipio Rim will keep the Hamakua region alive and the people employed. I hope that we all, as legislators, will look at this and recognize the choice that we have before us.

"And again, Mr. Speaker, I am voting no on this bill because it does not solve the problem.

"Thank you, Mr. Speaker."

Representative Takamine then rose and requested that his remarks, in strong support of the bill, be inserted into

the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Takamine's remarks are as follows:

"House Bill No. 1975, HD 2, reflects a strong belief in the Hamakua people. It is a commitment to 'invest in people' and presents this Legislature with a chance to recognize an important part of our heritage.

"When House Bill 1975 passes today, it will have reached an important milestone in the legislative process, however, we must continue the effort to work with the community and other parties so that we can ensure that the people's needs are met. The final dollar amounts have not been added in, and the process that will give us those numbers is still ongoing.

"House Bill 1975 begins by recognizing the three priorities -- employee housing, medical and health care, and continuation of operations at Hamakua Sugar for another twelve to eighteen months. The studies that have been done have shown this is feasible. The additional time that we would gain is essential if we want to lessen the kind of negative impact an April 1 closure would have on the community. We realize that our legislative efforts need to be coordinated with the bankruptcy proceedings and that is what we are attempting to accomplish.

"Mr. Speaker, House Bill 1975 reflects a process of people working together, to fight for a future. I strongly urge all of my colleagues to vote for the measure."

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

"The previous speaker mentioned about a lot of uses that the land could be used for but, Mr. Speaker, those are management problems. We are now taking care of people who are starving, probably not even having medical care, and as Franklin Roosevelt said, Mr. Speaker ... this world cannot live half-starved, half-full.

"Thank you."

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

Representative Chang's remarks are as follows:

"This bill addresses the immediate needs of the displaced workers of Hamakua Sugar. It may be viewed as a bandaid approach, but Mr. Speaker, when an injury occurs, a bandaid is the first solution to stop the immediate hurt.

"I urge my fellow colleagues to support this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1975, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

**Stand. Com. Rep. No. 630 on H.B. No. 1194, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1194, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL RESPONSE," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 691 on H.B. No. 1585, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.B. No. 1585, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POULTRY INSPECTION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 692 on H.B. No. 62:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 62, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL ENTRY," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 179, 1797, 2156, 1975, 1194, 1585 and 62 had passed Third Reading at 10:25 o'clock a.m.

At 10:26 o'clock a.m., Representative Arakaki asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:27 o'clock a.m.

**Stand. Com. Rep. No. 693 on H.B. No. 1603, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1603, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 694 on H.B. No. 284, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 284, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 695 on H.B. No. 1990, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1990, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 696 on H.B. No. 975, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 975, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose to speak against the bill, stating:

"What this bill will do is amend the State law to allow the counties, by ordinance, to provide for the addition of any unpaid civil fines to the consumer's water service charges.

"Now, these unpaid civil fines can be for possibly a slight roof overhang, or possibly a side yard setback -- some building code violation -- where maybe there's a dispute about whether or not there really is a violation --

land use alleged violations. The City can impose a fine and if it chooses, it will now have the authority to attach that fine to the consumer's water bill, an essential service, but they will be able to attach that imposed land use fine to a person's water bill.

"Yes, there's a hearing process, but unfortunately, the City administration does not really implement a hearing process to determine whether or not fines should be modified, eliminated, or maintained.

"So my concern, with all due respect to the Chair, is that the City administration, in the past, has been very heavy-handed, and on this one I see them being able to attach the fine to an essential service -- the water service -- and I think that is wrong.

"Thank you, Mr. Speaker."

Representative Tom then rose to speak in support of the bill, stating:

"Very briefly, Mr. Speaker, I had to stand up because it's very rarely that a Democrat, especially in the Judiciary, would get a compliment from a Republican. But I welcome the compliment and I would just like to point out to our able Representative Thielen that this House bill was only enabling legislation which would enable the counties to decide for themselves, by ordinance, whether to attach fines administratively to other county fees or taxes.

"The Representative mentioned a water bill, or water tax. There's nothing in this bill about water fees or anything of that nature, and I would just like to point out that right now the DLU has over four million dollars of fees that are uncollectable because of the zoning and of the land use violations.

"I think that if you're going to have a law, you've got to give it some teeth and, in my opinion, this bill is an excellent bill that would give the counties that right to add teeth to their laws.

"Again, thanks to Representative Thielen for her compliments."

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

"I don't think the previous speaker really gave a full picture of what's implied there, and I don't think we all realize what precedent we are setting.

"This bill will usher in big brother in the county, not because it's not listed out, even though the Representative forgot to mention in the original hearing ... it also said your driver's license could be attached if you didn't pay your fines and this is for just slight things, as my colleague has mentioned, as well as sign ordinances. These are small business people who, for fifty dollars a day, couldn't get their driver's license. It can be attached to their property taxes and it can be attached to water bills, it can be attached to virtually anything...

At this point, Representative Tom rose on a point of order and stated:

"I would like Representative Ward to show me in this House draft where it refers. . .

Representative Thielen then rose and asked for a recess and at 10:31 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:33 o'clock a.m., Representative Ward continued:

"And in conclusion, Mr. Speaker, the point is ... do we want to prioritize government to get into the pockets of its people? I say this because we've got millions of dollars of uncollected child enforcement funds of which deadbeat dads don't even have their amounts garnisheed the way we're doing with these.

"We saw in yesterday's newspaper ... we've got two hundred million dollars in delinquent taxes that are owed this State and we can't even attach those businesses or those tour drivers to pay up or don't get your driver's license or not get your property taxes.

"So why are we giving this to the counties? I'm telling you, this has got a Machiavellian implication. If we open the door to the counties, either we're going to regret it, or we're going to become predatory and jump on the pockets of the people and not give them a government service unless they pay every cent. I'm saying, we've got to be aware and we've got to have our eyes open.

"Thank you, Mr. Speaker."

Representative Thielen then rose and stated:

"I would just like to respond, with all due respect to the Chair, and again, my concern is not focused at our Judiciary Committee. My concern is focused on the City administration.

"Page 9 of the bill, lines 21 to 23: 'Each county by ordinance may provide for the addition of any unpaid civil fines to any taxes, fees, or charges collected by the county' -- that's your water bill. The county collects that. And water is an essential service, and I do not believe that we should allow the counties to go down this road of imposing these kinds of burdens upon our residents.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 975, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY CIVIL FINES," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Thielen and Ward voting no.

**Stand. Com. Rep. No. 697 on H.B. No. 1322, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1322, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"This bill establishes multidisciplinary teams on a statewide basis for critical child abuse or neglect cases and mandates this to some extent anyway. I think there have been some amendments according to the way the bill passed out of the Judiciary Committee.

"But I want to commend the Chairs of the Human Services and Judiciary Committees for identifying a means of providing human services that we acknowledge, works. And this is by addressing the problems that individuals have in the context of their entire family unit, and attempting to empower the members of that unit to support each other to overcome their individual problems.

"I believe that the use of multidisciplinary teams to do this will be very effective, and I commend the Chairs and

the Committee members for seeing the effectiveness of this approach.

"I also want to commend the Human Services Chair for prioritizing, in the same way, the programs that would be addressed under the Hawaii Children's Trust Fund which is another bill on that page.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1322, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 698 on H.B. No. 251, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 251, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHT TO FARM," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 699 on H.B. No. 1453, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1453, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Arakaki 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 Arakaki's remarks are as follows:

"The establishment of the Hawaii Children's Trust Fund is a measure which represents many years of collaboration and cooperation among individuals, agencies and organizations and one that is long overdue. It is a measure which will bring our State in line with most of the other states in compliance with federal grant requirements and holds a promise to help Hawaii's children.

"We all know the high cost of child abuse and neglect, in terms of broken families, broken lives and broken spirits. We also know about the tremendous cost of child abuse and neglect in terms of resources needed to try to mend these broken lives. We also know that child abuse and neglect creates and perpetuates endless cycles of abuse and violence by those who are victimized.

"While we can resign ourselves to paying the escalating costs of child abuse and neglect, as it places greater burden on our courts, law enforcement, health, social services and education systems, there is a need to place more resources in the front end or prevention of abuse and neglect in order to be cost effective.

"The LRB study (Report No. 2, 1993) points out four major reasons for passing this measure.

- (1) In order to maintain eligibility for Federakl Prevention Grant money, a Children's Trust Fund must be established for funding new programs for children and youth in Hawaii.
- (2) Rerouting existing funds;
  - The same amount of money would go to child abuse and neglect even if the Legislature provides a minimum amount since the money would already be designated as such by both

federal and state guidelines. Control over the programs will still remain with the Legislature;

- (3) Ensuring a consistent source of funding;
  - All too often, in a tight budget year, it is prevention that prevents a consistent funding. To the extent that the Legislature decides that funding for child abuse and neglect prevention program is insufficient, additional funds can be appropriated from the general fund without resorting to 'earmarking' or designating revenues;
- (4) Private-public partnerships.
  - A public private partnership would enable private organizations to raise funds from the private sector while state agencies will have better access to the appropriations process.

"Finally, it would be advantageous to have an objective management audit of the State's approach to child abuse and neglect prevention and protection efforts to illustrate efforts where savings could be made and better service could be provided. This would provide the Children's Trust Fund with an effective tool in strategically focusing prevention efforts towards the problem of child abuse and neglect.

"For the sake of Hawaii's children, I urge all of my colleagues to support House Bill No. 1453, HD 2.

"Mahalo."

Representative Chun then rose to speak in support of the bill, stating:

"This is one initiative where we are encouraging the partnership of the private sector in the area of child abuse and neglect prevention programs, and literally, the State's participation would be one dollar, and the private sector would assist us in providing funds for prevention programs and possibly having federal dollars match this. So we are increasing our revenue source in this area.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1453, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S TRUST FUND," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 700 on H.B. No. 1653, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1653, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1603, 284, 1990, 975, 1322, 251, 1453 and 1653 had passed Third Reading at 10:38 o'clock a.m.

At 10:39 o'clock a.m., Representative Ihara asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:40 o'clock a.m., the following late introduction was made to the members of the House:

Representative Arakaki introduced a friend from the Philippines -- Dr. Alphonso Aguirre, a doctor of economics. President of the Inter-Asia Holding

Corporation which is an investment bank in the Philippines, and was the first President of the Asian Institute for Distant Education. He was accompanied by his wife who is the Consul General of the Philippines in Hawaii.

Representative Thielen then rose and extended birthday greetings to Representative Ward.

Representative Chun then rose and extended birthday greetings to Representative Morihara.

Representative Chang then rose and extended belated birthday greetings to Representative Cachola and to Representative Nakasone.

**Stand. Com. Rep. No. 701 on H.B. No. 1730, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1730, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ACCREDITATION IN INSURANCE REGULATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 702 on H.B. No. 1330, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1330, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A REVOLVING LOAN PROGRAM FOR BUSINESS OPPORTUNITIES ON MOLOKAI," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

**Stand. Com. Rep. No. 703 on H.B. No. 741, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 741, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY OF THE PENAL CODE," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 704 on H.B. No. 658, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 658, HD 2, 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.

**Stand. Com. Rep. No. 705 on H.B. No. 1178, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1178, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NATIVE HAWAIIAN-OWNED INDUSTRIAL ENTERPRISE," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative O'Kieffe voting no.

The Chair directed the Clerk to note that H.B. Nos. 1730, 1330, 741, 658 and 1178 had passed Third Reading at 10:46 o'clock a.m.

**Stand. Com. Rep. No. 706 on H.B. No. 1473, HD 2:**

By unanimous consent, action was deferred to the end of the calendar.

**Stand. Com. Rep. No. 707 on H.B. No. 124, HD 1:**

By unanimous consent, action was deferred to the end of the calendar.

**Stand. Com. Rep. No. 708 on H.B. No. 1522, HD 2:**

By unanimous consent, action was deferred to the end of the calendar.

**Stand. Com. Rep. No. 709 on H.B. No. 1738, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1738, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

Representative Tam's remarks are as follows:

"Mr. Speaker, I speak in favor, with reservations, on House Bill 1738, HD 2.

"My concern as expressed by the Department of Education is that the Hawaii State Library System is not the only educational agency involved and concerned about literacy and lifelong learning program. The Department of Education embraces literacy and lifelong learning through its educational programs, especially through its adult education."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1738, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LITERACY AND LIFELONG LEARNING PROGRAM," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 710 on H.B. No. 888, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 888, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Ward rose to speak against the bill, stating:

"I speak against this bill because it violates the philosophy of open government. It is another example of we, in the government, suppressing information. Secret government is only needed by liars and thieves. The public has a right to access information and especially when their hard-earned tax dollars are involved.

"Making an appraisal public -- that's what this bill is all about. If we go and appraise land and we, as a government, are going to buy, we are saying in this bill we want to make it secret. Now, what's the big deal?"

"Well, the big deal is in Hawaii Kai because there's a gateway peninsula there that had land condemned by the Department of Transportation at an outrageous price of which, when the people learned, they went after the Bishop Estate and kept biting at their heels and biting at their heels to the point where there's possibly a showdown in the making.

"But the point was ... information was provided on the basis of what government did in an appraisal. Why do we have to keep this information private?"

"Good things are happening in Hawaii Kai with the conversion. Good things can happen when government is open, and when it is good, it is open.

"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. 888, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Marumoto, O'Kieffe, Thielen and Ward voting no.

**Stand. Com. Rep. No. 711 on H.B. No. 1799, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1799, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 712 on H.B. No. 2015, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2015, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHO'OLAWA," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 713 on H.B. No. 2042, HD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 2042, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"The reason I am speaking with reservations is that last Friday we passed a bill -- House Bill 628 -- where we purported to repeal a number of revolving special funds. We did make one major contribution with one of the funds, but basically, we continue the bulk of the funds that have large amounts of money.

"The point I tried to make on Friday was that the problem with the Legislature, as the third branch of government, is that we have the shortest institutional memory in comparison to the bureaucracy in the executive branch, and this institutional memory doesn't just lapse when a member leaves the body, but it lapses when chairpersons are changed, which happens every two years. I stated that, over the years, the Legislature has, from time to time, gotten excited about special funds and then we would repeal one or two of them, or maybe three or four or five, and then in the ensuing years we create another ten or twenty. On Friday, I guess everybody patted themselves on the back because we reduced and repealed some funds such as the special fund for the community services for the developmentally disabled, special fund for the Waimano Training School and Hospital.

"What you will see, and I did not do a very careful review of all the bills that are passing this session, but I made a cursory review of those bills that created new

special funds, and here is one of them. It's probably one of twelve or fifteen bills that has a special fund. There's one for pest control operators, there's a great mother of all special funds -- that's the windstorm fund -- and it just goes on and on and on and on.

"And so I really feel that, as I stated, the institution of memory for the Legislature is very short -- for us, it is only three days. We are creating more special funds this session, as I look at it, than I've seen in the past sessions although we purport to be repealing some of these funds that we have set up in the past. That is why I am speaking out, with reservations, on this bill, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2042, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAII STATE LIBRARY FOUNDATION TRUST FUND," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 714 on H.B. No. 187, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 187, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 715 on H.B. No. 300, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 300, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 716 on H.B. No. 1675, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1675, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1738, 888, 1799, 2015, 2042, 187, 300 and 1675 had passed Third Reading at 10:51 o'clock a.m.

**Stand. Com. Rep. No. 717 on H.B. No. 1737, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1737, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 718 on H.B. No. 1861, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1861, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SCHOOL FACILITIES FOR RECREATIONAL AND COMMUNITY PURPOSES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 719 on H.B. No. 1739, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1739, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Tam rose and requested that his remarks, in support of the bill with reservations, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Tam's remarks are as follows:

"Mr. Speaker, I speak in favor, with reservations, on House Bill 1739, HD 2.

"My concern is providing public library service to everyone who uses Hawaii's public libraries, not on the basis of whether they can pay for services."

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

"I speak against the bill because it will discourage the general use of the library and because it violates the notion of a government-run public service. Since wealthier people can easily afford to buy their own books and less privileged individuals cannot, this service fee acts as a regressive tax. When we get to the lottery, we are going to talk a lot more about regressivity. Well, we've already got it here. Even worse, the service fee acts as a disincentive against something we, as legislators, should be encouraging ... that is the hunger for knowledge, and a well-educated citizenry. It's like charging a public school student a quarter every time he or she asks a question to the teacher. A library is in principle and practice a State-run public service and all citizens in the State should be able to use them at no additional cost.

"Let's face it ... education in this country is the great equalizer. That's how some of us got to where we are today. This bill makes some of us more equal than others -- the smart will get smarter and the dumb will get dumber under this bill.

"Hawaii kept pay toilets out of the State -- let's keep pay libraries out of the State.

"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. 1739, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES," having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Oshiro, Thielen and Ward voting no.

**Stand. Com. Rep. No. 720 on H.B. No. 925, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 925, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Amaral rose and requested that her remarks, against the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Amaral's remarks are as follows:

"Mr. Speaker, I rise to speak in opposition to this bill. Let me first clarify by pointing out that this bill has two parts, the first being the creation of a committee to study the problem of how to deal with the rising number of status offenders in this State. I have no problem with this idea.

"The second part of the bill provides funding for four additional positions for the Attorney General's Office, including two attorneys to continue to prosecute status offenders.

"Let's clarify in our heads: What is a status offender? The bill itself gives a fairly good explanation on page one, lines 8-12: 'Many agencies in the State recognize the philosophical distinction between the juvenile who has committed a crime and the status offender. According to this philosophy, treatment of the status offender should be of a non-criminal nature, because violations of status offenses are not criminal offenses.'

"Violations of status offenses are not criminal offenses. This is very important when looking at this bill. Why, if we acknowledge and understand that status offenders should not be treated as criminals, are we even considering funding additional positions in the Department of the Attorney General to 'handle status offender cases?'

"The Family Court is equipped now to deal with the caseload of status offenders by merely bringing the offender before the courts, with the judge, the child and the child's parents, without the presence of attorneys or public defenders. This is the common practice on outer islands. It is a healthier way of dealing with the lesser offenses these kids face.

"Family Court was created to deal with the special problems encountered by families. It was designed to address, among other things, youth, so they would not be shuffled through the adversarial procedure encountered in such places as Circuit Court, for example.

"Mr. Speaker, we are talking about youth who are delinquent, truant, perhaps runaways or curfew violators. They are not hardened criminals, yet. They are young and impressionable, and excellent candidates for counseling, intervention training and rehabilitation programs. With the right kind of services provided on the onslaught of their problems, they have great potential to turn their lives around.

"It's hard to believe that the first picture we want to give them of our justice system is that of courtrooms and judges, prosecutors and pleas of guilty or not guilty. We know they are not criminals, that's why we are funding the study. We know it's against the law to lock them up, that's why we are looking for alternatives.

"I cannot support the idea that we want to give the Attorney General \$248,000 over two year's time to continue to prosecute those whom we have dedicated \$220,000 over the same two year's time to find viable alternatives to prosecution. It would follow that that same \$248,000 would be better spent in prevention, intervention and counseling programs.

"There is a disparity there, Mr. Speaker, and it is in that disparity that I find my problem with this bill. I am willing to compromise, however, if we remove the funding for the additional prosecutors positions and move forward with the study portion of this bill. I could support such an amended version.

"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. 925, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATUS OFFENDERS," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Amaral voting no.

**Stand. Com. Rep. No. 721 on H.B. No. 1899, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1899, HD 2, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 722 on H.B. No. 1992, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1992, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Amaral rose to speak against the bill, stating:

"Mr. Speaker, first, I would like to go on record in saying that the leadership of the Office of Hawaiian Affairs introduced the original version of this bill without even consulting their beneficiaries, much less getting prior approval of the entire Board. This action was arrogant, irresponsible, and insensitive to the renunciation of a tremendous display of Hawaiian unity expressed in January's centennial observance.

"Second, I believe that the House Committee amendments to the bill are in reaction to the outpouring of negative testimony directed at OHA's call for a Hawaiian Congress. I also appreciate the Committee's well-intended attempt to produce a satisfactory bill.

"But the most important point I want to make is that, in the final analysis, the State of Hawaii is the inappropriate entity to deal with a sovereign Hawaiian nation. It is fitting and proper, Mr. Speaker, that the Legislature fund public education programs on the subject of sovereignty, and to that end I support House Bill 2098 which funds just such a program.

"I insist, however, that a Hawaiian nation is not meant to be another ahahui, or another club, another association. It is meant to be a nation, a nation dealing with other nations at a national level -- not at the state level. We should get used to that idea and make the distinction clear.

"Regardless of any good intentions, for this Legislature to dictate to Hawaiians the process by which that shall be attained, only perpetuates a deplorable paternalism.

"In my opinion, it is the Legislature's role to educate the public on perspectives of sovereignty, to help people become well-informed; other than that, we should restrain ourselves and let Hawaiians exercise their right to self-determination by making their own decisions as to who and when and how the nation will become a reality, and even if it will happen at all. We must not interfere with the process but allow it to take place -- let the nation behave like a nation. Let Hawaiians behave like citizens of that nation.

"I recognize that the Committee did their best, but I say again, the bill is inappropriate and should go no further.

"Therefore, I ask my colleagues to join me in voting no on this measure."

"Thank you, Mr. Speaker."

Representative Thielen then rose and stated:

"I am rising to speak against House Bill 1992, and in deference and in respect to my colleague, I will be voting no on that measure."

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

"Mr. Speaker, the concerns expressed by my honorable colleague are, of course, valid and well taken. It is a long process to try to work out all the features that are necessary considering the question of sovereignty for native Hawaiians. The most important feature of this bill, Mr. Speaker, is the call for referendum. I think it is necessary, I think it is appropriate that we should first ask the Hawaiian people if, in fact, they want a Hawaiian Congress at all.

"The other sections of the bill deal with the mechanics of how you set up apportionment, et cetera. I think they're beside the point at this point in time, and certainly we have a long ways to go yet in the session. We hope to bring all the divine Hawaiian community groups together to come to some kind of consensus.

"But, Mr. Speaker, we're dealing with a fairly risky venture here, even with the referendum. It is not clear. I think some people think that referendum is going to be a slam-dunk for a Hawaiian Congress. I don't believe that's the case. I think you have hundreds of Hawaiians out there, like my folks, who are asking: What is this Hawaiian nation? What happens to my social security? Do I have to pay taxes to this nation? These are very heedy issues.

"The last point I would make, Mr. Speaker, is that, certainly, if the Office of Hawaiian Affairs wants to hold a Congress of their own; in other words, all the existing entitlements, both to the ceded land trust to the Hawaiian Homes Commission are already entitlements due native Hawaiians, less than 50 percent. The only justification or reason that the State needs to be involved at all is for those Hawaiians who are less than 50 percent in which general taxpayer revenue must be provided in order to take care of that beneficiary group which, in fact, is only recognized and created by the State of Hawaii. The Congress has not recognized that there is such a thing as special status for the less than 50 percent Hawaiian.

"So, again, I agree with my colleague -- there are many problems with this issue, but I think we do need to move ahead. We need to keep this vehicle alive and we need to keep the forum open so we can bring all the parties to the table and get something done.

"Thank you."

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

"In all due respect to my colleague, Representative Amaral, in her opposition, I think that it took many, many hours for us on the Committee to listen to the voices of our Hawaiian people and the cries that they put forth on the table, and the concerns really were that we need to have this addressed. One of the ways to do it was to use referendum -- put it on the ballot and give those Hawaiians a chance to go ahead and say whether they would like to have a constitutional convention. By the way, I don't even agree with the term constitutional convention -- I think it should be puvalo, but that's here nor there.

"I think that we're moving towards that goal of saying whether we want a Hawaiian nation or whether we do not want a Hawaiian nation. We have many, many Hawaiians out there that are silent Hawaiians that want to

know just where they are going to go with this concept of Hawaiian sovereignty. I think this is a start, Mr. Speaker, and I think we're well on our way to give those Hawaiians out there that are not coming forward at this time to give them a choice to say otherwise.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1992, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A HAWAIIAN CONGRESS," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Amaral and Thielen voting no.

**Stand. Com. Rep. No. 723 on H.B. No. 2014, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2014, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 724 on H.B. No. 2032, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2032, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY HOSPITALS," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1737, 1861, 1739, 925, 1899, 1992, 2014 and 2032 had passed Third Reading at 11:02 o'clock a.m.

**Stand. Com. Rep. No. 725 on H.B. No. 1885, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1885, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 726 on H.B. No. 2098, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2098, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 727 on H.B. No. 1563, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1563, HD 2, entitled: "A BILL FOR AN ACT TO ESTABLISH A PILOT PROGRAM TO CREATE AND TEST A MODEL OF WATER QUALITY SURVEYING AND SAMPLING USING VOLUNTEERS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 728 on H.B. No. 874, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 874, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST MANUFACTURING ENTERPRISES,"

having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 729 on H.B. No. 525, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 525, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 730 on H.B. No. 241, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 241, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Chun rose and stated:

"Mr. Speaker, I speak in support of House Bill 241, HD 2, and wanted to take this opportunity to commend Representative Duldulao for her leadership in this area.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 241, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 731 on H.B. No. 1942, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST AN INDUSTRIAL ENTERPRISE," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 732 on H.B. No. 2010, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2010, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS REVIEW PANEL," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 733 on H.B. No. 2022, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2022, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS PERSONS," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1885, 2098, 1563, 874, 525, 241, 1942, 2010 and 2022 had passed Third Reading at 11:04 o'clock a.m.

**Stand. Com. Rep. No. 734 on H.B. No. 653, HD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 653, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Actually, Mr. Speaker, what this bill deals with is the issuance of special purpose revenue bonds for the purpose of creating infrastructure for the Sand Island Industrial Park, and I speak with reservations to my colleagues as this bill moves on to the Senate and then maybe will come back to us, that we at least give some thought and act with some consistence.

"It is my understanding that the intention was to build a waterfront area that would extend from the airport out to Waikiki, that the intention of restructuring Honolulu Harbor to create more recreational boating would actually direct the commercial traffic out towards the Deep Draft Harbor in Barbers Point and expand the use of Campbell Industrial Park. I thought that's the way we were planning to move.

"As someone who represents the area of Campbell Industrial Park, I, therefore, watch this plan very closely. Now I see that we are going to create infrastructure to expand the use of Sand Island and create an industrial park. It concerns me somewhat, and so I share my concern with you and my reservations about the bill.

"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. 653, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE SAND ISLAND BUSINESS ASSOCIATION IN IMPROVING THE INFRASTRUCTURE OF THE SAND ISLAND INDUSTRIAL PARK," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 735 on H.B. No. 2024, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2024, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 736 on H.B. No. 1213, HD 2:**

By unanimous consent, action was deferred to the end of the calendar.

**Stand. Com. Rep. No. 737 on H.B. No. 1741, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1741, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Hagino rose to speak against the bill, stating:

"The concerns of the City and County of Honolulu are quite correct -- there will be a problem with this kind of a measure and it may be through accusations of favoritism. But the main reason I'm opposing this bill, Mr. Speaker, is sometimes I question whether we have any clear enunciation of policy as to what and how government should be run.

"This bill, as I read the bill, purports to attract experienced professionals to government service and the reason why we want to do this is because we'd like to have more experienced personnel who may be in the

private sector or other government agencies other than the State, or you want to attract them to the counties -- they may be with the State -- so you can change the entry level pay on which these individuals will enter. So, I think that's all well and good.

"Over the last several years, I know we've introduced many measures to try to retain our experienced personnel, and basically, the thrust of bills like House Bill 1741, and such as the, I think master teacher, class 7, bill that we passed several years ago to retain experienced teachers. We want to be able to keep or attract the most experienced people, the most qualified people, into public service. That's well and good.

"But then, later on in today's agenda, we will be passing out a bill to make it easier for experienced people to leave government service. You know, we're going to give a lot of them an early out, make it easier for them to leave the service, so I really question, in terms of my experience over the last four or five years, whether we really have a cohesive policy as to how we want government to be run, and how do we want to create and keep and retain the best individuals in State government.

"I think playing around with the civil service system and the retirement system is simply not the way that we should do this, but I believe that this bill, together with the Employees' Retirement System, is a really fundamental inconsistency in our policy, and I ask all of you to really be aware of what it is that we are really trying to do with government. So I am voting no on this bill, Mr. Speaker."

Representative Marumoto then rose and stated:

"I will be speaking against this measure for much the same reasons as the previous speaker pointed out. It will attract professionals and great people to our ranks and I think that is all well and good. But I question the timing on this.

"Apparently, this is a broad-based recruitment effort which will be aimed at many categories of professionals, not necessarily in the shortage category, and I think that's essential that we consider that aspect. At a time when we are not providing for raises for our present employees, I can't see this sense of offering a higher salary to new employees. So, regretfully at this time, I will be voting no.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1741, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ATTRACTING EXPERIENCED PROFESSIONALS TO STATE SERVICE," having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Hagino, Marumoto and Thielen voting no.

**Stand. Com. Rep. No. 738 on H.B. No. 1765, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1765, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, I would just like for my colleagues to know that the Higher Education Committee worked very, very hard on this measure, and having gone to Finance

and being worked on there, the number of tuition waivers has been decreased from five hundred to ten.

"I have a real concern with this, Mr. Speaker, because the intention of this measure was so that it could provide more tuition waivers for those that are entering the higher education field for Hawaiians, and I have a real problem with the numbers being lowered, Mr. Speaker, because this is one of the areas that we could probably beef up a little bit.

"Having said this, Mr. Speaker, I feel that it is very important that the comments show and read in the Journal that I would be very, very supportive of this measure, and that the Committee would really look at it and increasing the numbers back to its original number of five hundred, and I think that this would be not too much to ask for our native Hawaiians.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1765, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIANS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 739 on H.B. No. 1703, HD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1703, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"This bill will allow half-time students to be eligible for student loan assistance. Our University system has been very receptive and has welcomed the non-traditional student. I was one of those who returned to the University to complete my undergraduate work in my early forties, not 1940, but my early forties, and it really made a difference that I was able to do this. As I attended classes, I recognized how much the non-traditional student brought to education, both to the younger students in the class and the life diversity experiences that the non-traditional student brought enriched everyone in these circumstances.

"I really applaud our taking this step, up to this point. Those people have really been left out of the loop with financial assistance.

"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. 1703, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHER EDUCATION LOAN FUND," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 740 on H.B. No. 2027, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2027, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN ENVIRONMENTAL HEALTH PROGRAM ENHANCEMENT AND EDUCATION FUND," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 741 on H.B. No. 1363, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1363, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Chang 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 Chang's remarks are as follows:

"Mr. Speaker, this bill will provide for not only the much needed additional physicians to care for the underserved area of East Hawaii, but will also act as a recruiting strategy to have these resident physicians eventually open their practices in the area.

"I urge my fellow colleagues to support this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1363, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 653, 2024, 1741, 1765, 1703, 2027 and 1363 had passed Third Reading at 11:14 o'clock a.m.

At 11:15 o'clock a.m., Representative Baker asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:16 o'clock a.m.

**Stand. Com. Rep. No. 742 on H.B. No. 2012, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 2012, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative M. Ige rose to speak against the bill, stating:

"Mr. Speaker, I'm very uncomfortable that on one hand, in my opinion, we have probably the best school lunch program across the country. I think in terms of quality, and quantity, Hawaii would probably stand above everybody else but, most of all, I believe it's pricing. At twenty-five cents, I believe that our school lunch program is something that, as a Democrat, we should all be very proud of. Now, in reading the Committee report and the bill, it appears that we will be giving the department the flexibility to quite possibly raise this up to seventy-five cents.

"Mr. Speaker, we will be taxing the young generation -- the individuals who have young families, who are paying mortgages, unfortunately a lot of them are in rental units because they cannot afford housing in this State. Mr. Speaker, I believe we're taxing the wrong people. I feel that this State should sacrifice, that this State should set the priority. We should find the money to try and assure our children of this same lunch program that we can be very proud of.

"Mr. Speaker, I sincerely hope that the Education Chairman and the committee really look at the budget and go and find the money. Yes, I do know that the cafeterias need more money. I know that we have some horror stories about not having the proper utensils, about not being able to have the flexibility to create new menus -- menus that are highly vegetarian and are very popular

with our children -- but we cannot move into this area because we do not have the proper funding.

"Mr. Speaker, I believe we are moving backwards by approving a tax like this on the working class individuals, and I beg the Education Committee to re-look at this program, to make the sacrifices, and reallocate our resources to assure our children of the best quality lunch program in the State.

"Thank you."

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

"I think it's important, Mr. Speaker, for all of us to recognize that we do have a very good school lunch program. We also have a school lunch program that simply doesn't cover even a third of the cost of what the school lunch takes from the budget. While I appreciate the concerns raised by the Representative from Kaneohe, I think the Representative's concerns are misplaced.

"This measure simply allows the Department of Education to raise the cost of school lunch from its current level of forty-five cents to recover some of that cost.

"I would also like to note for the record that the members of the public that the Representative from Kaneohe was concerned about are already getting free and reduced-price lunch, and this measure simply would not affect them.

"Thank you, Mr. Speaker."

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

"I would like to remind my colleague from Kaneohe that when he speaks of those measures of which we should be proud, that he should remember we are a bi-partisan body, that our Caucus has been very strongly in support of education, and when he mentions one faction only being proud of measures which this body has passed, I think that that's really not representative. We are here as State legislators."

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

"Mr. Speaker, it is easy for us to use the poor as an excuse for everything, but this is one measure that I think we should feel sorry for the poor.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2012, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL LUNCH," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Alcon and M. Ige voting no.

**Stand. Com. Rep. No. 743 on H.B. No. 759, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 759, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Hagino rose to speak against the bill, stating:

"I probably will not make some friends and constituents too happy with voting against this bill, but basically, you

know, I've read comments in the paper about this bill ... it's a way of saving money, reducing the public employment numbers that we have. Quite frankly, I don't believe any of that will be accomplished.

"What this bill will do is that it will allow perhaps some of our best employees to leave the system earlier than has been anticipated and it will really, I think, bring about a reduction of government services. There will not be a change or a savings in any moneys because, although we have in the bill an elimination of those positions -- once again, I bring up the point that the institutional memory of this body is very limited -- and you're going to see, after these positions are eliminated, then there will be requests to create new positions, and there will be no savings in the long run. There will be no savings in House Bill 1741, which allows for increased salaries on entry level positions, if it takes effect. So there will be no savings in my opinion.

"The problem is that government, or the public sector, does not operate on the market principles as the private sector, and this is why these kinds of measures simply will not have any kind of effect. Now, what the private sector does -- I believe Hawaiian Tel and a number of major corporations on the mainland have done by allowing early retirement bonuses -- is that they would do things such as consolidate divisions. And in order to facilitate the consolidation of divisions or departments, they would allow certain senior employees a chance to have a retirement bonus.

"Now, if this bill were to, for example, merge the Department of Labor with the Department of Personnel Services to create one department where we had two, and we wanted to do so in the most expeditious fashion possible and we were to specifically target certain senior employees and offer them a retirement bonus, then I do believe that this measure would be important.

"However, in this case, we are not setting policy. The individual retirees are setting policy for us. He or she is going to determine whether he should take advantage or she should take advantage of this early retirement, vacate the position so that position is abolished, and it will be done. It is not this Legislature setting the policy on any reduction in force or any changes in the nature of services. We have abdicated our responsibilities just as we have abdicated our responsibilities with special funds and authorities and other semi-autonomous bodies, to other individuals, to the executive sector.

"I believe that this is not a very good bill. It goes against, I think, some of the things that we have tried to do several years, and that is to retain our experienced state and county employees.

"I really urge all of you to consider ... where do we want government to go? What kind of a government service do we want to provide to the people? And how do we want to retain our best individuals in government service, whether it be teaching, whether it be file clerks, whether it be the Department of Public Safety, or the Department of Personnel Services. We need to make that kind of policy decision.

"Now, the other way in which we could offer retirement bonus that makes sense is that, we may not do it on the basis of divisions or departments, but if we were to do it on the basis of positions. For example, if we made a major study and decided that there really is no need for five thousand file clerks in the nineteen departments that we have, that we would like to institute a computerized system or a new system of filing and recording information, and we would like to begin a new process that would affect all of the departments, then we might

want to offer, for example, these file clerks, senior file clerks, an early retirement so that there will be a reduction in force. But whether you do it by the mergers of departments, whether you do it by the institution of new public sector procedures -- computerization or other procedures -- it will be the Legislature setting the policy. We will be determining what public accounting of government is all about. To do it in this manner simply is not a cohesive policy -- it is delegating the setting of government policy to individuals, it's helter-skelter, and as I've said before, this body has an extremely short institutional memory. The Legislatures after us, or we'll be asked to recreate these positions, except those legislators won't know that it was eliminated by this body in this 1993 Legislature.

"This is simply not the way to run government. I really believe that we are, once again, abdicating our responsibility as the policy setting branch of government. If we want to offer retirement bonuses, let's do it with a thorough review of state government and county government, and do it in a cohesive policy that really sets the public good above any other individual good in this matter.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 759, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Hagino and Shon voting no.

**Stand. Com. Rep. No. 744 on H.B. No. 1120, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1120, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE AND EMERGENCY," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 745 on H.B. No. 1828, HD 2:**

By unanimous consent, action was deferred to the end of the calendar.

**Stand. Com. Rep. No. 746 on H.B. No. 1888, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1888, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITY REGULATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 747 on H.B. No. 150, HD 2:**

By unanimous consent, action was deferred to the end of the calendar.

**Stand. Com. Rep. No. 748 on H.B. No. 2034, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2034, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY HOSPITALS," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Yonamine voting no.

The Chair directed the Clerk to note that H.B. Nos. 2012, 759, 1120, 1888 and 2034 had passed Third Reading at 11:27 o'clock a.m.

**Stand. Com. Rep. No. 749 on H.B. No. 1202, HD 2:**

By unanimous consent, action was deferred to the end of the calendar.

At 11:28 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:29 o'clock a.m.

**Stand. Com. Rep. No. 750 on H.B. No. 1445, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1445, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, substance abuse is a cruel plague, sapping the strength of our nation and ruining the lives of young and old, male and female, rich and poor. Our emphasis in combating this plague has been primarily in law enforcement, leaving victims to fight their addiction without sufficient help, and leaving those still untouched by the plague, vulnerable.

"This bill is a very small attempt to offer help to those who are suffering and to try to prevent those not yet victimized from being caught up in this plague.

"I ask my colleagues to join me in this small step towards striking a balance between arrest and punishment on the one hand, and prevention and treatment on the other.

"Thank you, Mr. Speaker."

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

"This bill establishes the Drug Abuse Treatment and Prevention Special Fund within the Department of Health. There are two sources of revenue for this fund.

"First, there will be the levying of fines of fifty dollars for certain criminal offenses, and we're talking about many, many different criminal offenses. Separate from that is the taking of thirty percent of the proceeds from the sale of forfeited property.

"My opposition is based on the fact that our effort to stem the tide of drugs in our society is based on a two-pronged approach. One is that we have to stop the suppliers -- the traffickers. That's what law enforcement is involved in, and that is what the asset forfeiture funding has been used for and will continue to be used for. Separate from that is the effort that is being made by the health providers, as the previous speaker mentioned, to stop the demand for drugs. Both efforts need to be made.

"This bill, by taking thirty percent of the deposits, or the money that is received from the asset forfeiture project, takes away the law enforcement effort. In fact, it creates an imbalance -- it does not enhance the very important effort on the part of law enforcement to stop drug trafficking.

"This bill is inappropriate and untimely, at a time when we know there are waves of different kinds of drugs -- crack, cocaine and others -- that we're having to deal with. I believe that, if we were just to focus on the fifty

dollar fine and see how far we can get in improving our substance abuse treatment and prevention programs with those funds, that would be the proper approach. But to rob Peter to pay Paul, in this case, will not enhance either effort in our overall desire to control the spread of drugs.

"Thank you very much."

Representative Tom then rose and stated:

"Mr. Speaker, regrettably, I have to stand to speak in opposition to House Bill 1445, House Draft 2.

"Mr. Speaker, a bill extremely similar to this appeared in front of the Judiciary Committee and, at that time, we had all of the law enforcement people -- Keith Kaneshiro, the prosecutors from the various neighbor islands, and many, many others -- appear and practically went on their knees, in terms of warning the Chair and the Committee to reconsider this bill, because this bill would inevitably take away any kind of strength now that the State would have in its asset forfeiture law and would, in effect, handicap it and leave it up to the federal government.

"Mr. Speaker, all of you know, and I am going to make it very strong again, one of the primary emphasis of this Chair is on treatment and this bill, although noble, which talks about treatment, is an extremely good one. In fact, that is why this Chair favored the intent of the bill. But after, in due respect to those in support of the bill, after I heard what this bill would create, even in support of treatment, I had to recommend that the bill similar to this, be held.

"The bill, in effect, diverts a large portion of State asset forfeiture proceeds away from the law enforcement agencies who incur the substantial cost of enforcing asset forfeiture laws. Presently, one hundred percent of the proceeds acquired within the State Asset Forfeiture Program remains with the State law enforcement agencies. Significantly diverting proceeds therefore away from our State agencies, we're encouraging these agencies to turn to our so-called 'Big Brother' federal government asset forfeiture program instead which returns eighty percent of the proceeds to the State. Some have suggested, Mr. Speaker, that, you know, we're talking about only a loss of twenty percent and gaining a drug rehabilitation program which I favor. This suggestion is, at best, an inaccurate interpretation however, in due respect of the facts here. We are not talking about ten or twenty percent -- we are talking about ten or twenty percent plus one-third of the total proceeds. This total is a significant amount of money that the law enforcement needs to keep the State's drug enforcement program alive. We will also lose our independence, in our ability to pursue cases which the federal authorities will not or cannot pursue. We also lose the ability of our courts to preserve the rights of persons from whom assets are seized.

"Again, Mr. Speaker, I say it's very rare that I will stand in opposition to bills because, and especially it hurts me on this one because the intent is a good one, but if we were to do this, remember, we also passed a bill to not sunset, not to make it permanent but to watch this forfeiture asset law because it is a powerful law, but I will not -- I cannot -- in good faith allow a bill of this nature, even for treatment, pass through without stating that if we weaken our State's program on drug asset forfeiture, we are weakening ourselves to the federal government and will be giving up more than just twenty percent. We'll be giving up a lot more in terms of enforcement, and I don't know that's the message we want to send here.

"Thank you, Mr. Speaker."

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

"I think Representative Hagino was right when he said that we have a short institutional memory. Just last month, we celebrated Drug Free Hawaii Month, and we talked about all the implications of the cost of substance abuse and alcohol abuse, and I think the Judiciary Chair will recognize that our court systems, our prisons, our correctional systems, our treatment programs, are filled. We have waiting lists that need to be filled, and during these economic tough times, we don't have the funds to provide these treatment programs.

"I think the law enforcement people are doing a good job -- maybe they're doing too good a job and our laws are there which provide mandatory sentences for these people. But what's happening is, it's creating overloads, as far as treatment and rehabilitation, and when it comes time to giving up some of these resources, almost nothing goes to prevention. But we know that prevention is cost effective. We have seen the effectiveness of programs such as DARE and Just Say No. And I think by passing this bill, we will make a policy statement that those who are responsible for dealing in drugs and distributing drugs, that they should also be responsible for paying for part of the costs for the people they victimize.

"Therefore, I think even if does hurt the law enforcement efforts in a small way, I think the benefits of this type of approach will be much greater, so I would like to ask everyone to support this bill.

"Thank you, Mr. Speaker."

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

"I heard a long time ago and it's very true ... an ounce of prevention is worth a pound of cure. And if we can use this money to keep people off drugs, then we won't have to use so much money to get rid of it.

"Thank you very much."

Representative Duldulao then rose and stated:

"I cannot compete with the oratorical deliberation of my colleague on my right, but in my simple and humble way, Mr. Speaker, I stand in support of House Bill 1445.

"It's not weakening our State enforcement program but it is strengthening our prevention and intervention program for substance abuse offenders. This is strengthening the Just Say No Program which is strongly supported by our law enforcement and our police department.

"Thank you."

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

"Quite simply, Mr. Speaker, thirty percent of nothing is nothing. My understanding of what will happen is that if you divert substantial amounts of money from our State forfeiture plan, that our State enforcement people will simply turn to the federal government for funding and will not use the State program.

"So, the bottom line is -- thirty percent of nothing is nothing.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1445, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRUG ABUSE TREATMENT AND PREVENTION PROGRAMS," having been read throughout, passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Amaral, Chang, Menor, Stegmaier, Tom and Yonamine voting no.

**Stand. Com. Rep. No. 751 on H.B. No. 1119, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1119, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 752 on H.B. No. 1029, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1029, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Tam rose and requested a conflict ruling, saying that he is a part-time sales representative for Honolulu Termite and Honolulu Fumigation Company, and the Chair ruled "no conflict."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1029, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 753 on H.B. No. 173, HD 3:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 173, HD 3, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Ward rose to speak against the bill, stating:

"This is the third time I'm rising to speak against 'big brother.' This time it's to rise against 'big brother' as benefactor.

"But let me start on a positive note. I'll begin with the best thing in the bill, and that is the drop dead clause six years from now. That's the best thing that'll ever happen to the bill and I commend the Chairs of both the Transportation and Finance for doing that. Having said that, however, I have five reasons that may be less positive.

"The first is that it restricts competition. We are creating the 'Big Two' today with this bill. The 'Big Two' will rise from this bill and we'll always have Hawaiian, we'll always have Aloha, and I question ... is that what we want?

"Secondly, the airlines will become less responsive to market demands. Services will actually be decreased, not increased. I felt for you neighbor islanders when you said, hey, we don't want this to go down to one airline. We're doing to have decreased service.

"You've missed the very point why American Airlines and Hawaii's airlines are bleeding. They've got too many flights going too often with too few people in them. So when this bill comes in, do you think they're going to increase flights? No way! They're going to decrease it so they can start making some money.

"Thirdly, under this regulation, prices are going to be artificially manipulated. It's a bureaucracy -- it's going to be a committee that's going to set the prices. And when they want to drop you off at the neighbor islands at a higher price, all they've got to do is go to the bureaucrat. And that's what they're going to do and your prices, inevitably, are going to go up.

"Fourthly, it violates the spirit of the anti-trust law of the Anti-Trust Division of the Department of Justice and is currently looking into the possible and probable lack of constitutionality of this bill.

"Lastly, Mr. Speaker, all of us, by oath of office, vowed to uphold the laws of this country. This would really put us on the borderline of teetering on ... well, are we really going to buck the Feds on this one? And I think that makes what we've said really stretching the truth of our oath.

"Also, as one of our colleagues has continually pointed out today, this body has a very short institutional memory. And I say this ... those who think that this is going to bring back the good old days of the airlines, when it was cheap and quick, I think we are sadly to be deluded.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, this bill proposes to establish a comprehensive process for the regulation of Hawaii's inter-island air transportation system. And, Mr. Speaker, this concept is certainly not a new or innovative one. From the 1930s through 1978, the domestic air routes were considered part of the public domain and were regulated by federal and state governments. Air carriers were certified with the routes and fares approved and monitored through a comprehensive regulatory scheme. All communities, Mr. Speaker, both large and small, could rely on carriers to provide dependable schedules at reasonable fares. This regulatory processing, Mr. Speaker, was in effect throughout our entire nation for over forty years.

"In 1978, Mr. Speaker, the promise of lower, competitively driven fares, along with the promise of free market competition, convinced Congress to approve the Airline Deregulation Act of 1978 which essentially dismantled all aspects of air travel regulation with the exception of safety. The initial impacts, Mr. Speaker, of deregulation were as predicted. Over a hundred new air carriers spawned, sea capacity grew dramatically and fares -- particularly in high volume markets -- plummeted.

"Unfortunately, Mr. Speaker, almost as quickly as they prospered, early consumer gains rapidly began to erode. Service to smaller, less profitable communities were reduced or eliminated. As competition was reduced, Mr. Speaker, fares began to rise dramatically in many captured markets. All of the carriers started during the early stages of deregulation, every single one of those hundred carriers disappeared by the end of 1990. Our U.S. carriers lost approximately six billion dollars during this period, which equates to more than the cumulative profits of all U.S. carriers since 1925. In short, Mr. Speaker, deregulation has resulted in a highly concentrated, unstable, and currently unprofitable, national airline industry.

"Mr. Speaker, due to our unique geography here in Hawaii, it is essential that our inter-island air

transportation system remain efficient and stable. The mobility of our residents, our visitors, of cargo within our state, is vital in order for us to maintain and enhance both our economy and our quality of life.

"In light of the many difficulties, Mr. Speaker, that our domestic airline industry has experienced under the present aura of deregulation, along with the potential negative impact that Hawaii may very well experience under continued non-regulation, I do believe, Mr. Speaker, that it is prudent and it is necessary for us to initiate positive, forward-looking action, to solidify this industry now. It is envisioned, Mr. Speaker, that the regulatory process contained in this measure will ensure that adequate service is provided to all of our communities at fair and reasonable rates.

"Also, Mr. Speaker, in establishing this conveyance of regulatory process, this bill does not, Mr. Speaker -- it does not prevent, nor does it impair, the entry of any new carrier into Hawaii's inter-island air transportation market. Shielding our present inter-island carriers from competition is not, Mr. Speaker, the intent of this bill. Instead, Mr. Speaker, this bill creates a fair and equitable regulatory process which will ensure stable and efficient inter-island air transportation service for all communities, Mr. Speaker, through our entire State.

"I ask the indulgence of yourself, Mr. Speaker, along with the indulgence of my honorable colleagues, to allow this measure to move forward so that we may continue to work together to assure an efficient and economical inter-island air transportation system for all of Hawaii.

"Thank you."

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

"First of all, I would like to congratulate the Chairman of the Transportation Committee for taking this very innovative and very decisive step, and I want to relate this step to what a previous Legislature did twenty-three years ago.

"In 1974, the State of Hawaii enacted a health care insurance bill which mandated employers to provide health care for their employees. Because those companies on the mainland resisted this proposal, they took it to the federal Congress and then to the courts and had the Hawaii system declared unconstitutional. Our congressional delegation, however, was able to get a federal waiver so that our system could exist and prosper. Today, everyone recognizes that the Hawaii health care system is the prototype and model -- not only for other states, but also for other jurisdictions as well.

"The point I am trying to make is that, as the Chairman of the Transportation Committee has stated, he has given us a very succinct, a very clear history of what went wrong with deregulation. Just so much as we ourselves, because of our special geographic circumstances, recognize our own problems, we need to take decisive and innovative steps.

"Above all, we need to have federal approbation of our measure before us. It is not simply a question that this is unconstitutional or constitutional at any one given time. It is public policy. The Congress will have to deal sooner or later with the chaos in the airline industry and if it doesn't, it'll go all the way like the S&L's. The point is that Hawaii is willing to do its own act, and all we ask is Congress to give us a chance as we did earlier with health care.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, one of the very essential elements of this bill, which I would like to praise the Chairman for his wisdom in including, is the concept of consumer advocate. If this system of regulation is ever established, it is absolutely essential that there be a strong, independent consumer advocate in the same way that we have a consumer advocate before the Public Utilities Commission. This is a complete separate area of economics, of law, and it will require staff and a very aggressive consumer-oriented office to represent the interest of all of us in the State of Hawaii.

"The Chair was quite correct in including this concept in the bill and I hope that, as the bill continues, it will retain that, and if the system is ever established, it is very, very important that the consumer interest of each and every one of us is represented in this regulatory context.

"Thank you, Mr. Speaker."

Representative Tam then rose and requested a conflict ruling, saying that he is a part-time travel agent for City Travel, and the Chair ruled "no conflict."

Representative Ward then rose and stated:

"Mr. Speaker, may I respond very briefly with a very simple principle, and that is ... the principle that stronger and longer standing more powerful than any state regulation that this body may dream up, and that is the principle of the market economy.

"The comment economy of Russia and the entirety of the world has bent to the power of when people compete, the consumers benefit. Remember why you go to Costco, remember why Russia is going to be competing with us. It's that principle that's an over-arching one that we've got to think of in the long run -- not short range protectionism.

"Thank you."

Representative Chun then rose and stated:

"Mr. Speaker, I rise to speak in strong support of House Bill 173, HD 3, and also would like to lend my commendation to the Chairman and his committee for this measure, and I like the idea that it does not preclude other airlines from getting involved with inter-island.

"Thank you."

Representative Baker then rose to speak in support of the bill, stating:

"I do think this is a very important measure. It was brought to my attention this morning by some constituents. Had this measure already been in place, the airline service received by those communities would not be eroding as rapidly as it is.

"I commend the Chairman of the Committee on Transportation for moving this measure forward, and I ask my colleagues for their vote.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 173, HD 3, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout,

passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Alcon, Hagino, D. Ige, O'Kieffe, Tam and Ward voting no.

**Stand. Com. Rep. No. 754 on H.B. No. 1170, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1170, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL DEPOSIT TRUST FUND," having been read throughout, passed Third Reading by a vote of 40 ayes to 11 noes, with Representatives Chang, Chumbley, D. Ige, Marumoto, Morihara, O'Kieffe, Oshiro, Stegmaier, Suzuki, Thielen and Ward voting no.

**Stand. Com. Rep. No. 755 on H.B. No. 1500, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1500, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 756 on H.B. No. 1698, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXES," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Amaral voting no.

**Stand. Com. Rep. No. 757 on H.B. No. 777, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 777, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

The Chair directed the Clerk to note that H.B. Nos. 1445, 1119, 1029, 173, 1170, 1500, 1698 and 777 had passed Third Reading at 11:56 o'clock a.m.

**Stand. Com. Rep. No. 758 on H.B. No. 2029, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2029, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SYSTEM," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Arakaki and Chun voting no.

**Stand. Com. Rep. No. 759 on H.B. No. 2030, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2030, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOND AUTHORITY FOR PUBLIC HEALTH FACILITIES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 760 on H.B. No. 1736, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1736, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE

INSURANCE LAWS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 761 on H.B. No. 1370, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1370, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Nekoba 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 Nekoba's remarks are as follows:

"Mount Olomana has long been known as one of the major landmarks of the Windward side. Its green, sloping hills and twin peaks make for both a breathtaking view and a feeling of protection for all who live within its area.

"Over the years, there have been many efforts to secure Mt. Olomana as a monument, all of which have led us to this point. In the last year, not only have we discovered a heiau on the site, but the Department of Land and Natural Resources is in agreement regarding the importance of Mt. Olomana.

"In passing this bill, we have not only secured for ourselves a significant geological and historical landmark, but also have helped to perpetuate for our children the lands and the legends that help to make Hawaii, Hawaii.

"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. 1370, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 762 on H.B. No. 2057, HD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 2057, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Stegmaier rose and stated:

"I would like to speak in support of House Bill 2057 by just mentioning that this bill, members, establishes the International Business Center of Hawaii as a program. It's been a demonstration project for several years and it opens up the potential for Hawaii to become a facilitator and broker of American exports to Asia.

"I have extended remarks in addition to what I have said and I would like that, with your permission, submitted into the Journal."

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

Further remarks by Representative Stegmaier are hereby inserted:

"Hawaii, uniquely positioned geographically as well as culturally, has great potential to be a leading international business center for the Pacific region. As legislators, I feel we should not take this potential lightly, but rather do our best to turn our hopes and dreams for Hawaii into reality.

"House Bill 2057, House Draft 1, statutorily establishes the International Business Center of Hawaii (IBCH) within the Department of Business, Economic Development and Tourism. IBCH began its services in 1991. Since then, it has assisted over 400 companies, mainly Hawaii-based small and mid-sized companies. IBCH has brought to Hawaii export financing options, which in the past have not been available to Hawaii businesses. The center has created a consortium of over 125 Hawaii firms and organizations involved in international business which serve as a resource for companies who need assistance in that area.

In this bill, IBCH is directed to support the establishment and growth of Hawaii-based trading companies whose purpose will be the brokering of U.S. exports to Asia. There is great business potential for us in this area and I am happy that we are embarking on this potential industry with such purposefulness.

"Questions have been raised about the similar goals of IBCH and the Office of International Relations (OIR). Although the goals seem to overlap, the two offices actually go hand in hand, many times complementing each other. OIR is more of a protocol and policy-making body, taking care of intergovernmental activities. It has a non-business orientation. On the other hand, IBCH is on the service level, providing services to international businesses and export trading companies. It has a business orientation. Working together, the two offices provide mutual support, sometimes referring organizations and individuals to the other, depending on which will be most helpful.

"In conclusion, I hope that we all can see the importance of House Bill 2057, House Draft 1. The passage of this bill will help us in reaching our goal of being a serious business partner in the Pacific community."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2057, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPORT TRADE," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 763 on H.B. No. 1701:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1701, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"With this bill, Mr. Speaker, I believe that we are taking steps to save lives, to reduce the pain and suffering of individuals and families, to reduce the impact of unnecessary devastating injuries on our State finances and our State families. It is not an easy decision for many, I know, and the issue of freedom seems always to be pitted against the issue of safety and health, but in the case, statistics are so overwhelmingly in favor of this bill that we cannot help but take this step forward on behalf of those who have come to us with tragic stories again and again, tragic stories where alcohol mixed with youthful indiscretion, with speed, has created individuals who are essentially dependent on the State and on rehabilitation for the rest of their lives.

"I commend the Transportation Committee and others who are supporting this bill. It's not just the question of money -- it's never been a question of money for me. I realize that one of the driving forces behind this this year has to do with federal legislation. But for me, whether or

not that was there or not, I would be an enthusiastic supporter of the helmet law.

"Thank you, Mr. Speaker."

Representative O'Kieffe then rose to speak against the bill, stating:

"This argument is the same that we had with the mandatory seat belt law, that we are going to lose federal funding. I have to be consistent in my thinking ... I don't want government telling me how to run my life. I want the privilege of having choice. We want it for women's rights -- let's have it for every aspect of life. If a person wants to turn his head into a scrambled egg omelet which is good -- that which is bad obviously -- that's too bad, but at least he or she will have made that choice and have the freedom to do so.

"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. 1701, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE AND MOTOR SCOOTER PROTECTIVE DEVICES," having been read throughout, passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Amaral, Chang, Herkes, Nekoba, O'Kieffe and Tam voting no.

**Stand. Com. Rep. No. 764 on H.B. No. 1882, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1882, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITY REGULATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 765 on H.B. No. 1405, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1405, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2029, 2030, 1736, 1370, 2057, 1701, 1882 and 1405 had passed Third Reading at 12:02 o'clock p.m.

**Stand. Com. Rep. No. 766 on H.B. No. 1146:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1146, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose and stated:

"Mr. Speaker, I'm rising to speak against House Bill 1146, establishing permanently the Office of International Relations.

"This is what we get from the Office of International Relations -- a nice glossy -- not even recyclable, but a nice glossy. What does it do? It sets up international literacy. What about literacy at home? What about literacy in our schools? Why aren't we focusing on that first instead of focusing on the international sphere?

"What else does it do? It sets up a Department of Protocol ... thank you very much. But I think that we could spend the money and the energies focused at home

on the worthwhile causes that we are having to cut right and left.

"What else does it do? It establishes some agreements where the Office of International Relations is a participant, but these all seem to involve, or the majority of them involve the University of Hawaii.

"And surprise of surprises! The University of Hawaii has an Office of International Programs and Services. Duplication? You bet it is!

"So if we're looking for ways to cut money, to cut spending so we will have the money, so we won't have to cap welfare, so we won't have to have other slashes to our schools ... if we're looking for that, our focus should be on eliminating the glossy Office of International Relations.

"Thank you, Mr. Speaker."

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

"I'm speaking unequivocally for the bill, Mr. Speaker. ... what a better way to do it than talk about the nations and the five million people in the world in which we live, despite my colleague's myopia and her tenacity to fail to realize that the world is no longer as large as it is. It's shrinking and we live in a global village.

"The reality is that the future wealth of this State and the future wealth of this nation is overseas. OIR is spearheading that, OIR is bringing us into the 21st century, and I commend the Chair of the International Relations Committee who has allowed OIR to raise funds ... to actually bring money into the State, and there are billions out there.

"As I mentioned previously on the floor, speaking to my same colleague about the same issue, that the U.N. is reorganizing and decentralizing of which we, in the middle of the Pacific, have the untold opportunity for the future. We are from the world, we are the world -- all relations from Hawaii are international relations, despite what is glossy ... it's the future where we are going.

"Thank you, Mr. Speaker."

Representative Thielen rose and stated:

"Once again we differ on this matter. The Department of Business and Economic Development is already reaching out to the international sector. The Economic Development Corporation of Honolulu and its sister organizations on the other islands already are reaching out to the international sector. The University of Hawaii is already reaching out to the other sector.

"We don't need a glossy, Johnny-come-lately, that takes away money from school programs here in Hawaii. We do not need this department now -- maybe someday. When we all have a budget surplus, we can say ... oh, great, we now want to establish an Office of Protocol and become the international State of Hawaii and duplicate those services that are already being performed. But not now.

"Thank you, Mr. Speaker."

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

"My prospective on opposition is different from my colleagues. Let me address this.

"This bill establishes within the office of the Governor the permanency of the Office of International Relations. I have two reasons for objecting to the permanency of this office.

"The reasons for objection are ... first, the manner in the hiring of the Director and staff without regard to Hawaii Revised Statutes, Chapters 76 and 77, the Civil Service Law and Compensation Law, respectively.

"The purpose of Chapter 76 is to establish in the state and each of the counties, a system of personnel administration based on merit principles and scientific methods governing the classification of positions and employment, conduct, movement and separation of public employee and to build a career service in government which will attract, select and retain the best of our citizens on merit and free from political influence.

"Chapter 77 is to establish a sound statewide system under which it will be possible to attract and retain competent persons for the government service; to establish and maintain a high level of efficiency of employees and to adequately and fairly compensate them for the work they do in comparison to similar job descriptions of other State employees.

"My concerns ... (1) Under this, is it right to establish by law a permanent Office of International Relations without regard to Chapters 76 and 77 of the State laws? and (2) Do we, as law makers, want to be the cause of further low morale, productivity and efficiency due to unfairness caused by political favoritism?

"My second reason ... this is a political motivated bill. Last year, Governor Waihee signed into law Act 101, otherwise as House Bill 3148, HD 2, SD 2, ignoring Chapters 76 and 77, once again.

"The Act further stated that the Office of International Relations would have a temporary status until 1995, at which time the permanency question would be reviewed. Now, House Bill 1146 wants to establish the Office of International Relations as a permanent office or agency. The Nuuanu community, in my district, has experienced this administration's strong desire to house the Office of International Relations at Marks Estate in Nuuanu, against the community's wishes. The Nuuanu community is a single-family residential community -- not a commercial community. Making the Office of International Relations permanent will not stop my community from opposing the agency from being housed at the Marks Estate. We will continue to challenge this administration and the Pacific Rim Foundation who are politically and self-interest motivated in housing the agency at the Marks Estate -- away from the public's watchful eyes.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1146, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL RELATIONS," having been read throughout, passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Alcon, Amaral, Beirne, Hagino, Hirono, Menor, O'Kieffe, Tam and Thielen voting no.

**Stand. Com. Rep. No. 767 on H.B. No. 1646:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1646, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC

ASSISTANCE," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 768 on H.B. No. 1530, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, Stand. Com. Rep. No. 768 and H.B. No. 1530, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR GOLF PROMOTION," were recommitted to the Committee on Finance.

**Stand. Com. Rep. No. 769 on H.B. No. 1505, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSON DISPOSSESSED OR DISPLACED BY VOLCANIC ERUPTIONS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 770 on H.B. No. 192, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 192, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 771 on H.B. No. 951, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 951, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 772 on H.B. No. 576, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 576, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY OF THE ADVERSE ECONOMIC IMPACT OF DIVORCE," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 773 on H.B. No. 2050:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR HARBORS," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1146, 1646, 1505, 192, 951, 576 and 2050 had passed Third Reading at 12:12 o'clock p.m.

**Stand. Com. Rep. No. 774 on H.B. No. 2031:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 2031, entitled: "A BILL FOR AN ACT RELATING TO THE LEASE OF PUBLIC HEALTH FACILITIES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 775 on H.B. No. 1800, HD 1:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1800, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 776 on H.B. No. 1017:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1017, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF AN OUTREACH ASSISTANCE PILOT PROGRAM IN HONOLULU," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 777 on H.B. No. 2051:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 2051, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 778 on H.B. No. 2075:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 2075, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT-OWNED HAWAIIAN FISH PONDS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 779 on H.B. No. 635:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 635, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 780 on H.B. No. 734, HD 1:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 734, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 781 on H.B. No. 65, HD 1:**

By unanimous consent, action was deferred to the end of the calendar.

**Stand. Com. Rep. No. 782 on H.B. No. 1626:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1626, entitled: "A BILL FOR AN ACT RELATING TO ORDINARY DISABILITY RETIREMENT UNDER THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2031, 1800, 1017, 2051, 2075, 635, 734 and 1626 had passed Third Reading at 12:13 o'clock p.m.

**Stand. Com. Rep. No. 783 on H.B. No. 1364:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1364, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 784 on H.B. No. 1895:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1895, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS UNDER THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 785 on H.B. No. 1896:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1896, having been read throughout, pass Third Reading, seconded by Representative O'Kieffe.

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

"Basically, it's a footnote and a reminder to all of us that we owe the retirees about three billion dollars. It's a reminder that we've been living off the investments of our retirees. We take in five hundred million dollars a year and we pay out two hundred fifty so in effect, like social security, we are living off of their investment which is not bad because we'd go broke if we didn't use it now, and when we had the money we didn't divest it.

"What I'm bringing to your attention is that, eventually, a small percentage per year should be used to ratchet this thing down so the retirees' investment can be for the retirees and the government's money for the government.

"Right now, we are making money on them and we are the only state in the whole nation that does that. Eventually, we've got to phase it out. So this is a footnote in that regard, Mr. Speaker.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1896, entitled: "A BILL FOR AN ACT RELATING TO ACTUARIAL ASSUMPTIONS OF THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 786 on H.B. No. 1702, HD 1:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1702, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHT," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 787 on H.B. No. 1156:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1156, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 788 on H.B. No. 178, HD 1:**

On motion by Representative Ihara, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 178, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 789 on H.B. No. 694, HD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 694, HD 1, having been read throughout, pass Third Reading, seconded by Representative O'Kieffe.

Representative Bainum 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 Bainum's remarks are as follows:

"A State consultant, five months ago, prepared a report in which he presented engineering methods for greatly improving the clarity of the waters of the Ala Wai Canal. The approach involves the addition of rather modest quantities (1200 cubic feet per minute) of 'fresh' saltwater so as to modify a bio-chemical process now leading to large quantities of phytoplankton, an opaque growth favored by sunlight and nutrients in the Canal water. The new water could either be brought up from beyond the harbor by means of a pipeline and a pump, or if a source could be found at the Kapahulu end of the Canal, the pipeline would not be required.

"There are wells now at the Kapahulu end and significant cost savings over the piping approach would result if there were found to be sufficient volumes of water of the proper composition so that the required amounts were allowed to merely flow into the high end of the waterway. The construction cost estimate for the pipeline in the Canal is about \$8.5 million with an annual operating cost of about \$72,000. The construction cost estimate for the well supply system is about \$3.3 million, with an annual operating cost of \$190,000. It is therefore worth now establishing whether the lesser cost method could indeed be carried out.

"This bill will confirm the expected subsurface geologic strata in the Ala Wai golf course area, test and confirm the groundwater quality, estimate the potential groundwater flow yield, demonstrate that such pumping can be accomplished without adverse effects, and develop preliminary design parameters. In addition to drilling a single prototype well, four smaller diameter wells would be drilled to confirm subsurface geologic strata.

"Passage of this bill makes up a vital part of the overall project to finally bring the Ala Wai Canal up to standards required for present residents and future tourists and for potential new world-class rowing events that will bring tens of millions of dollars to the State."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 694, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI CANAL," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 790 on H.B. No. 1307, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1307, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1364, 1895, 1896, 1702, 1156, 178, 694 and 1307 had passed Third Reading at 12:16 o'clock p.m.

**Stand. Com. Rep. No. 791 on H.B. No. 1668, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.B. No. 1668, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDING," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 792 on H.B. No. 433, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.B. No. 433, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 793 on H.B. No. 526, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.B. No. 526, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 794 on H.B. No. 1663:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1663, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 795 on H.B. No. 313, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 313, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 796 on H.B. No. 118:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 118, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 797 on H.B. No. 446:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 446, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL PHYSICIAN LICENSURE EXAMINATIONS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 798 on H.B. No. 1624, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the

Committee was adopted and H.B. No. 1624, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Hirono voting no.

The Chair directed the Clerk to note that H.B. Nos. 1668, 433, 526, 1663, 313, 118, 446 and 1624 had passed Third Reading at 12:17 o'clock p.m.

**Stand. Com. Rep. No. 799 on H.B. No. 1411, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1411, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 800 on H.B. No. 690, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 690, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COOPERATIVE HOUSING CORPORATIONS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 801 on H.B. No. 1754, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1754, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD HEALTH SUPERVISION SERVICES," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1411, 690 and 1754 had passed Third Reading at 12:18 o'clock p.m.

### THIRD READING

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

**H.B. No. 1881, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1881, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF CHARITABLE ORGANIZATIONS, PROFESSIONAL FUND-RAISING COUNSEL, AND PROFESSIONAL SOLICITORS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 438, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 438, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCOUNTANTS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 232, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 232, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRECIOUS AND SEMIPRECIOUS METAL," passed Third Reading by a vote of 51 ayes.

**H.B. No. 25, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 25, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Third Reading by a vote of 51 ayes.

**H.B. No. 767, HD 1:**

Representative Ihara moved that H.B. No. 767, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Stegmaier rose to speak against the bill, stating:

"Mr. Speaker, while I understand the appreciate the intent behind this bill, I would like to ask the members to take a look at the bill, see if we really want to author the bill as it presently is written. I want to spend just a few moments to explain that this bill would require that all retailers of toys post a warning in a clearly visible manner on shelves or displays where any so-called war toy is sold. The warning would say: 'Think before you buy. This is a war toy. Playing with it increases anger and violence in children. Is this what you really want for your child?'"

"The definition of war toy includes, but is not limited to any toy which (1) is a look-alike toy; (2) reflects a military theme; (3) is a model or replica regardless of scale of any real or futuristic weapon or instrumentality; and (4) is an electronic and computer game with a theme of war or violence.

"Mr. Speaker, this is a very broadly worded bill which would encompass a variety of toys and I, for one, object to the fact that there isn't more specificity, especially with regard to the definition of number two -- reflects a military theme -- and I'll have more to say about that in just a moment.

"One problem with the bill, as it is right now, is that there is no enforcement mechanism. We are establishing a fining process for any retailer that doesn't provide this label and it's a fine of one hundred dollars for every violation.

"Secondly, as far as the basis for this type of labeling, I'm not sure that the social science literature has established that use of toys of this kind necessarily causes aggressive behavior and war-like behavior in children. The fact is that these toys have been around for the millennium, and aggressive behavior and violent behavior have been on the increase recently. If there was a connection between the two, I think we would have established it a long time ago rather than attempting to establish a tie-in between aggressive behavior now and war toys of late.

"Again, it's an admirable intent and I understand and appreciate the reason for bringing this to our attention. In fact, I want to acknowledge the author of this because it's not easy to bring a matter of toys ... I mean that's something people can take potshots at, so-called, very easily, but he feels strongly enough about it, the membership and the committees have felt strongly enough about it, to bring this to the floor. But I want to ask whether we're really addressing the issue of violence among children and if we are, shouldn't we look at what the main source of violent and sociopathic aggression might be, which is television. We're not really focusing in on influences that are much more significant than the use of toys at a young age.

"Lastly, getting back to this notion of any toy with a military theme. My reaction to that is that this would

include model airplanes, and I thought for myself, there would have to be a label on the model airplane that my father flew during the second World War to stem the tide of Nazism.

"What I am saying is that this does not distinguish between the kind of aggression that we're talking about which is street crime aggression and the kind of violence that sometimes is necessary in the military. We are mixing the two ... on the one hand, the courage to fight when necessary against forms of aggression and inhumanity such as Nazism, and the cowardice that is expressed by those who pick up Uzi's and other firearms to destroy people in the streets and in their homes. There is no effort at all to distinguish between those two kinds of aggression and therefore I am left with the impression that this is a relatively fuzzy bill that we're including too much and that perhaps, at this point, we need to look to see what would be a more effective avenue of establishing this policy of the House in opposition to aggressive and sociopathic behavior.

"Thank you."

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

Representative Takumi's remarks are as follows:

"Today, we are considering a bill which would require that toys with a violent theme be labeled to indicate the effects they can have on children's behavior. The bill provides an opportunity to look at the most innocent and the most deadly of society's pursuits: child's play and war.

"Think of the confusion we create in our children's minds as we shield them from the graphic violence of Rambo movies, yet any seven-year-old can walk into any store and buy a Rambo figure, fully equipped with deadly armament, along with a whole slew of battlefield accessories. Or he can tune into GI Joe, 'a real American hero,' on television any weekday afternoon, a cartoon show which averages over 84 acts of violence per hour, according to the National Coalition on Television Violence.

"War toys teach that peace is attained through strength, that disputes and differences are best settled by force, that the world is divided into good guys and bad guys. They do not teach children that in real war, real people die.

"When Hasbro markets GI Joe, it neglects to make stretchers and body bags, which in a real war would be indispensable. As Janet Weaver, former director of the National Child Research Center, said, 'Action dolls, such as GI Joe, suggest to children that all problems can be solved with action...There are no steps to reach a solution, just "POW!" and there's your answer.'

"Dr. Arnold Goldstein, director of the Center for Research on Aggression at Syracuse University, said, 'The playing with war toys legitimizes and makes violent behavior acceptable. The degree that youngsters are learning to take pleasure from aggression decreases their ability to learn empathy, negotiation, and cooperation.'

"We say that the children are our future. What kind of future will it be if the young have been raised as consumers of violence and militarism in toys, cartoons and popular culture?

"Gandhi said, 'If we are to reach real peace in this world, and if we are to carry on a real war against war,

we shall have to begin with the children...' Peace will truly have to begin on the playground and in our homes.

"The bill attempts to do this. It merely seeks to educate consumers that they should be aware of the messages they are giving to children with the purchase of such toys. Will it stem the level of violence in our society? Maybe, but maybe not. However, what it will do is indicate that we as a society recognize that we need to provide toys and games of construction, rather than destruction. We need to be role models by practicing nonviolence as a means to resolve conflict.

"We need to nurture the capacity for tenderness and sympathy. If we do this, we will have done a great service not only for our children but for future generations as well. With so much at stake, we can do no less."

Representative Amaral then rose to speak in support of the bill, stating:

"I understand, of course, some of the concerns of people with respect to what may be interpreted as the seeming ambiguity of the bill. I believe some of that can be dealt with as this bill moves through.

"I think that each session there is occasion for us to pause and look back at some of the work we do, either with admiration or with a shrug. This measure, I think, is one of those bills that we have the ability to look back at with some admiration, that we take as a public policy step -- a step towards non-violence, a step towards alternatives to violence.

"Perhaps some of the difficulties we have with the language, I think, given the significance of this step, we can allow the minor inconsistencies ... work on it in the future. But the public policy and that statement that is made in this bill, I think, shines brighter than any problems with drafting.

"Thank you, Mr. Speaker."

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

"I know my colleague to my left has expressed some reservations that this may be a little too broad. However, I do think the intent and the message is very clear.

"As far as studies, I know of several studies that were made that do correlate playing with some of these toys that do promote aggressiveness. I think one of the more recent studies that I have seen relate to the playing of the video game called 'Street Fighter' and they did show. . . I don't know if any of you have ever visited some of the video game parlors, but when you watch these kids play, I mean they can actually participate now in maiming and killing other people and take joy in that, and they show you as vanquishing another person by actually killing that person, and they actually have studies that show that some of these kids who do spend an enormous amount of time with these types of video games are desensitized to the fact that, you know, if this would happen in the real world, you'd actually hurt somebody.

"And so I think, while this bill may be too broad and may not address what we're trying to say exactly, I think it's worth moving it along and perhaps send the policy message to the public.

"Thank you, Mr. Speaker."

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

"This issue came before us several years ago in a bill introduced by our colleague, Representative Cachola, and at that time, when we had a hearing, the retailers came and testified and asked us to hold off on this measure while they attempted to do this or to address this issue on their own. I think it's very significant that when we had a hearing on this measure, although I saw a retailer representative there, they did not testify in opposition to this measure. I think it is because the retailers, on their own, had not addressed this issue as they had indicated to us several years ago.

"All this bill does is it requires the retailers to exercise good faith in determining what is or is not a war toy or a similar toy and, therefore, I am not bothered by the broadness of the definition, and we do have to start somewhere. This bill has absolutely nothing to do with the need to defend our country in times of war.

"I urge my colleagues to look at the policy behind this and to support this measure.

"Thank you."

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

"We have in our community many military people. The tools of their trade are tools of war and tools of peace. To label their tools to the community and to their children as necessarily harmful is a message I don't think we should be sending.

"Thank you, Mr. Speaker."

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

"I thank the Representative to my right for pointing out a lot of the inconsistencies. I also want to point out that maybe we aren't looking at something more narrow but something more broad. The war part is probably too narrow. What we're looking at is violence in our society, and one of the video games, and many of the video games, that was pointed out do not relate to war but simply, violence, and that's what we should be looking at.

"I think, in voting against this bill, maybe it's a message that it's a little bit misdirected although very well intentioned.

"Thank you."

At 12:31 o'clock p.m., Representative Alcon asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:32 o'clock p.m.

Representative Thielen then rose and stated:

"Mr. Speaker, I am rising to speak against House Bill 767 because of the information that I have learned from the debate on the floor. I think this is one of the benefits of being in a body that exchanges ideas and exchanges arguments for and against measures on the floor. Representative Pepper and Representative Stegmaier both brought up very good points.

"I represent the Kaneohe Marine Corps Air Station in Kaneohe. I would not like the youngsters there to mistake what we are trying to do in good faith with what we really should be doing, which is moving to eliminate violence. For that reason, I am opposed to this measure and think that we ought to rethink this and come back, not only

aiming at toys, but all forms of entertainment that build upon violence, not just war, but violence -- violence for violence sake. I think that that idea, that concept, is very meritorious and we should pursue that next session.

"For that reason, Mr. Speaker, I'm speaking against this measure now, and I would also, again, like to say ... this is what makes our democracy work, and I thank Representative Pepper and I thank Representative Stegmaier, and also those Representatives that were on the other side. But because of that, I was able to hear arguments that persuaded me and so I am voting against the bill."

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

"I hear the comments from my colleagues and I understand the concern of the business community. I also understand the concern of the military community. I, myself, was a military dependent for 23 years, lived within the military community, and understand that strong need in our nation for a strong military defense. However, we are considered one of the most violent nations in the world. There is a lot of killing going on and yet the statistics are not all there and it appears as though research is only now beginning to show the relationship between the aggressive behavior of people and the children's toys that they played with.

"This title is broad enough ... it says, 'Relating to Toys.' It doesn't say relating to military weapons or relating to war toys. It's possible, as it crosses over and hopefully it does, it can be modified to address the concerns of our colleagues here.

"I think it's time that we looked at the behavior of our children, and as they grow into adults many of our children have grown up to be aggressive adults. We need to look at some of the reasons why and though we cannot say directly that this is the cause and effect, it certainly is one cause that does have one effect.

"I must say I did moderate a television show two years ago in which the author of this bill was on the program relating to violence in our selection of toys that we pick for children in general. At that time, we received a very strong response. The program was shown on Christmas Day, so it seems ironic that we have, as a nation, gotten into the habit of giving violent toys during our Christmas season.

"I would like to again ask that we pass this bill for a healthy discussion. I understand that there are other concerns about it but I think the measure can be modified to address the issue at hand.

"Thank you very much."

Representative Thielen then rose and stated:

"I would like to respond to the prior speaker. Unfortunately, the language in the bill itself, focuses on war toys. It is war toys, and the definition 'war toys' is on the label: 'Think before you buy this war toy.'

"My concern is that we should aim at a toy promoting violence, and I think that the focus of the bill is slightly misdirected.

"Thank you, Mr. Speaker."

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

"First, it is a well-intentioned bill. It's a good bill in which we are all interested in.

"What I am concerned about is the bill itself. I think, as legislators, we ought to be very clear and we ought to pass sound legislation. In these two particular sections: Retailer responsibility. The retailer of any war toy or look-alike toy shall exercise in good faith the placement of the warning labels on shelves. Who is to determine, in good faith?

"Secondly, the penalty. Who goes about to monitor all these shelves and who is then to administer the one hundred dollar fine.

"I think these are so ambiguous that we ought to be very careful in passing this bill.

"The other thing is ... we do indeed need a public policy on curbing or reducing violence, and I think if we are interested and sincerely believe in a public policy, then the collective wisdom of this body here. . . what we ought to do is to develop a more comprehensive approach to reducing violence. And I think we can do it without singling out a war toy, war-like toy, or we ought to look at movies, books, TV, and other kinds of publication which really causes the problem of violence.

"Thank you."

Representative Ward then rose to speak in favor of the bill, with reservations, stating:

"If social policy is leading, as I hear our discussion lead towards, the warning of the public I think we may be in a good direction.

"Case in point. In this State of Hawaii, child pornography is legal -- child pornography is legal. We have no warning against any of that stuff so if we are going to start putting warnings and labels, I think we're going to have to take every retailer and stick him in the printing business to eventually get there.

"Thank you, Mr. Speaker."

Representative Takumi then and stated:

"I must admit when I introduced this bill some months ago, it was not all that important to me, but now that it's the only bill I have left, it has taken on great importance.

"First of all, I would like to thank the Chair of the Consumer Protection Committee for passing the bill out, and also to Representative Cachola who first introduced the bill in a different form some years ago.

"Now, I do want to point out that I do take into account some of the concerns expressed by my colleagues, but for me, the way I approached it was that children trust adults to teach them about life, to set limits, and to help them learn right from wrong, and acquire good values. And I am a parent of two children -- one an eight year old boy -- and I take this responsibility very seriously. I know all of us do.

"Now because children learn through play, everytime we give a child a toy, we are teaching that child something about life. And as responsible adults, we need to examine the values that are being learned by our children as they play.

"The bill does not seek to ban toys such as the governments of Sweden and Finland have done. It only seeks to offer the consumer a means of assisting them in purchasing toys appropriate for their children. For me, I

think we should at least offer the typical parent who knows little of child development theory, at least a caution label that experts have shown produce destructive behavior. And I think the empirical evidence, if you look at it ... if you have a child, like I do, and you watch when your child plays with a puzzle, or a game of cooperation as opposed to a gun, there is a very different way that they act, so you don't really need a whole stack of scientific studies to indicate to you that playing with such toys produce a certain type of behavior.

"So granted, the bill before us attempts to deal with violence in our society in a modest way and some critics of the bill whom I have heard say that it targets -- and no pun intended here -- that it only targets one aspect of the underlying causes of violence, and perhaps that is true. But like the warning labels on alcohol and tobacco, it sends a message, and that message is that we care about the health and well-being of all of our people, including our children, and that we would do what we can, like in this bill, to promote this. House Bill 767 does this -- no more and no less.

"Thank you, Mr. Speaker."

The motion put by the Chair and carried, and H.B. No. 767, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOYS," having been read throughout, passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Chumbley, D. Ige, Morihara, O'Kieffe, Pepper, Stegmaier, Suzuki, Thielen and Yonamine voting no.

#### **H.B. No. 773, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 773, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 52, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 52, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 570, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 570, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 25, 767, 773, 52 and 570 had passed Third Reading at 12:43 o'clock p.m.

#### **H.B. No. 1717, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1717, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 782, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 782, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION RIGHTS," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 781, HD 1:**

Representative Ihara moved that H.B. No. 781, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose to speak against the bill, stating:

"Repealing the twenty-year mandatory sentence for Class A drug felonies actually belittles the severity of these crimes in our community. And what concerns me more is that this signals a policy shift by the Legislature. I believe it's bad policy to reverse our strong stand on drug offenses.

"The problem that this bill seeks to address is the overcrowding in our prisons. But why are we responding to large numbers of criminals committing an offense with the relaxation of penalties? If rapes increased, would we give shorter sentences to rapists? If our facilities are inadequate to punish all serious drug offenders, then I say we need to build facilities, not coddle the criminals.

"The Honolulu Prosecutor's Office opposed this bill because it would remove a bargaining chip they use to win the cooperation of drug defendants.

"I don't believe that it's responsible leadership to circumvent the power of our law enforcement agencies. We have been given frankly no compelling reason to relax our concern about drug offenses in our communities, in our neighborhoods, but this bill suggests that we are doing just that. I would request that my colleagues look at this bill again carefully and consider ... just vote no."

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

"Mr. Speaker, the purpose of this bill is to expand judicial discretion in the sentencing of Class A drug offenders only. We must keep in mind, Mr. Speaker, that when we really look at the courts now, they already sentence all criminal offenders convicted of Class B and C felonies. They already sentence all misdemeanors and they have a wide range of options from probation to DAGS, to suspended sentences, to fines, community service, all the way up to incarceration on a case by case determination based on each offender, based on his social background, based on his family background, based on the offense itself, based on the victim.

"Contrary to what critics of this bill will tell you, this bill will not serve as a vehicle to let our murderers, our rapists, our persons committing felonies with firearms, our offenders who kidnap people and cause serious bodily injuries to them, repeat offenders, I want to state very strongly for these dangerous persons who commit crimes of violence, they must be locked up for twenty years, to life, and they will be. This bill doesn't serve that. But you take a young adult who has been raised in a very dysfunctional family environment, say he is filled with substance abuse, who becomes addicted to drugs and must find money to pay for his drug habits, one who I will call an unprofessional criminal -- that individual needs counseling, that individual needs intense treatment, that individual does not need to be summarily thrown into jail for twenty years without any questions asked, along with the professional drug dealer who may have spent a life-long history dealing in drugs by using others.

"I submit to you, Mr. Speaker, and to the members of this House, that judges from the criminal division came to speak to the Judiciary Committee earlier this year and they told you that appearing before them are a lot of these

young drug addicts who really never committed crimes in their lives but now must resort to drugs in order to get money to support their habits, and they come from dysfunctional families. They are not your so-called kingpin professional criminals and these judges would like to be able to not just summarily set them away for twenty years, but at least to put them on some treatment program. Maybe with probation and some short jail, a law which seeks to treat every offender the same, to be fair on its face as our current law is, many times it becomes unfair in its application because, very frankly Mr. Speaker, not all human beings are alike. Of course, to ensure success in the treatment and rehabilitation of these individuals addicted to substance abuse, the bill would increase the length of probation from five to ten years for Class A felonies. This is a very narrow attempt to add fairness in the bill.

"I just want to conclude by saying ... this bill wasn't intended to try to address the overcrowding in our prisons. This bill was intended to be fair in our application of the law. And I ask Representative Thielen ... building more facilities? Let's be realistic -- with what?

"In terms of the chip from the prosecutors, I submit to you that a person who happens to be a small fry, a person who gets caught with a Class A felony, is likely to cooperate more with the prosecutors if that person realizes that if does cooperate, he could go on probation rather than being summarily thrown into the can for twenty years. So I really question that line of thought.

"In conclusion, I would like to say, Mr. Speaker, that this bill is one of fairness, this bill is one to give the courts the discretion and that's what the courts are there for.

"Thank you, Mr. Speaker."

Representative Thielen then rose and stated:

"I would like to respond to the former speaker who was a proponent for this bill. Unfortunately, if you all look at the Standing Committee Report, page 2, which states, 'This bill also helps to alleviate prison overcrowding.'

"What I am concerned with is a shift in policy and I do not want to see us back-paddle on being tough on crime.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 781, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," having been read throughout, passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Amaral, Menor, Stegmaier, Tam and Thielen voting no.

#### **H.B. No. 2116, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 2116, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 926, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 926, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPORTING OF GIFTS," passed Third Reading by a vote of 38 ayes to 13 noes, with Representatives Arakaki, Bainum, Chun, Hagino, Hirono, D. Ige, Lee, Marumoto, O'Kieffe, Stegmaier, Takumi, Thielen and Ward voting no.

#### **H.B. No. 1591, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1591, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT ORDERS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1717, 782, 781, 2116, 926 and 1591 had passed Third Reading at 12:52 o'clock p.m.

At 12:52 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:53 o'clock p.m.

#### **H.B. No. 1117, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1117, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 210, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 210, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTIONS," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 2045, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 2045, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE OF PRETRIAL INMATES," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 1988, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1988, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives O'Kieffe, Thielen and Ward voting no.

#### **H.B. No. 1906, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1906, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Herkes, Suzuki and Takamine voting no.

#### **H.B. No. 1904, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1904, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAXATION OF EMPLOYEE BENEFIT PLANS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1117, 210, 2045, 1988, 1906 and 1904 had passed Third Reading at 12:54 o'clock p.m.

#### **H.B. No. 1627, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1627, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT PAYMENTS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1296, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1296, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS AND CONTRACTS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 2071, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 2071, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN ADD-ON, NON-PROFIT, LONG-TERM HEALTH CARE FACILITY TO POHAI NANI CARE CENTER," passed Third Reading by a vote of 51 ayes.

**H.B. No. 883, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 883, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEENAGE HEALTH," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Stegmaier voting no.

**H.B. No. 1650, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1650, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS FOR ADMISSION TO WAIMANO TRAINING SCHOOL AND HOSPITAL," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1627, 1296, 2071, 883 and 1650 had passed Third Reading at 12:55 o'clock p.m.

**H.B. No. 783, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 783, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Third Reading by a vote of 51 ayes.

**H.B. No. 620, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 620, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1987, HD 1:**

Representative Ihara moved that H.B. No. 1987, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

Representative Marumoto's remarks are as follows:

"Mr. Speaker, I rise to speak with reservations on House Bill 1987 because it fails to address valid concerns of the Chief Election Officer. In accordance with Article 2, Section 8 of the State Constitution, a primary election must be held no fewer than 45 days before the general election. Our current practice of holding the primary on the second to the last Saturday in September puts it dangerously close to that cut-off date. In 1992, there were exactly 45 days from the September 19 primary to the November 3 general election. In addition, Federal Voting Assistance Program guidelines require overseas and military absentee ballots be distributed 35 days prior to an election. In 1992, the Hawaii elections office missed this deadline by a day because the general election ballot cannot be prepared until the primary results are known.

"If we had to postpone a primary election for a natural disaster as called for in this bill, the State could be in violation of federal regulations as well as the State Constitution.

"House Bill 1987 originally moved the primary to the third Friday in August, but that section was deleted by the Judiciary Committee. There were objections to holding the primary on a Friday, but that ignores the concern of the Chief Election Officer. Surely we could find an earlier Saturday or another day which would satisfy elections officials and allow us to postpone an election without violating a constitutional mandate or federal regulations.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 1987, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION DATES," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 783, 620 and 1987 had passed Third Reading at 12:57 o'clock p.m.

At 12:57 o'clock p.m., Representative Hirono asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

**H.B. No. 947, HD 1:**

Representative Ihara moved that H.B. No. 947, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose to speak against the bill, stating:

"I think Common Cause would be appalled if they realize what came in ended up coming out a lot worse.

"This bill requires lobbyists to report their donations and other expenditures that they make for the point of getting across their lobbying efforts. It use to be that they were required to report this and it would be available for public scrutiny on March 31st, as well as at the beginning of the year. Unfortunately, as the bill went through Committee, it now turns out they don't have to report until May 15th, after session is done. So any public interest group that wants to take a look at what a lobbyist has contributed or spent on a lobbying effort will not be able to do so while we are in legislative session. And I think that this is really a bad policy, because it's while the Legislature is going, those expenditures that are made

on behalf of that lobbyist for that lobbying effort -- those expenditures -- should be made public.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 947, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOBBYISTS LAW STATEMENT OF EXPENDITURES," having been read throughout, passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Amaral, Hirono, Shon and Thielen voting no.

**H.B. No. 1628, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1628, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAWS AFFECTING FINANCIAL INSTITUTIONS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 947 and 1628 had passed Third Reading at 12:59 o'clock p.m.

At 1:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:41 o'clock p.m.

**H.B. No. 1139, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTI-SPEED BUMPS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 310, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 310, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRANSPORTATION COUNCIL," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1191, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1191, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORTS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 8:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 8, entitled: "A BILL FOR AN ACT RELATING TO REBUILT VEHICLES," passed Third Reading by a vote of 51 ayes.

**H.B. No. 20:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 20, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Amaral voting no.

The Chair directed the Clerk to note that H.B. Nos. 1139, 310, 1191, 8 and 20 had passed Third Reading at 1:43 o'clock p.m.

**H.B. No. 747, HD 1:**

Representative Ihara moved that H.B. No. 747, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen 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 Thielen's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill 747, however I think we need to consider an alternative solution to the problem addressed by this bill.

"Honolulu circuit court faces a backlog of three thousand DUI cases. House Bill 747 intends to send those cases back to district court for disposition. The only way this can be accomplished is to remove the right of DUI defendants to a jury trial. This may be ruled unconstitutional by the Hawaii Supreme Court.

"That the gridlock House Bill 747 focuses on needs to be processed out of the system quickly is clear. An option which has been employed with success in other jurisdictions is night court.

"Night court works for jurors because it does not interfere with the normal business day. It works for the court by leaving courtrooms free to handle more pressing matters during business hours. And it provides the option of a jury trial if such a step is necessary.

"House Bill 747 is an important bill which attempts to resolve a critical problem in our judicial system, but we cannot rest on this bill. We need to engage in an exhaustive search for vehicles to improve the functioning of our court system.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 747, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Third Reading by a vote of 51 ayes.

**H.B. No. 1062, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1062, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," passed Third Reading by a vote of 51 ayes.

**H.B. No. 929, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 929, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Hagino, Hirono, Shon and Tam voting no.

**H.B. No. 1466:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1466, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1564:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1564,

entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 747, 1062, 929, 1466 and 1564 had passed Third Reading at 1:44 o'clock p.m.

**H.B. No. 673, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 673, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Third Reading by a vote of 51 ayes.

**H.B. No. 66, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 66, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT, CONTROL, DISTRIBUTION, AND SALE OF PETROLEUM PRODUCTS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 723, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 723, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1669:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1669, entitled: "A BILL FOR AN ACT RELATING TO FISHING IN CERTAIN WATERS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1721, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 673, 66, 723, 1669 and 1721 had passed Third Reading at 1:45 o'clock p.m.

At 1:46 o'clock p.m., Representative Duldulao asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:47 o'clock p.m.

**H.B. No. 82, HD 1:**

Representative Ihara moved that H.B. No. 82, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, I would like to congratulate the Finance Committee and all those who are supporting this measure. We now have increasing evidence that environmental tobacco smoke and other forms are clearly health hazards. This is an appropriate way to raise revenues.

"A recent report incidentally, on environmental tobaccos by the Environmental Protection Agency, indicated that this kind of carcinogen is a human lung carcinogen. It is responsible for approximately three thousand lung cancer deaths annually in U.S. non-smokers. It's classified as a Group A carcinogen under EPA's carcinogenic substance guidelines. This classification is reserved for those compounds or mixtures which have been shown to cause cancer in humans based on studies in human populations.

"I think it is an excellent tribute to the independence and the integrity of this body that in the last year, my brief calculations indicate that the tobacco industry contributed to us collectively over forty-three thousand dollars in the last election and probably a lot more. And I think it is a monument to our independence that, in spite of heavy lobbying and heavy attempt to influence, we stand strong in favor of this appropriate way to raise revenues, and by making a statement that this so-far legal carcinogen is not something we want to necessarily encourage in our society and we want to encourage health, and it is my hope that as the bill moves forward down the road, that additional funds will be found for the prevention that were originally part of the proposal by the administration.

"This is a very significant and appropriate way to raise revenues. I commend the Finance Chair, his committee, and all those who have been involved with this and will support this.

"Thank you very much."

The motion was put by the Chair and carried, and H.B. No. 82, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Alcon and O'Kieffe voting no.

**H.B. No. 120, HD 2:**

By unanimous consent, action was deferred to the end of the calendar.

**H.B. No. 122, HD 2:**

By unanimous consent, action was deferred to the end of the calendar.

**H.B. No. 1710, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1710, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS," was recommitted to the Committee on Finance.

**H.B. No. 625, HD 1:**

Representative Ihara moved that H.B. No. 625, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose and requested that her remarks, against the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Thielen's remarks are as follows:

"Mr. Speaker, I am voting against House Bill 625, HD 1. The intent of this bill is good in honoring outstanding contributions or achievements made by distinguished individuals who have brought honor to the State, but I do not believe legislation is needed to honor these individuals. Considering the economic problems we are facing this year, I believe that outstanding individuals can be honored as effectively and less expensively by a certificate or resolution by either the House or the Senate. Originally the title was 'Ambassador of Hawaii' but was changed to the Aloha Hall of Merit. 'Ambassador' is more fitting for the honor it was trying to bestow. A certificate or resolution could effectively use the title of 'Ambassador of Hawaii.'

"Opponents cautioned we should not allow the aloha spirit to be manipulated. This bill has the potential of permitting such manipulation."

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

Representative Cachola's remarks are as follows:

"I rise to speak in favor of House Bill 625, House Draft 1.

"The purpose of this bill is simply to recognize the contribution to Hawaii of individuals who have done much for Hawaii by creating an Aloha Hall of Merit with stringent criteria for induction. This is not an award that is given out readily like a House congratulatory certificate.

"Entry into the Aloha Hall of Merit will only go to those accomplishing the following:

- (1) Achieved national or international recognition for prominence in their field either by a single event or by the body of their work, including work that has been either pioneering in their field or has provided long-term, steady, and continued support;
- (2) Devoted themselves to the betterment of the State, embodying the concept of the Aloha Spirit;
- (3) Provided extraordinary service to the State; and
- (4) Brought honor to the State.

"Just to show how stringent the criteria for induction, the bill explicitly states that the selection committee need not select any new Hall of Merit members in any given period.

"In addition, the Governor may request members of the Hall of Merit to represent the State at various affairs. This will also serve to promote Hawaii at minimal cost. For example, Akebono and Takamiyama, who are already in Japan, can be asked to represent Hawaii.

"The central purpose of this award, however, is to encourage and promote the Aloha Spirit by formally recognizing those who have provided great service to Hawaii and widely spread their Aloha to many others.

"I urge my colleagues to vote in favor of this bill."

The motion was put by the Chair and carried, and H.B. No. 625, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA SPIRIT," having been read throughout, passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Alcon, Hagino, O'Kieffe and Thielen voting no.

#### H.B. No. 1897, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1897, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 1338, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1338, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTHFUL OFFENDERS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Amaral voting no.

#### H.B. No. 1690, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1690, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 1467, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1467, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 1688, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1688, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE CENTERS FOR COMMITTED PERSONS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 82, 625, 1897, 1338, 1690, 1467 and 1688 had passed Third Reading at 1:51 o'clock p.m.

#### H.B. No. 1687, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1687, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 1691, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1691, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 125, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 125, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 1855, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1855, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 2008, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 2008, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1687, 1691, 125, 1855 and 2008 had passed Third Reading at 1:52 o'clock p.m.

**H.B. No. 1607, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1607, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1495, HD 1:**

By unanimous consent, action was deferred to the end of the calendar.

**H.B. No. 2000, HD 1:**

Representative Ihara moved that H.B. No. 2000, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Say 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."

"I rise to speak in favor of H.B. No. 2000, HD 1, relating to the State Procurement Code.

"Unfortunately, in the past, the State has had problems with the public purchasing process.

"Part of the problem was due to a lack of authority and clear cut policy of the State. This can be attributed largely to the piecemeal development of the current procurement laws. Another problem involved the inconsistencies in the methods utilized to award contracts. And finally, with every agency purchasing goods and services, there were varying interpretations of the law.

"Mr. Speaker, the bill before us today attempts to resolve these problems and more.

"House Bill No. 2000 provides a cohesive legal framework. This is the first time that we have been able to look at the public bid and contract system as a whole. By looking at the 'whole picture,' we were able to establish fundamental principles and policy guidance for public procurement of supplies, services, and construction.

"And in looking at the 'whole picture,' we wanted a system that would:

- (1) Foster broad-based competition;
- (2) Ensure the fair and equitable treatment of all persons who deal with the procurement system of the State and counties; and
- (3) Promote fiscal integrity, responsibility, and efficiency in the procurement process.

"I believe that House Bill No. 2000 meets those goals. Modeled after the American Bar Association's model procurement code, this bill establishes a comprehensive Hawaii Public Procurement Code to promote efficiency and effectiveness in the procurement of goods and services and the construction of public works.

"Among other things, this bill establishes a central purchasing authority with the creation of the Public Procurement Policy Council. The Council will be responsible for reviewing all procurement concerns, policies, and practices; developing policies to implement the Code; and adopting rules to govern public procurement. With a centralized authority, we will eliminate inconsistent methods and differing interpretations.

"This bill also establishes the criteria and requirements for source selection and contract formation, including competitive sealed bids, small purchases, sole source selections, and emergency procurements.

"Legal and contractual remedies are also spelled out in this measure.

"Since the Code itself does not take effect until 1994, this bill also establishes a temporary committee to prepare for the implementation of the Code. To ensure that the people understand how the new Code will work, the Comptroller is required to develop a comprehensive training and development program for procurement professionals.

"Your Committee commends the State Administration for the extensive effort and hard work that went into drafting this proposed Code. Although your Committee still has several concerns about the bill, your Committee plans to 'iron out the kinks' during Conference.

"Your Committee believes that by having a single source of public procurement policy, we will be able to discourage favored treatment and encourage full and open competition. With such competition, the State and counties will benefit economically with lowered costs.

"In conclusion, Mr. Speaker, I believe that by updating and improving the State government's procurement laws, we can prevent abuses of the State's contract process.

"I urge my colleagues to vote aye.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 2000, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC PROCUREMENT CODE," having been read throughout, passed Third Reading by a vote of 51 ayes.

**H.B. No. 126:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 126, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 966, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 966, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARD OFFENSES," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1607, 2000, 126 and 966 had passed Third Reading at 1:53 o'clock p.m.

**H.B. No. 1639, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1639, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM SECURITIES ACT (MODIFIED)," passed Third Reading by a vote of 51 ayes.

**H.B. No. 928, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 928, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT REFORM," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Amaral, Beirne, Hirono, Shon and Tam voting no.

**H.B. No. 1631, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1631, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER AND AUTHORITY OF INVESTIGATORS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 740, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 740, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANTS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Tam voting no.

**H.B. No. 1798, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1798, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1639, 928, 1631, 740 and 1798 had passed Third Reading at 1:54 o'clock p.m.

**H.B. No. 1088, HD 1:**

Representative Ihara moved that H.B. No. 1088, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Hirono rose to speak against the bill, stating:

The Committee report on this bill says 'the present system of joint and several liability frequently leads to unfair and oppressive results. There has been no data presented to support the assertion that this is a frequent problem. Joint and several liability reflects a policy which says that when a person is injured and that person proves that others are negligent, that those others, provided that they jointly are at least fifty percent negligent for the person's injuries, will jointly be responsible for a claim for their total portion of negligence.

"Yes, this means that if one defendant is one percent negligent and another defendant is 99 percent negligent but has no funds, the one percent defendant ends up paying all of the damages. That could happen. The

question is ... how often does it happen? It happens very infrequently.

"If we are concerned with holding a one percent negligent defendant potentially, and I emphasize that word potentially, responsible for paying more than that de minimis portion of liability, then we should address that situation directly by, for example, increasing that one percent to five percent or ten percent.

"Also, not very many people realize that in Hawaii, if an injured person is 51 percent negligent, that person recovers nothing -- zero. This means that defendants who are 49 percent negligent pay absolutely nothing.

"If we are so concerned that defendants who are only one percent negligent may end up paying more than that de minimis share, then we should be equally concerned about injured people who get absolutely nothing when they are 51 percent negligent but where others are 49 percent negligent. Fair is fair ... the injured people should be compensated for the 49 percent attributable to others in those instances also.

"I urge my colleagues to vote against this measure as being very precipitous, and it will undo years of joint and several liability which reflects a public policy that says that we are going to attempt to make the injured party whole as opposed to negligent defendants.

"Thank you."

Representative Tom then rose to speak in strong support of the bill, stating:

"The purpose of this bill is to abolish joint and several liability for a joint tortfeasor where that tortfeasor's degree of fault is less than or equal to the degree of fault of the person seeking recovery of damages.

"You know, in order to appreciate, Mr. Speaker, the significance of this bill, I think we need to first, understand our current tort system. For example, I returned to my hotel room to rest after a hard day's work and I inadvertently leave my door open. Okay, I leave my door open, someone comes in, not only robs me and takes my money, but beats the heck out of me. They catch that person, and I happen to find a fancy plaintiff's attorney who represents me as the victim, and we sue that penniless robber and we also sue the hotel. The hotel, because they had inadequate security. That is our claim.

"Now, under the current law, even if the jury finds that I was ten percent at fault because I happen to leave my door open, making it very inviting for someone to walk in. The robber is found 89 percent at fault, and the hotel only one percent at fault -- one percent! Minimal as it may be, the hotel would have to pay or may have to pay for all of my injuries even though I was more at fault than the hotel, merely because the robber was penniless.

"This bill, Mr. Speaker, was introduced to correct an inherent law in our law -- the deep pocket law -- and that's what it's all about. The question is ... why should one minimally at fault have to pay the entire ticket? Under this bill, the result would be very different since the hotel's degree of fault was less than my fault as the injured party. The hotel would merely have to pay its share of the fault in those instances.

"I submit to you, Mr. Speaker and members, that the present system of joint and several liability frequently leads to unfair and oppressive results. What this proposal represents is fairness -- fairness because instead of our current joint and several liability system, or adopting like a deep pocket here, or even adopting a system with a

threshold percentage below which defendants will not be held jointly liable. It would be like picking a number in the air. Plaintiffs would want as low a number as possible and the defense would want as high a number as possible. What good is that?

"This bill is one of fairness because it judges each situation on a case by case level, focusing on the degree of fault of the plaintiff -- the injured party who is suing the other party. This bill is fair because with the faultless injured party or injured person who is minimally at fault, that person would still recover all of his damages. If I am riding in a car with a drunk and we hit the post and I get injured and the drunk is found 99 percent and the City is found one percent, I, as the victim, would receive everything because I was faultless. This bill is not intended to solve a societal problem.

"Let me just say in conclusion, Mr. Speaker, that joint and several is a policy decision -- you're right. But I think we have to take a long look at joint and several and say ... do we have to have one who is minimally responsible pay for the whole thing? I don't think so. I think we have to look at what is fair, and I think if we wanted to address the issue of victims, then we ought to in a separate bill, Mr. Speaker, because I think we all are in favor of victims and the protection of victims.

"But why in the area of tort law? If you get down to it, tort law means assessing fault. I believe that when one is minimally at fault in causing the injured victim's injuries, that that person or entity should not have to pay for the whole thing. We should not have to address the injured parties' recompensation in tort, which is assessment of fault. This area of 51 percent liable by the victim, that victim recovers nothing.

"That is only a very narrow situation, Mr. Speaker, and I submit to you that this bill represents fairness. It takes each case on a case by case focus, and I urge my colleagues to vote up on this bill.

"Thank you very much."

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

"The Chairman of the Judiciary Committee has brought up a very good point. We need to take a long look at joint and several liability, and that's exactly why I'm voting against the bill. We haven't conducted a study to see what, if any, are the abuses but what we are going to do is to create a large class of people who basically will go without any remedy.

"Say you're driving home over the Pali on a late night, and it's dark and it's raining. Maybe your windshield wipers aren't quite as good as they should be, so ultimately a jury finds you 20 percent responsible. The person that is 75 percent responsible is one of those large number of drivers in our State that drive without any insurance. They have no coverage -- they are off, out -- they're out of the picture. Maybe five percent is a design defect of the City and County or of the State. The point is ... as a society, do we want to leave a person who may have been totally disabled by that accident, do we want to leave that person without any remedy against an insured party or against a municipality or State?

"I think before we can make that decision with knowledge and with wisdom, we need to find out the nature of the abuses, if there are any, and conduct a study before we leap in and abolish the joint and several liability which has been in place for a number of years. I think this is premature, and frankly, not a responsible move of the Legislature to do this.

"Thank you, Mr. Speaker."

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

"Following up on the very incisive words of the Chairman of the Judiciary Committee, this bill is a fairness bill. It also is a bill that addresses a problem that we have societally which is excessive litigiousness -- which is too much litigation.

"One individual, a former Democratic governor of the state of Colorado who is now a commentator on societal issues, and he is an attorney as well, says that: 'Litigation has become a serious drag on U.S. competitiveness. We have, over many decades, slowly increased the risk of liability and decreased the defenses available until almost any loss has a good chance of being compensated, regardless of fault. We assume if there is a loss, someone must be found to pay.

"This system dampens entrepreneurship. It clearly discourages American business from taking risks and retards innovation and imagination. Excessive litigiousness goes to the heart of a society's creative mainspring. A risk-free society will not maximize its creative potential.'

"For this reason, I think it is a very good bill and I appreciate the Chair's progressive attitude towards resolving this issue of fairness.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 1088, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," having been read throughout, passed Third Reading by a vote of 40 ayes to 11 noes, with Representatives Amaral, Apo, Beirne, Hagino, Hirono, Menor, Shon, Takumi, Tam, Taniguchi and Thielen voting no.

#### H.B. No. 199, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 199, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTS," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 321:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 321, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 1176, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1176, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 51 ayes.

#### H.B. No. 1955:

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1955, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1088, 199, 321, 1176 and 1955 had passed Third Reading at 2:07 o'clock p.m.

**H.B. No. 1141, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1141, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASE OF CAMPSITES," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1534, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1534, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 182, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 182, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURAL LANDSCAPES," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1732, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1732, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MISCELLANEOUS PERMITS FOR PHARMACY," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1141, 1534, 182 and 1732 had passed Third Reading at 2:08 o'clock p.m.

**H.B. No. 1880, HD 2:**

Representative Ihara moved that H.B. No. 1880, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose to speak against the bill, stating:

"As I mentioned in the committee, a number of years ago Mickey Thielen started a restaurant called The Bank, and the Department of Commerce and Consumer Affairs shut him down because they were concerned that people going in to get a bowl of soup and a plate of salad at a teller's window would be confused and would think that they were really banking instead of getting a meal. Ultimately, he was allowed to reopen it after going to the Legislature, and the Legislature amended the banking act to allow restaurants to, I guess, use that terminology of the 'bank.'

"The situation is the same in House Bill 1880, House Draft 2.

"What we are doing is allowing banking institutions to enter into the practice of underwriting insurance policies, and it's going to create conflicts, I believe, members. It could create a conflict for the consumer when either obtaining a loan or purchasing insurance. The consumer will be placed in a situation where they might reasonably believe that they have to purchase insurance from that bank in order to obtain the loan for which they're applying. It mixes functions basically, and it doesn't draw the lines clearly between the two although they claim that they will institute firewalls which will supposedly prevent confusion. But are you going to go to the bank to bank or to get insurance? I don't think that the

consumer should be placed into a conflict situation where there is a subtle pressure that this is available in that institution -- do a one-stop shop, and get it all right there.

"The other thing that makes me rather concerned is that we don't have a particularly good track record at this point with insurance coverage in our State. I am not sure that when we have a utility company that went into the insurance business and then decided ... we're not going to pay out and we're just going to bail out -- do we want to put banks in the same situation where they would have the opportunity to say ... whoops, we diversified a little bit too much. We're going to leave the consumers holding the bag, and unfortunately, the bag won't have any money in it. So I am respectfully going to vote no on this measure."

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

"The previous speaker failed to mention that there's a drive-in window also and they also have a teller at the drive-in window. The example that was given by the previous speaker was an exaggeration. We all like to have a one-stop shopping center, or one-stop health place, or one-stop health/human services area. I think it provides convenience, and let me address your concerns, my dear colleague on to the left.

"With respect to security powers, I was there at the time when the bill was heard. There was no testimony in opposition and that under the federal regulatory authority, Hawaii banks have already entered into a broad range of securities activities, either directly through subsidiaries, or through holding company affiliates.

"Under the current situation, however, customers must be referred to different bank entities for different services. Banks now have gone into selling different products which serve the public. One of it is the trust companies. Most of the bigger banks now are in the business of selling trust products.

"Another area that all banks are into now is selling credit insurance. That is what we call the life, accident and health insurance. So banks that will be going into the life insurance business is not something new -- it has been there many, many years ago. And this does not have a bearing whether your loan will be approved or not if you don't participate or buy an insurance. That's not the concept of this bill.

"With respect to both securities and insurance powers, I believe that there were no testimony in opposition from the consumers. I believe the consumers are likely to benefit from banks entering into these areas, and because of greater competition and economies of scale, should translate into lower costs for consumers. Customer convenience will also be served by having a greater range of options available if purchasing the services.

"Additionally, the bill provides for the commissioner of financial institutions to design an appropriate approval process and regulatory firewalls to ensure that insurance and securities activities are conducted in a manner consistent with the safety and soundness of the banking system. In this respect, the bill follows the approach to regulation of standard powers at the federal level.

"Also, I believe that the Consumer Protection Committee expects that the commissioner will be the one to decide regulations and that will assure the safety and soundness of banks without unduly limiting their ability to offer products and services in this area.

"This is a good bill, and I urge my colleagues to vote for this bill.

"Thank you, Mr. Speaker."

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

"It is my understanding this bill has come before this august body for many years now and we have seen fit to hold this measure these few years. I wonder, actually out loud, in the face of the recent experience we have had with respect to insurance, why it is we move forward at this time with this measure. I think perhaps we should err on the side of caution and move slowly on the approval of this. I understand and acknowledge in fact that nothing will take place with this until passage of certain measures take place with the federal government, and this basically just gives them permission to deal outside the United States and in the Pacific.

"I think the intention here is to do business outside the United States and perhaps to jeopardize their banking interests when they do so that has direct impact on us and our consumers.

"I would rather see us err on the side of caution here, and because of that I am not supporting this. I will note however, Mr. Speaker, that I hope that when the time comes to vote on this measure, that those people that have dealings with financial institutions will so declare.

"Thank you."

At 2:18 o'clock p.m., Representative Ihara asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:33 o'clock p.m.

Representative Tam then rose and requested a conflict ruling, saying that he is a part-time financial service representative for Metropolitan Life Insurance Company, and the Chair ruled "no conflict."

Representative Duldulao then rose and requested a conflict ruling, saying that she is an employee of the Bank of Hawaii, and the Chair ruled "no conflict."

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

"M. Speaker, I rise to speak in support of House Bill No. 1880, HD 2, relating to financial institutions.

"In this vast complex changing world of ours, the climate in the business sector is such that diversification is a common denominator. Our local banks need to prepare for the continuing globalization of financial services.

"Having lost traditional customers to new competitors, banks are being forced to compete for less and less attractive lending opportunities at a time of narrowing spread and diminished profitability. Large national and state-chartered banks have been granted broad powers by their regulators and rapidly gaining expertise in new product lines.

"Making Hawaii banks more competitive by expanding their product offerings would position them to better compete with financial institutions from the mainland and foreign banks.

"By allowing our local banks to exercise expanded powers in the selling and underwriting of insurance, annuities, and securities, our Hawaii customers will benefit. In the case of bank sales of life insurance, lower policy and distribution costs should translate into lower premiums. It would also mean more jobs as insurance agents would be hired by the banks.

"In the case of securities, customers, especially our neighbor islanders, would have the convenience of one-stop banking and enjoy a wider choice of investment vehicles for their funds.

"Some opposition to the sale of insurance was voiced on the basis that banks would engage in tie-in sales such as selling insurance services in branches. However, banks have sold credit insurance in this State for decades with virtually no complaints. Further, banks are subject to very stringent federal anti-tying restrictions which are more stringent than those contained in either the Clayton or Sherman Acts.

"Other objections have centered on risks. Some of my colleagues are leery of another HEI/HIG situation. However, bank insurance activities would be subject to requirements of the insurance code. Current federal law will not permit the full exercise power of underwriting powers in this State as granted by the bill. Currently, underwriting powers is exercised to the benefit of both banks and consumers in foreign jurisdictions, as in the Pacific Islands where Hawaii banks operate.

"In addition, the Commissioner of Financial Institutions has the authority to design appropriate approval processes and regulatory firewalls to ensure that insurance and securities activities are conducted in a manner consistent with the safety and soundness of the banking system.

"The bill also follows the approach to regulation of expanded powers at the federal level.

"In closing, Mr. Speaker, the time has come for expanded bank powers. Entry of Hawaii banks into a broader spectrum of financial services is essential and inevitable. The bottom line is that the consumer would be the beneficiary.

"Mr. Speaker, I urge you and my colleagues to vote aye on this measure.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 1880, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Amaral, Hagino, Hirono, Nekoba, O'Kieffe, Shon, Tam, Thielen and Ward voting no.

#### **H.B. No. 1883, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1883, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF BARBERS," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 1735, HD 1:**

Representative Ihara moved that H.B. No. 1735, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Tam rose and requested a conflict ruling, saying that he is a part-time sales representative

for Honolulu Termite and Honolulu Fumigation Company, and the Chair ruled "no conflict."

The motion was put by the Chair and carried, and H.B. No. 1735, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS," having been read throughout, passed Third Reading by a vote of 51 ayes.

**H.B. No. 1891, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1891, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC BROADCASTING AUTHORITY," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1887, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1887, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY PERSONNEL," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1889:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1889, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY LICENSING REQUIREMENTS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1880, 1883, 1735, 1891, 1887 and 1889 had passed Third Reading at 2:36 o'clock p.m.

At 2:37 o'clock p.m., Representative Herkes asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:38 o'clock p.m.

**H.B. No. 1890, HD 1:**

By unanimous consent, action was deferred to the end of the calendar.

**H.B. No. 1034, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1034, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF AND REHABILITATION," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1630, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1630, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CITATIONS FOR UNLICENSED ACTIVITY," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Herkes and Thielen voting no.

**H.B. No. 1638, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1638, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1636, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1636, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNREGISTERED MOTOR VEHICLE MECHANICS AND REPAIR DEALERS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Alcon voting no.

The Chair directed the Clerk to note that H.B. Nos. 1034, 1630, 1638 and 1636 had passed Third Reading at 2:39 o'clock p.m.

**H.B. No. 1629, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1629, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WARRANTIES," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1734, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1734, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1537, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1537, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1565, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1565, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1629, 1734, 1537 and 1565 had passed Third Reading at 2:40 o'clock p.m.

**H.B. No. 775, HD 1:**

By unanimous consent, action was deferred to the end of the calendar.

**H.B. No. 1971, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1971, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE SALES PRACTICES," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1635, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1635, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM LAND SALES PRACTICES ACT," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1632, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1632, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

DURATION OF LICENSE SANCTION," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1127, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1127, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 51 ayes.

**H.B. No. 2087, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 2087, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1158, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1158, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1971, 1635, 1632, 1127, 2087 and 1158 had passed Third Reading at 2:41 o'clock p.m.

**H.B. No. 1886, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1886, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF ENGINEERS, ARCHITECTS, SURVEYORS AND LANDSCAPE ARCHITECTS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1633:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1633, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF MASSAGE THERAPISTS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1678:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1678, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCE REGISTRATIONS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1731:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1731, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1583:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1583, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1634:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1634, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIR DEALER AND MECHANIC REGISTRATION," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1886, 1633, 1678, 1731, 1583 and 1634 had passed Third Reading at 2:42 o'clock p.m.

**MATTERS DEFERRED FROM EARLIER ON THE CALENDAR**

**Stand. Com. Rep. No. 706 on H.B. No. 1473, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1473, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE ELECTRIC AND TELEPHONE RATE INCREASES TO ASSIST KAUAI'S ELECTRIC AND TELEPHONE RATEPAYERS," having been read throughout, passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Amaral, Beirne, Chumbley, Hagino, D. Ige, Shon and Taniguchi voting no.

The Chair directed the Clerk to note that H.B. No. 1473 had passed Third Reading at 2:44 o'clock p.m.

**Stand. Com. Rep. No. 707 on H.B. No. 124, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, Stand. Com. Rep. No. 707 and H.B. No. 124, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," were recommitted to the Committee on Finance.

**Stand. Com. Rep. No. 708 on H.B. No. 1522, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, Stand. Com. Rep. No. 708 and H.B. No. 1522, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EFFICIENCY AND COST SAVINGS," were recommitted to the Committee on Finance.

**Stand. Com. Rep. No. 736 on H.B. No. 1213, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1213, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Tajiri rose and stated:

"I would like to ask the indulgence of my fellow colleagues here. Originally, I wasn't going to speak on this and just let the votes go, but apparently there's been a lot of consternation, misinformation and misunderstanding about this measure, so I would like to speak in favor of House Bill 1213, House Draft 2.

"This measure basically is a measure that addresses the concern for advocacy for the University of Hawaii at Hilo, and fairness in funding, fairness for the students, and also the professors although the professors don't seem to think so at this point, and therein lies the misunderstanding and misinterpretation of the measure.

"Let me go back in history and bring everyone here up to speed, as to the history of this institution called the University of Hawaii-Hilo.

"In 1970, this institution was made into a four-year liberal arts college from its previous two-year junior college status. At that point, the University's administration and faculty there really had some problems about this, and the community was the one that forced this issue to the floor and asked the Board of Regents to make it a four-year college. They essentially demanded that this be a four-year college and the Board of Regents acquiesced to that and it became a four-year university. Since that time, a lot of measures to advance the University of Hawaii-Hilo has met with all kinds of roadblocks from the University community.

"Let me give you some examples.

"The athletic program was started by the community. There was no support basically from the faculty or the students until 1976 when UH-Hilo finally knocked off Nebraska and New Mexico and then it became the University's.

"The College of Agriculture met a lot of resistance and, for the record, it was created by this very body -- the State Legislature. And it is one of the few colleges ... I don't know of any others, in fact, that was created by the State Legislature ... College of Agriculture in Hilo, that is.

"The telescopes and all the astronomy facilities on Mauna Kea ... that was fought against the telescopes by the University. The rhetoric that was around the University at that time was -- wrong mountain, wrong time. And had it not been for forces from the community, we would not see the advance in astronomy in the State of Hawaii and more particularly on Mauna Kea.

"The new dorm ... had it not been for the support of my colleagues from the Big Island, the new dorm -- Hale Kehai -- would not have been built. The priority on that was something like 47 as far as the Board of Regents was concerned. And so it is a legislative-mandated dorm.

"The new Research and Technology Park. Again, there was really no substantive support from the University community.

"The four-year nursing program was the latest one. There was really no support again from the University, but then it was the community's efforts that made this into a reality.

"The reason why I share all of these with you is to bring you to light that the University of Hawaii at Hilo really is an institution that was created by the Big Island community, not the University. And that is the problem, and that is what this measure tries to address.

"You know, Jack Welsh in his book, **Control Your Destiny or Someone Else Will**, and excerpts of it was found in a very late issue of **Fortune** magazine, and if I can quote from this. . . by the way, Jack Welsh is the Chief Executive Officer of General Electric and has been that for over a decade. Let me quote what he said: 'When I tried to summarize what I've learned since 1981, one of the big lessons is that change has no constituency. People like the status quo, they like the way it was. When you start changing things, the good old days seem better and better. You've got to be prepared for massive resistance. Incremental changes don't work very well. If your change isn't big enough, revolutionary enough, the bureaucracy can beat you. When you get leaders who've confused popularity with leadership, who just nibble away at things, nothing changes.'

"I think that's true in countries and in companies. The resistance for this change comes almost entirely from the faculty, the administration and the students, and this is no surprise to me.

"Let me share with you, my colleagues, what some of the reasons are. These are excerpts from remarks for the faculty's position and why they don't want change. Let me read to you: 'It has been proposed that UH-Hilo be separated from the University of Hawaii to form a new institution called the Hawaii State University. Please state reasons why you oppose this separation.'

"Let me read to you and listen carefully. 'It would be an administrative nightmare. It would lower the stature of UH-Hilo and it would place UH-Hilo at the whim of the Legislature. State universities are second rate. Resources available at UH-Hilo, for example the library, the intramural branch, travel funds would be immediately accessible if we separate it. No guarantee of funding.' Let me skip down, in light of time, and say this ... 'The danger of control by Big Island politicians. Danger of reduced funding and competition with the University of Hawaii-Manoa, and the loss of the university status and research funding.'

"Obviously, some of these writers had no idea as to the role that this body had played in the development and growth of that university.

"Let me read to you another one -- it is really interesting. 'Anyone who is more than a moran knows that Oahu is the center of political gravity in this State because there are more legislators from Oahu than other islands, and everybody knows that decisions about education in this State are made on the basis of political considerations first and only secondarily on the basis of educational ones. Oahu legislators would make sure that Manoa is taken care of first and Hilo would receive the crumbs which were left over. The creation of the Hawaii State University is a blueprint for financial suicide.'

"Let me go on. When they were asked what their friends and neighbors thought, this is the remark: 'They were quick to point out that last year the politicians and the regents dealt a damaging blow to UH-Hilo by cutting the Hawaii Community College loose.' The fact of the matter is ... it was the regents and not us that made the decision, so this writer is misinformed.

"The other writers said: 'I do not care what the unaffiliated members of the public think about this issue.' Now, what their perception of the alternative of the problems that we have at UH-Hilo, they're saying ... 'Get a board and a system that knows what it's suppose to be doing. Get a more responsive board. We need more greater community participation. Follow up on the master plan recommendation with modifications as needed. Make board appointees more knowledgeable.'

"These writers have no concept of what the University of Hawaii-Hilo is because there really is no master plan that they are talking about.

"The measure calls basically for equal funding, and that is the guts of this whole proposal. You see, in the last few years, the University of Hawaii-Manoa has had an increase of over a hundred and four percent in their budget. UH-Hilo has a 140 percent. That sounds good, except when you realize that Manoa, in that period of time, had no increase in student enrollment, and Hilo had a doubling of enrollment. So if you can justify a hundred percent increase in your funding, why is it that we only have at Hilo a hundred and forty percent for a doubling of the enrollment?

"On the one hand, the administration says ... 'Well, we have graduate programs at Manoa and that's the reason why the cost is so expensive.' Traditionally, up until about six years ago however, Hilo, because of its lack of size and the lack of the critical mass, their funding traditionally was a little bit more than Manoa. So there's one argument that says, we have graduate programs here and that's why we need more funding. On the other hand, you have this argument which I claim that we're smaller, we don't have the critical mass and the economy's stale, and that's why we need more funding.

"What this measure says is that it should be based on the students the same or equal amount of funding. That's not fair. . .

At this point, the Chair interrupted and advised Representative Tajiri that he had exceeded his ten minutes, whereupon Representative Thielen rose and yielded her ten minutes.

Representative Tajiri thanked Representative Thielen and continued his remarks, stating:

"So this measure basically comes down to that.

"Now, let's explore what the students have to say. They are saying that the College of Continuing Education and Community Service provides community outreach programs. They forget to realize that there are over twenty-five teachers on the Big Island that are now having to take from Heritage University their Master's program. Twenty-five of them spent seven thousand dollars. Now, where is the University of Hawaii in offering these courses? They also suggest that the University of Hawaii College of Agriculture offers an excellent program preparing students for career in agriculture. The question now is ... who proposed that? Who made that a reality? Was it the University again?

"The students throughout the University of Hawaii system are able to transfer, they say, between any other campus, and herein lies half the truth. The reality is that ... yes, a University of Hawaii-Hilo student may transfer his credits to Manoa but if he takes an upper division course like Business Law 300, those courses only transfer to Manoa as an elective, not towards their major -- not towards their major. Then why would anybody want to take Business Law 300? But nobody is telling the students that, until it's too late, because the reality of it all is that the Manoa's system has said to Hilo ... we will not be accepting any transfer of credits in a major field if those programs, where they come from, are not accredited. UH-Hilo does not have an accredited business program. They don't have an accredited arts program, or a music program. The question then becomes ... why are we not accredited? After twenty years, why are we not accredited? Who's minding the shop?

"There are a whole bunch of things and the misperceptions about the students and the faculty and the administration, and this bill tries to remedy that by copying the lead of many other states before us. Some of the faculty say whether higher education should not play a role in developing of economics. But you know what? Let's examine the role of the land grant system.

"In 1862, there was a Moral Act that a lot of people referred to. That Moral Act of 1862 set up the land grant institution. The federal government realized, Congress realized, that the states needed help in economic development and so what they did was they told the states ... we'll give you some land if you will put up some institutions of higher learning to address the economic concerns of your particular states. As the years went by,

however, what had happened is that a lot of the states, their business community especially, realized that the institutions were not addressing that very charge of economic development and so they created a competing university, and that's the reason why you see the University of Michigan/Michigan State, Oregon/Oregon State, Arizona State/Arizona, and on and on and on. I believe some of the instructors, the professors, need to take a look at the history of higher education in our nation first.

"I ask you, my fellow colleagues, to vote on this measure, and in closing I would like to say for all of you, who, in years past, helped the University of Hawaii-Hilo, and I have to make a public apology here to David Hagino who had helped me get pork barrel funds to support some of the growth at the University of Hawaii-Hilo. I mistook him for David Ige and said that, and I apologize publicly to him because had it not been for his pork barrel money, we would not have had some of the improvements at the University of Hawaii-Hilo.

"Which brings me to one more thing. All of the necessary CIP projects at the University of Hawaii-Hilo, in the last eight years, was initiated by this body -- the House of Representatives. We initiated the dorm, we initiated the parking lot, and all of the remaining CIP there was Harvey Tajiri's pork barrel. There is no ongoing CIP projects at Hilo now -- zero! Manoa has about one hundred thirty million dollars in CIP going on right now. Where is the fairness? Where is the equity?

"I ask all of you to join me in bringing University of Hawaii-Hilo out from under the shadows. I ask you also, too, to have the vision to look down the road ten/twenty years from now where higher education can become another industry that the State can proudly say that it's part of our economic base.

"Thank you for your time and your indulgence, fellow colleagues.

"Thank you, Mr. Speaker."

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

"I think that the previous speaker has made a terrific case for bringing University of Hawaii-Hilo out from under the shadows. I think, though, that the real problem here is ... if it is resources, then this bill cannot remedy that problem. Right now, there are two avenues to generate support and resources for that institution -- through the University of Hawaii system which has been aptly demonstrated by the previous speaker as to not have done its job perhaps, and through the Legislature. The fact of the matter is, though, we have heard -- chapter and verse -- is how neither of those have delivered the goods, in terms of the judgment of the Hilo community.

"If we pass this bill, there will only be one avenue for funding that institution, and the University of Hawaii system will no longer be interested at all in supporting that system. And, as the previous speaker has said, the administration, the students, and the faculty are all against it. That kind of relationship that is likely to exist, following a complete separation, I cannot translate as more support to libraries and other shared relationships. I find it difficult to translate that into more articulation of courses. I think it is very true that perhaps we have not used the leverage we have with the University of Hawaii system to force a much closer relationship and better dialogue and communication and support.

"But, Mr. Speaker, this particular bill, it seems to me, is essentially a proviso. On page 8 -- 'Expenditure per

student.' It reads: 'For ten years after the effective date of this Act, the average expenditure for any student at the Hawaii State University shall be not less than is expended per student at the University of Hawaii-Manoa.'

"For one thing, of course, we cannot bind future Legislatures, but have we bound ourselves this year? Can it be said that through the conventional means of financing, we have created equity between the students at Hilo and the students at the University of Hawaii throughout the system? No, we haven't even done that! But that is possible. It is possible to provisos to the allocation of funds. There's nothing in the current structure that prevents us from delivering more resources to this institution which has lived in the shadows. Does this bill create a more optimum situation for those resources? Does this bill guarantee that the current faculty will stay? That students will have more transferability of their credits, or less?

"I think the remedy here is far worse than the problem that has been articulated. I fear greatly that the students/faculty and even the community in Hilo will not benefit from this. I think they will benefit from some of the sirit of this bill but not the particulars of the bill. That's why I must very respectfully say that I cannot agree with my colleague from Hilo on this, that I really think that the community support is only one element, but there is also the national and international arena in which universities operate. We want to attract to Hilo and the rest of the system scholars and teachers of the highest caliber, and yet we have an institution that will begin completely unknown and completely unaccredited.

"For these reasons, I think that this step right now is far too premature and that what we should do is go back to the drawing board and assess the real grievances that the previous speaker has very eloquently articulated time and time again, that the program and the facilities at that institution have been neglected. That's true, but this will not remedy that neglect.

"Thank you, Mr. Speaker."

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

"I have been critical of this concept for a number of years, however I would like to, in speaking out against this bill, make one point, and it may seem somewhat facetious but I think it's an important point.

"You know, there were times, when we live in Hawaii, that we are not aware or fully aware of the ramifications of events that happen around the world. You know, we read about Yugoslavia and Czechoslovakia and the breakup of the system there, of the countries there, and yet we don't quite understand what's happening there, why these things happen, and I think in many ways, this bill presents a tremendous opportunity for a lesson that comes home to us.

"What we have here with this Hawaii State University bill is really within the higher education sphere and is an attempt to turn the University of Hawaii into basically a Yugoslavia. We have a balkanization of the entire system. If you look at the University of Hawaii system, you're only talking about three campuses. The community colleges are pretty much independent in their own rights. You're talking about West Oahu, you're talking about UH-Hilo, and you're talking about Manoa. That's all you're talking about. You have major systems at other universities such as University of Wisconsin, Michigan State University, University of New York, University of California which has, I believe, eleven campuses, and all of those systems have been able to

create a tremendous educational opportunity for all the students, all their states, as well as for citizens and students from all over the country. So clearly, the size of a system has no effect on the quality of education that will exist at each of the campuses. If you visit some of the campuses, as I have done on the mainland, you will know that many of these campuses chart out their own speciality and their own destiny, but it takes time and it takes money.

I'd like to clear up just a few things. You know, I served as Higher Education Chairman. I also worked in the Legislature in 1970 when the decision was made by Jack Burns to go ahead with a strong astronomy program. What happened was, there was, I believe, a professor from the University of Arizona who had come to Hawaii, had been up to Mauna Kea, went to see the Governor, went to see Senator Nadoo Yoshinaga, and inspired them as to what the univesity could be about. He also inspired President Thomas Hamilton. As far as I know, the astronomy program has always been a major center for the University of Hawaii. If you read any of the studies, and there's been a number of studies done by the University of Hawaii where they brought in mainland experts that always cited astronomy, and this Legislature has always supported that so I don't believe that it's quite true that only the politicians had made astronomy a major program.

"In terms of the politicians, you know, I, too, have my own gripes with the University of Hawaii and many of us have our own private little gripes with the University of Hawaii. In my own area, the Hawaii Natural Energy Institute was not fully supported by the University and it took legislation from Representative Okamura, myself and others to make the Hawaii Natural Energy Institute a permanent part of the University of Hawaii-Manoa. The Ethnic Studies Department, the Ethnic Studies Oral History Program, the Hawaii Evolutionary Biology Program -- there's a whole slew of programs at the University that are now excellent programs which did take some political intervention on our part. So it is not an uncommon experience that we, in our wisdom, will fund certain programs that we think are important.

"Our interference goes into the area of sports. You may talk about the UH-Hilo sports program, but we've done it here with the baseball stadium, we've done it here with the basketball arena. Any number of examples can be brought out, but this is different. This is different. This does not compare with a UH baseball stadium, and I was chairman at that time when the decision was made to fully fund the UH baseball stadium.

"This is clearly an intrusion into the autonomy of the University of Hawaii. Let me make it very clear. All the other times that we have supported some programs that the Regents may not have supported, that pales in comparison to this. We are striking at the very central core of the University system. The Regents have opposed this bill because they understand the full ramifications of this. The University administration has opposed this bill. This is different from any of these other little pork barrel programs of which I've participated in. This goes against the whole concept of autonomy.

"Now, just to clear up a few other things. There was some mention that it was the politicians that got involved and made University of Hawaii-Hilo a four-year campus. You know, when UH-Hilo was set up, it was set up as a two-year institution. It was never placed into the community college system. The Regents have always believed that someday there will be a four-year campus there. The only question was when there would be a four-year campus. If there was any political interference, it came about in this manner. And I have all the

newspaper articles. I was a student on campus when this matter came up. I worked in the Legislature when this matter came up. I have newspaper articles if you want to see them; I have the Board of Regents minutes if you want to see them. But came up at the last minute is that the Leeward politicians thought that the next four-year campus should be in Leeward Oahu rather than in Hilo, and that's when there became some problems of political interference.

The other aspect of a political interference came up when then Governor John Burns got into the act. He stated that ... 'Yes, we should have a four-year campus on the Big Island.' He was always in favor of that, however, he thought that the four-year campus should have been placed in Waimea, in Kamuela. And together with then Richard Smart who was alive and really had a great vision with Governor Burns for West Hawaii, Richard Smart offered five hundred acres of land free to the State of Hawaii for a four-year campus in Kamuela, and the intervention that came in at that time was that Governor Burns stated unequivocally that he was in favor of a four-year campus but he would prefer to have it in Kamuela. I might add an aside that I never cease to marvel at the genius and the wisdom of John Burns. With hindsight perhaps, he might have been correct and this would have solved a lot of the problems we have now with Hamakua Sugar. But that is the manner in which the political interference came about. There was a last-minute attempt to have the four-year campus in Leeward Oahu, and Governor Burns wanted it in Kamuela rather than in Hilo, and that's the political interference that came about. There was never -- there was never -- any thought on the Board of Regents' minds but that someday UH-Hilo would become a four-year campus. I think that that's got to be made clear.

"Now, there's been some complaints about the capital improvements program. The University of Hawaii has \$130-million capital improvements program. That may be correct -- I haven't totaled up the numbers -- but if you check, in terms of what the University of Hawaii-Hilo really wanted from Manoa, a great portion of that \$130-million were projects that they had not wanted. We forced down upon them the basketball arena and the accompanying parking structure, and the renovation of the College of Education. So, in that sense, we have interfered.

"More importantly, if you know the University of Hawaii-Manoa, you're going to realize that this construction program has only begun this year. Up until the completion of the School of Medicine Medical Building, there has not been a new building at the University of Hawaii-Manoa for almost twenty years -- for almost twenty years. So what you have is ... Manoa went through this period of time so that the community colleges and other institutions in the University of Hawaii system could be built up. We had to go ahead with Kapiolani Community College, we had to complete Leeward Community College. Now we're going ahead with Windward Community College, hopefully, but what happened is Manoa took a back door. . .

At this point, the Chair interrupted and advised Representative Hagino that he has exceeded his ten minutes, whereupon Representative Marumoto rose and yielded her ten minutes.

Representative Hagino thanked Representative Marumoto and continued his remarks, stating:

"So what happens is the University of Hawaii-Manoa waited in line for a number of years before these projects could begin and so it is only now, after basically a drought of so many years, that Manoa is finally beginning

to get some of the buildings that they require. I think that that should be pointed out to everyone here that it is only now, after some fifteen years, that Manoa has finally begun a construction program again. Every campus has to wait its turn. Mr. Speaker, I think that has to be pointed out.

"I have some other comments against this bill, but I won't make them at this time. There is no doubt in my mind, and I have read the 1986 LRB report as well as the 1992 LRB report, and there simply is no doubt in my mind that there are major constitutional flaws in this bill. You have to go back and read -- and I have them all here -- you have to go back and read the proceedings of the 1950 constitutional convention. You have to go back and read the proceedings of the 1978 constitutional convention to understand what the framers of our Constitution had intended for public higher education in the State. I think it is very clear they didn't want the Legislature to interfere with the internal autonomy. They wanted basically one system and I think this is something that we all have to understand. I have no dream that this bill is going to fail today. I imagine that this bill will pass and I will reserve my further elaboration of the constitutional flaws for a later date. But I think when you read all the materials, you will find out that there is a clear constitutional flaw, in fact two constitutional flaws in this measure.

"Depending on how this bill turns out, you will have a major due process argument that has to be made. The University of Hawaii, if it is forced to separate out the University of Hawaii-Hilo campus into a Hawaii State University, may have to be paid for the cost of the land, the leases, and the buildings because the University of Hawaii holds these lands and buildings in public trust. They cannot simply be required to pass off these lands and buildings to another state university. This is a very important point that has to be made. The lands are held in public trust -- it's in the Constitution. A good example of this is the Honolulu Stadium. The old Honolulu Stadium, you know, was our stadium for many years. The ownership of the stadium, besides a few private stockholders, was held by the University of Hawaii, and by the Board of Regents, and by the Associated Students of the University of Hawaii. The State Legislature wanted to create a public park and today there is a public park. A lot of people thought it was a simple matter to make the University of Hawaii transfer the ownership of the stadium to the Department of Land and Natural Resources for a park. Not so. The Attorney General's opinion was issued on March 4, 1974, and this Attorney General's opinion was followed. The State was forced to buy out the shares held by the University of Hawaii, held by ASUH, held by the Board of Regents, in order for the State to get the land to create a park at the Honolulu Stadium site. The reason for that is that the framers of the Constitution made it very clear that they wanted the University of Hawaii to hold title to the land in its own name, and it's an entity. Whether it be a private land owner, the State, or the University of Hawaii, if it holds title to land in its own name, it is entitled to be compensated under due process of law. There can be no taking without compensation. So just as the University of Hawaii had to be compensated for the Stadium land, they will have to be compensated if you intend to split off the Hawaii State University from the University of Hawaii. This is not just the cost of the land, it is the cost of the leases, that there is a value to those leases, and it is the cost of the buildings that are currently in place. So it's not a simple matter. Breaking up of any system is not a simple matter. It has to be looked at very, very carefully, but this is what's going to happen if this bill passes and there is an entirely separate system.

"You know, I share with Representative Tajiri some of his concerns and that it is quite sure that for a number of years that I had given some of my pork CIP money to the University of Hawaii-Hilo. In fact, the Research and Technology Park that he has mentioned was something that I had come up with with . . . an idea that I had come up with, I believe, with Representative Metcalf at that time, and I did provide the bulk of the pork CIP money for that project. So it is not . . . it is again not without some degree of sympathy on my part toward the people of Hilo, that I do feel compelled however to speak out against this measure.

"You cannot break up the system. It's a whole and it's always greater than the sum of the parts. Break up the system into many different parts, you know, and the value of each part is much less than the sum of the whole. When you know higher education, if the University of Hawaii system does not maintain a high reputation, it affects every institution of that state. People can be rightly proud of the University of California-Berkeley and the University of California system. That reputation carries over to all of the different campuses. It is the same thing here. The University of Hawaii-Manoa has not just the mission for itself, but it has a mission for the entire system and whatever reputation that it can garner for itself, spreads out through the entire system, and that is why it is important to understand that it is the University of Hawaii system that is so important to maintain.

"Another reason why I think it's important to understand why . . . perhaps there are some time, it doesn't happen in every legislative session, but there are some times that the University of Hawaii-Manoa may be given slightly more emphasis from some political leaders and from the Regents in other years. The reason is quite simply this . . . we can only afford one research university. It is very expensive to maintain a national research university. But everyone who has run for governor, whether it be Governor Waihee or any of the other governors -- gubernatorial candidates -- they have always pointed to the University of Hawaii-Manoa as a possible source of economic generation of excellence, of generation of new ideas, and if you look at the higher education functional plan, you will see that we have always stated that the University of Hawaii-Manoa should have a great deal of excellence. So I think, at this stage, to fault the Regents when on many occasions, politicians, whether it be through speeches, through the platforms, or through the functional plans, I stated that you should give some emphasis to the University of Hawaii-Manoa. I don't think we should fault the Regents for that. I think, in many ways, they have been following the dream of many politicians.

"So with that in mind, Mr. Speaker, I really feel that we have to look at the entire system -- what is best for Hawaii and really not allow, I think, what seems like a good idea, but what it's going to lead to is cannibalization of the system and create an impoverishment for everyone who participates in higher education in Hawaii.

"Thank you very much."

Representative Marumoto then rose and stated:

"All I wanted to say was that I would like the remarks of the previous two speakers included in the Journal as my 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. 1213, HD 2, entitled: "A BILL FOR AN ACT RELATING TO

THE HAWAII STATE UNIVERSITY," having been read throughout, passed Third Reading by a vote of 39 ayes to 12 noes, with Representatives Amaral, Chumbley, Hagino, Hirono, D. Ige, Marumoto, O'Kieffe, Shon, Stegmaier, Takamine, Taniguchi and Ward voting no.

The Chair directed the Clerk to note that H.B. No. 1213 had passed Third Reading at 3:26 o'clock p.m.

**Stand. Com. Rep. No. 745 on H.B. No. 1828, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1828, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Bainum rose to speak against the bill, stating:

"My opposition is not to a convention center per se, rather I am speaking in opposition to one specific site contained in this measure, and that's the Ala Wai Gateway Project.

"The more I learn about the Gateway site and the many problems that it will bring, and the more I talk with my constituents who despair of massive traffic congestion in an already crowded area, the more I say to you . . . please don't let this Boa constrictor of a project lose on our residential community.

"A Boa constrictor that would squeeze out one of the remaining residential community in Waikiki, a project that would swallow up the few remaining affordable rentals in our community.

"Not everyone in Waikiki is against the convention center, but everyone is against a convention center in the wrong place. The Ala Wai Gateway is the WRONG place."

Representative Ward then rose to speak in favor of the bill, with reservations, stating:

"In terms of economic investment, there's no better bill or no better investment than what we're right here. However, I believe there was a lack of professionalism by the Convention Center Authority in not preparing the recommendations on the sites being considered before we are called for a vote. The Convention Center Authority was created to assist us in getting this in a professional light and not in a political light.

"My question, Mr. Speaker . . . if we're going to put \$300-million in -- where's the urban geographers? Where are the regional planners? Where's the economists? Where's the architects? Where's the engineers? Where's the data for us to make this decision?

"Did we decide where Aloha Stadium was? Did we decide where the State Capitol is? Did we decide where the airport is? No, we had the professionals do it -- the urban planners, the regional geographers.

"So Mr. Speaker, I would encourage you, the Chair of Tourism -- let us have the professionals speak and then we, the political spinners, can put our spin on it, but we have not gotten the professional data, and we are not proceeding professionally on this.

"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. 1828, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A CONVENTION CENTER," having been read

throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Bainum, Hagino and Shon voting no.

**Stand. Com. Rep. No. 749 on H.B. No. 1202, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1202, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A CONVENTION CENTER," having been read throughout, passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Alcon, Arakaki, Hagino, Shon, Takumi, Tam, Taniguchi and Ward voting no.

The Chair directed the Clerk to note that H.B. Nos. 1828 and 1202 had passed Third Reading at 3:31 o'clock p.m.

At 3:32 o'clock p.m., Representative Ward asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:33 o'clock p.m.

**Stand. Com. Rep. No. 747 on H.B. No. 150, HD 2:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 150, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative O'Kieffe rose to speak in favor of the bill, with grave reservations, stating:

"It comes as a pleasant surprise that our colleagues across the aisle have finally seen the light and have joined the Republicans in advocating something which we have endorsed for many, many years. Although this bill is not perfect, by any means, it does take a giant step in the right direction ... that of cleaning up government as usual.

"In January of this year, the Republican members of the House issued a news release, pressing for the following reforms. Among them were: Removing the Lieutenant Governor as Chief Elections Officer and transferring his duties to another state agency; mandating the placement of surplus campaign funds into election funds; ensuring that capital loans be subject to definite contribution limitations; and opening campaign election reporting in government process in general, to allow the sun to shine in.

"I am pleased that House Bill 150, HD 2, attempts to address these issues. Although there are still much more to be done, in terms of true government reform, it is refreshing that the Republican voice is being heard by the people and by this Legislature.

"Mr. Speaker, I support House Bill 150, HD 2, with reservations.

"Thank you, Mr. Speaker."

Representative Thielen then rose to speak in favor of the bill, with reservations, stating:

"I'd ask members to turn to page 27 of their bills and take a look at this page. There is a real concern ... if our intent is to encourage candidates to abide by the campaign spending limit, this bill does exactly the opposite in this one section, and it's Section 4 of the bill. It says that contributions in the amount of \$200 will be tax deductible, no matter whether or not that candidate to

whom that contribution is given abides by the campaign spending limit or not. In other words, what it says is ... if you want a tax deduction for donating to a candidate, we'll let you have one and you don't have to have that candidate abide by the campaign spending limit. We've increased the tax deduction from \$100 to \$200. Where was Director Rick Kahle, I really wonder on this one? Maybe it was too political.

"The other thing that concerns me is in the same section. Even if a candidate is abiding by the campaign spending limit, we're now allowing a tax deduction for \$1,000 instead of the former ceiling of \$500. And again I say ... where was our Director of Taxation on this one?"

"I think it's a bad message. I think we should be instead sending the message ... let's hold down on campaign spending, and the way to do that is not to increase tax deductions for campaign donations, and with that reservation I will be voting in favor of the bill, Mr. Speaker."

Representative Tom then rose to speak in support of the bill, stating:

"Mr. Speaker, I just want to proudly say before I make my address that this bill is authored by Democrats, it was voted mainly by Democrats -- it's a democratic bill -- and I'd just like to correct the former speaker on that. And I'd like to say that this bill is just one of many innovative measures that has been introduced under your administration, Mr. Speaker.

"The purpose of this bill is to modify the campaign spending laws to encourage citizen participation and citizen confidence in the electoral process. I am particularly proud that the members of the Judiciary and Finance Committees have had the courage -- Democrats mainly -- to tackle the campaign finance reform where it is all too easy to duck and hide from the changes which needs to be made to restore public confidence and participation in the electoral process. Instead of playing it safe, the members of those committees produced an omnibus reform bill, one that simplifies, clarifies and supports the whole concept of responsible campaign financing.

"Some of the highlights of this bill, Mr. Speaker, are ... it mandates that undocumented loans, for example, to candidates will now be considered campaign contributions and that such undocumented loans will be treated as a campaign contribution, subject to all the provisions of the campaign spending law. In addition, instead of the old practice of returning excessive campaign contributions back to the contributor, the committees have decided that the law should require that the excess be deposited with the Hawaii Election Campaign Fund. This fund, of course, helps these candidates who have agreed to abide by campaign spending limitations. As we all know, not enough candidates elect to abide by the current spending limits. This sorry fact has been a primary failure of all earlier attempts to control campaign spending and to bring some limit to the quest for campaign contributions.

"The bill before you, Mr. Speaker, encourages the public to financially support those candidates who have agreed to abide by the spending limitation. It does so by increasing from five hundred to a thousand dollars the amount which the taxpayer can deduct from his or her taxable income for tax purposes so long -- so long -- as the campaign contribution is made to candidates who have agreed to abide by the campaign expenditure limit set by law.

"So when Representative Thielen talks about one hundred to two hundred dollars increase for all

candidates, let's not be manini ... I'm sorry, I'm mentioning names here ... but we're talking about five hundred to a thousand contributed to those who are abiding by the limit. Now, that is a step forward. One hundred dollars to two hundred dollars? We must consider those people who don't abide by the campaign spending and give some credit at least to the contributor.

"Because of this important change, it is my hope that the bulk of candidates in the next election will at least agree to be bound by spending limits. Such a turn of events will restore a level playing field to all candidates -- Republicans, Democrats, Independents, incumbents, newcomers, and all those who seek to serve in public office -- will be made. There is a coordinated effort in this bill, Mr. Speaker. We are correcting an abuse which has become a standard feature of our electoral process.

"All of you, no doubt, recall. . . this is another area that I would like to go in ... all of you recall, at one time of campaigning, being treated to the regular spectacle of scrupulous charges being made shortly before an election. Two or three days before each election, we can expect a political spokesperson to announce, with great fantasy and media attention, a vague list of charges and accusations that supposedly will be filed with the Campaign Spending Commission. Yet, when any charges are filed, current law requires that the Commission to hold its collective tongue, thereby unwillingly assisting the political purpose of the accuser. As you all recall, the accuser never pursues these charges after the election is finished. The measure before you seeks to remedy that abuse by making available, for public inspection and comments, all formal charges that may be made by the accuser.

"In summary, the Judiciary and the Finance Committees have completed and are proposing to you a comprehensive reform of the campaign financing law.

"I urge you members to vote up on a bill that is very progressive, and that it's merely a reflection of the many positive things that have come about because of this administration under Speaker Joe Souki.

"Thank you."

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

Representative Ward's remarks are as follows:

"Mr. Speaker, I also rise to speak with reservations about House Bill 150.

"My three Republican colleagues have already pointed out that House Bill 150 does not go far enough.

"One aspect of the bill we need to address is the final effect this bill will have on the campaign election process, and on government reform in general.

"One very important aspect of all Republican packages has been the insistence that reform be linked with the power to effectuate change.

"To be effective, we must propose true, hard-hitting reforms which hurt, and provide the power to the campaign spending agency to inflict the pain if we're serious.

"In short, Mr. Speaker, much of what these so-called election reforms propose is much to do about nothing. They'll have about as much teeth as our conflict of

interest statutes. We call out 'conflict of interest' and like an automatic echo -- 'no conflict' is heard.

"This bill like others -- we damn with faint praise for those things we hold dear!"

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

"I believe commendations to both the Chair of the Judiciary Committee and the Chair of Finance are in order. This is a measure of reform, in terms of campaign spending, and I commend both Chairs for their foresight in moving this measure forward. I think this measure is certainly in keeping with the spirit of reform and change with which this body opened its session and with which it continues to operate.

"Unlike the good Chairman of the Committee on Judiciary, I think we all welcome the support and the cooperation of the members across the aisle.

"Thank you, Mr. Speaker."

Representative Thielen then rose and stated:

"I would like to commend my colleague across the aisle for that comment -- thank you.

"I think that we act as State legislators here and we try to do the best that we can. I appreciated her recognition.

"Thank you."

Representative Apo then rose and stated:

"Mr. Speaker, just a brief comment. You know, while we're patting each other's back, which I support, I think we ought to give some credit to the general public who's helping us see the light these days.

"Thank you."

Representative Marumoto then rose to speak in favor of the bill, with reservations, stating:

"I'm not totally sure on one point but I would like to address one important improvement that this measure contains.

"I'm pleased to see that loans would have to be documented and disclosed under this measure and then if not properly documented and disclosed, they would be treated the same as monetary contributions. That means loans would have to be subject to the contribution limit so if a loan is over the contribution limit, in accordance with the present law, the overage must be returned to the donor. Although the Chairman of Judiciary said it would revert to the election fund, I'm not quite sure of that and I can't really find that in the bill. But if it does go back to the donor, I will be very much opposed to it. I feel that over-the-limit contributions and loans should not be given back.

"Mr. Speaker, your Minority Caucus feels quite strongly that the excess donation should be placed in the election fund and not given back to the donors. They are, in effect, illegal. Our legislation this year calls for the excess to go to the election fund and there was also a penalty provision. Good government organizations have consistently pointed out that large loans can circumvent the contribution limit if later forgiven.

"This bill is a great improvement but does not seem to go far enough, so let's keep working on it.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 150, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 150 had passed Third Reading at 3:47 o'clock p.m.

**Stand. Com. Rep. No. 781 on H.B. No. 65, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 65, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Alcon, D. Ige, Suzuki and Yonamine voting no.

The Chair directed the Clerk to note that H.B. No. 65 had passed Third Reading at 3:48 o'clock p.m.

At 3:49 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:50 o'clock p.m.

**H.B. No. 1890, HD 1:**

Representative Ihara moved that H.B. No. 1890, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"First of all, I'd like to thank the Chair of Finance, Representative Say, the Finance Committee members and staff, and the members of the Consumer Protection and Commerce Committee for their hard work in helping to form and shape this measure.

"Mr. Speaker, a year ago today, no one would have ever fathomed the crisis we are currently facing in property insurance. It has been an almost impossible situation in the months after Hurricane Iniki. We have before us the ultimate responsibility of solving this massive problem as our island families cry out for help. Needless to say, there are many criticisms but only a few worthwhile alternatives. The bill you have before you is a probable solution.

"Mr. Speaker, a basic insurance precept is that anything to be insurable must be non-catastrophic. So risks of loss from war, nuclear reaction and flood are generally excluded by most policies. The insurance industry and our congressional team think hurricane is an uninsurable peril.

"1992 was the worst catastrophic year in the history of the insurance industry. During this one year period, Hurricane Andrew and Hurricane Iniki, along with many other catastrophes throughout the nation caused record losses, fundamentally changing the financial world's appetite for catastrophic risks.

"For Hawaii, 1992 brought not only the severe change in world-wide catastrophe rates, but also the worst loss in the State's history with Iniki's insured losses now totalling over \$1.4-billion which includes losses in homeowners, commercial and auto insurance. This combination has triggered a crisis in the reinsurance market for the State.

"But most importantly, Mr. Speaker, insurers doing business in Honolulu are especially concerned about their loss exposure, should a level four hurricane ravage us in Honolulu. With coastal exposure of one hundred percent, Hawaii is particularly vulnerable to hurricane losses, although historically, Hawaii was considered to be a safe haven from hurricanes.

"In one typical example, a national company with only three percent of its total writings located here in Hawaii could close its entire surplus base for the nation in a single storm that struck Honolulu.

"Mr. Speaker, all of the premiums from all the property insurance policies -- both homeowners and commercial -- sold in this State for the last thirty years would not have paid for Iniki-size losses.

"The insurance industry stated that the \$110-million for windstorm reserves was mostly spent on Catastrophe Reinsurance. With Hurricane Iniki, these reserves were overwhelmed by the \$805-million in loss and loss expenses paid to date in hurricane homeowners insurance coverages. This single occurrence was more than thirty years of premium collections.

"After assessing the financial condition of several insurance companies here in Hawaii, we have found that there is a tremendous disparity between their total assets and their total exposure. Giving an example, a major local company reported their assets to be \$32-million while their total exposure is \$200-million. Should another Iniki hit, they would definitely be in solvency. Actually, we all would be in a fix!

"Many insurers, particularly domestic insurers, do not believe that they would be able to meet policyholder obligations in the event of another disaster, even if rates were increased.

"In addition to considering the possibility of another severe hurricane, insurance companies are finding that their reinsurance coverage is not adequate. We have heard that securing additional reinsurance at a reasonable cost is difficult at this time because of a shrinkage of available capital on the national and international markets due to similar severe catastrophe worldwide.

"For these reasons, many insurers have chosen to discontinue writing homeowners insurance in this State. Many are declining to take new policyholders, and some are non-renewing existing homeowners policies. The few remaining in the market for new policies are limiting the business they accept, because they do not believe they have the capacity to accept all of the many applicants looking for insurance today. By the way, Mr. Speaker, I heard today with a shock that some companies are not writing commercial property insurance.

"However, Mr. Speaker, the lack of capacity for property insurance is causing hardship to many people. People whose homes were insured for many years are finding that their policies are not being renewed, and they are virtually unable to find new coverage, even though homeowners insurance, including coverage for hurricane risk, is a condition of home mortgages. People are unable to complete the purchase of new homes because lenders will not offer mortgages on uninsured property. Mr. Speaker, we need to fix these problems immediately!

"The Governor, the Insurance Commissioner and even, we as legislators, are receiving stacks of mail every day from consumers whose lives are being affected by this insurance crises. These people are imploring that we give them some kind of relief. In addition to the approximately 218,000 homeowners, the real estate

industry, the mortgage lenders, and eventually the construction industry are suffering the impact of the unavailability of homeowners insurance.

"The proposed House version of the Hurricane Pool would create a mechanism to provide hurricane coverage with the least impact on the State Treasury but with the greatest capacity for insurance companies to return to the homeowners insurance business. It contemplates that the various industries suffering the greatest impact from the problem would participate in the solution.

"The Hurricane Pool would be the sole and exclusive provider of hurricane property insurance in the State. Consumers would purchase a homeowners policy from a regular insurance company for all homeowners coverages except hurricane risks. The hurricane coverage would be purchased separately from the Pool, much in the same fashion as flood insurance.

"The current estimates of the premium are an additional fifty percent for hurricane coverage. Mr. Speaker, this is our target. For example, if the premium for the underlying homeowner coverage before Hurricane Iniki and before the creation of the Pool was \$100, it is estimated that the premium would be the same, if not reduced. And the premium for the Pool would be estimated to be no more than 1.5 times.

"This mechanism should encourage more carriers to enter the market place because the losses will be transferred to and will be borne by the Pool.

"By taking the hurricane exposure out of the homeowners policy, the Pool would enable insurers to provide other homeowner coverages without the risk of insolvency in the event of hurricane losses. This market stabilization would offer relief to many homeowners who cannot find insurance and would prevent a more serious impact on the economy resulting from potential problems with the residential real estate market.

"Mr. Speaker, some opponents of this Pool would prefer a low mandating the renewal of homeowners policies with a cap to be placed on premiums. However, Mr. Speaker, limiting the amounts which insurers could charge for homeowners' coverage would likely raise the same type of constitutional questions which were directed towards this State's no-fault law which mandated a rate rollback, absent an imminent threat of insolvency.

"Courts have held that insurers are entitled to earn a fair rate of return and have struck down as unconstitutional, laws mandating rate freezes or rollbacks which did not provide for this. . .

At this point, the Chair interrupted and advised Representative Bunda that he has exceeded his ten minutes, whereupon Representative Baker rose and yielded her ten minutes.

Representative Bunda thanked Representative Baker and continued his remarks, stating:

"Therefore, by placing a cap on premiums, it could put the State at risk of being engaged in protracted litigation regarding the constitutionality of its mandatory renewal law.

"In addition, Mr. Speaker, the suggestion of a State-sponsored reinsurance arrangement would not help to resolve the present crisis as there is no transfer of hurricane losses which is the problem we are facing today.

"In closing, Mr. Speaker, this is a plan which I think is fair ... trying to, above all, make property insurance available and affordable. It is the best package that we can come up with at this time.

"Mr. Speaker, I urge you and my colleagues to vote aye on this measure ... it is simply a starting point.

"Thank you, Mr. Speaker."

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

"This is a bill that creates a State Hurricane Pool and gets the State of Hawaii into the insurance business. It is not a question of whether we should do something -- it is a question of what we are going to do. This bill is not the 'what we need to do' that will help consumers.

"If hurricane loss, as the previous speaker has said, is not an insurable loss, then why are we going to create a Pool funded with taxpayers' money -- consumers' money -- to cover such a loss if it's uninsurable?

"This bill bails out the private insurance companies at the expense of consumers. Of course, the insurance industry loves this bill. After all, we're telling them ... we are going to remove this major risk from your backs and we are going to put it on the backs of the consumers. We have provided absolutely no incentive in the bill to bring them back into the marketplace. Granted, there is a five year drop dead provision in the bill, but I would say to you ... what do you think the real chances are that at the end of five years, our private insurance companies are going to come back in and say, oh, boy, we're happy to take back this risk -- what do you think the chances of that happening are? I would say, nil.

"Once we create this Pool, we are going to have it, we're going to keep funding it with consumers' money. It will start taking money from our consumers from the moment that it goes into effect, presumably in 1994. These are the following ways that you will start paying:

"One, you will pay for the underlying homeowners' insurance from the private carriers. They've already said that it is highly unlikely that they will reduce their underlying rates at all, even if we are removing this major risk from their backs; plus

"Number 2 ... you will pay for the windstorm coverage to the Pool. We are told by the Insurance Commissioner that it is likely that the coverage from the Pool will be X-percent, maybe fifty percent more than what you're paying now. How the Insurance Commissioner came up with that figure, I do not know; plus

"Number 3 ... you will pay some part of the estimated \$23-million that will be assessed to all private property and casualty carriers. This means that if you own a car but you don't own a home, you will be paying because, believe me, there is no way that the private insurance industry is going to 'eat' \$23-million worth of assessments. They will figure out a way to pass this on to all of us through our property and casualty lines; plus

"Number 4 ... you will pay a special mortgage recording fee equal to one-tenth of one percent of the principal amount of the mortgage. Therefore, for example, if your mortgage debt is \$200,000, you will pay \$200; plus

"Number 5 ... you are already paying the surcharges assessed through the Hawaii Insurance Guaranty Association -- that's HIGA; plus

"Number 6 ... you will pay the surcharges which will be assessed through all our property and casualty lines for the fact that two HIGA subsidiaries have gone belly-up. Considering how much hurricane liabilities these two insolvent companies have incurred, this surcharge could be considerable; plus

"Number 7 ... you will pay, under this Pool, the first one thousand dollars of loss even with the coverage that you have purchased from this Pool.

"Our residents are already going to be hit with taxes and increases of all sorts at the federal, state, and county levels. We've already passed bills just this morning and this afternoon increasing the conveyance tax, tobacco tax, there'll probably be a utility rate increase, there will be a sewer rate increase at the city level -- how much more can we hit upon our residents?

"Keep in mind, members, that the revenue projection for this Pool after ten years is eight hundred million dollars of our money sitting there, growing ever larger, for the potential hurricane that may hit. The Insurance Commissioner said in her testimony that, 'A hurricane of the impact of an Iniki is something that does not come around. . . .' In fact, her weatherperson said that we had not been hit with anything like this in the past 42 or 43 years. So we're going to create this Pool, we're going to fund this Pool. I realize again that there is a five year drop dead in here but I would submit to you that once we create this Pool, we have created absolutely no incentive for the private insurance industry to ever come back in to assume this risk.

"Rather than the very consumer-expensive Hurricane Pool that is in this bill, we suggest an alternative solution. . . two alternative solutions.

"One, long-term. The long-term solution has got to be something along the lines of a federal reinsurance program, such as the bill that is being pursued by Senator Dan Inouye. In addition, another long-term solution might be a State reinsurance program. Yes, a State reinsurance program does keep the private insurance carriers on the hook, but isn't that what insurance suppose to be all about?

"I said that there were two solutions. The short-term response should be that we ought to mandate the renewal of all existing homeowners' policies as of the day before Hurricane Iniki with a cap of say, twenty percent, on the renewal premium amount.

"The previous speaker said a cap of any sort is unconstitutional. That is not true. It is only unconstitutional if you do not provide an escape provision and an exemption from the cap. I have already provided to the Chair of the Committee the appropriate language that would allow the insurance companies to escape any kind of cap on renewal if they will not be able to thereby obtain a fair and reasonable rate of return.

"The problem with this bill, although in addition to fact that it creates a Pool which I believe is totally anti-consumer, it does have a mandatory renewal provision. However, the renewal provision does not have a cap and, of course, the insurance industry will say ... sure, we'll renew; we'll just charge you four or five thousand dollars. In fact, some of them are already doing that. Therefore, a mandatory renewal provision without a cap does not make a lot of sense if we're looking at this as an emergency response to the seven thousand or so homeowners who are currently facing non-renewal of their premiums.

"In addition to a cap for mandatory renewal, you need to place a time frame because what you want to do is you want to provide some sort of a response that is an emergency that quiets the chaos in the marketplace, and so you do that with a mandatory renewal cap with a drop dead provision to that mandatory renewal provision of, say, two years. In that time, that should afford us the opportunity to look for longer term solutions.

"There are some people in the insurance industry, by the way, who do not choose to be identified, who do not wish to come forward, who say that this crisis is one that the industry is. . . I don't want to say, benefitting from all this. . . that they're trying to exaggerate. However, the people that I have talked to from the industry say that there is no way that the State of Hawaii should be bailing out this private industry to this extent. And, in fact, the appropriate course of action would be for a mandatory renewal of existing policies with a cap and a drop dead provision.

"I urge my colleagues to vote against this measure which is characterized as a first step, but it is definitely the wrong first step.

"Thank you."

Representative Bunda, in rebuttal, stated:

"Mr. Speaker, just a short rebuttal on the unconstitutionality of the cap.

"As I understand it, last year's automobile law had an escape clause and that escape clause was deemed unconstitutional."

Representative Hirono then rose and responded:

"Of course, the key to any kind of escape language is the constitutionality of that escape language. And the escape language that we put in the no-fault law, unfortunately for all of us, we thought that we were going to lock in a fifteen percent rollback with that escape language but that the language itself has been deemed to be probably unconstitutional and, therefore, the language that I have submitted as an escape for the twenty percent cap under the mandatory renewal provision that we are suggesting would, of course, meet constitutional muster."

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

"When this insurance crisis hit and as I was urging our Consumer Protection Committee to deal with the issue and deal aggressively with the issue, I asked for an Attorney General opinion. I said ... can we mandate those insurance companies that are bailing out, claiming they won't renew homeowners' insurance -- can we constitutionally mandate them to renew the policies? The answer came back, Mr. Speaker, a resounding 'Yes.' And I shared that with members of the Consumer Protection Committee. Naturally, we would have to have the language in there saying that any cap would have to guarantee the insurance companies a fair rate of return. So some of the members of the Consumer Protection Committee urged that we move ahead and enact this measure -- not a wind pool -- but a mandate that companies renew insurance, assuring them a fair rate of return and this, according to the Attorney General, would uphold constitutional scrutiny.

"I'm kind of coming from the position, Mr. Speaker and colleagues, that insurance companies are in business to insure people and part of the insurance is to cover risks. Therefore, the insurance companies may have to pay off when a risk occurs. It seems that we're in a

different ballgame now where insurance companies are wanting a real one-way street.

"House Bill 1890 frankly is a bad bill for consumers, the way it is written. Section 3 is good -- that's on page 21 and following pages. The rest of the bill -- the wind pool -- is not a consumer bill. It's not a pro-consumer bill. And I guess I believe that we in the Consumer Protection Committee should have protection of consumers as our foremost goal.

"House Bill 1890 is bad for consumers because by establishing a hurricane pool, it causes the State to get into the insurance business, expanding government to handle a situation that the private insurance companies should be handling.

"Second, it's a bailout of the insurance industry. It places all the responsibility for solving the current crisis on the taxpayer and the consumer, and none on the insurance companies who again are in business to handle risks. Insurance companies established, have, and had reserves for catastrophic events, but instead of using these reserves now they're crying poor, and they're asking homeowners to pick up the tab.

"Homeowners have been told they are going to have to pay the same premium, or higher, for coverage that doesn't include wind damage. So, in other words, you're not going to get a reduction in your insurance -- you're going to have the same or a higher amount that you'll have to pay and then you are going to also have to pay more for the wind pool coverage; plus a new mortgage recording fee will be charged to help fund the pool; plus the two percent surcharge Hawaii residents will pay on all types of insurance to cover the claims of UNICO and HUI.

"While House Bill 1890 does require the renewal, in Section 3, of all pre-Iniki homeowner policies, it doesn't place a cap on them, and we can place a cap constitutionally as long as the language is, as was suggested by four committee members of the Consumer Protection Committee, that would ensure a fair rate of return for the insurance companies

"And then also, House Bill 1890 doesn't address our needs for immediate insurance policy renewals. Those of you whose offices are being flooded with calls, this isn't going to take care of those people right away. The Insurance Commissioner has stated that the soonest the hurricane pool could issue policies would be the end of this year, so you have to turn around and say to your consumer constituents -- sorry, wait till 1994.

"The Legislature and the public are being urged to support the hurricane pool, Mr. Speaker, as the only way to solve our insurance crisis. I think that another colleague has mentioned that we have questions as to whether this is a real crisis or not, or whether insurance companies are seizing the day -- the opportunity to maximize profits at the expense of homeowners who have faithfully paid premiums through all the low-risk years, and whether, actually, this hurricane pool will address homeowners' needs for immediate renewal of their insurance policies, and know it will not.

"There was an article in a recent **Wall Street Journal**, February 22nd in fact, which said that insurance companies' surpluses were not depleted by the enormous losses suffered in Hurricane Andrew 'because the industry made up its hurricane losses with investment profits, helped by the soaring bond market.' Here in Hawaii, insurers are still writing commercial and business policies which include hurricane coverage, and I am wondering whether those companies feel that a hurricane would be

selective, hitting residences only, but missing the businesses in the same area.

"There are viable alternatives to House Bill 1890. We could amend House Bill 1890, leaving in Section 3 and amending that language to placing a cap on the returns and a caveat guaranteeing the insurance companies a fair rate of return. We could require insurance companies now writing commercial business coverage to also write homeowner policies on a standard or in-house form identical to pre-Iniki forms. Limit the number of homeowner policies that each company may have in force to no more than twenty thousand to curb the risk of insolvency due to catastrophic or internal company mismanagement, and that's a factor too. Require each company's policies to be a mix of single-family, condominium, multi-family dwellings, equal to no more than a ten percent deviation from the ratio of such risks to their total throughout the State. Require insureds to accept all homeowner insurance applications, allowing rejections only for underwriting criteria existing pre-Iniki. And again, cap homeowner insurance premium increases at twenty percent with the caveat that they will be able to have a fair rate of return.

"A plan like this could be devised using House Bill 1890 as a vehicle. It certainly would be much less elaborate to run than a State hurricane pool ... and since when has government takeover of the private sector been particularly cost effective or actually work effective as well? The insurance company voices, Mr. Speaker, had been allowed to drown out the consumers' interests. Establishing a cost State-run hurricane pool will only let those companies laugh all the way to the bank.

"It's very clear with this example that we must have a consumer advocate for the consumers for insurance matters. I think that is a critical thing that we did not enact this session, and I think we were remiss in not doing that, and we should move to do that as soon as possible.

"There's one other thing that we, as legislators, should do, and in closing I would urge everyone here to think about that. We, under State law, have investigatory powers. We can investigate matters to see whether or not there has been a wrongdoing, why the HIG companies went out of business, and actually whether the insurance division's examination and auditing processes are sufficient to prevent catastrophic events like this from happening again. In other words, we do not need to be inactive, we can be pro-active, and investigate what actually took place, why it took place, and hold people accountable.

"So I would urge members, as this measure moves through the process, to look at amending it down to where it will be a pro-consumer bill instead of a bailout for the insurance industry.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 1890, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAWS AFFECTING INSURANCE," having been read throughout, passed Third Reading by a vote of 40 ayes to 11 noes, with Representatives Amaral, Apo, Beirne, Hagino, Hiraki, Hirono, O'Kieffe, Shon, Takumi, Tam and Thielen voting no.

The Chair directed the Clerk to note that H.B. No. 1890 had passed Third Reading at 4:24 o'clock p.m.

At 4:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:33 o'clock p.m.

**H.B. No. 120, HD 2:**

Representative Ihara moved that H.B. No. 120, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Arakaki rose to speak against the bill, stating:

"While I argue against this measure, Mr. Speaker and members, please think about a word we legislators are all familiar with, and that word is commitment. Where's our commitment to the legislative process that guides this institution? Is there a true commitment to the committee system that honors the decision of a subject matter committee, or have we accorded certain committee's ability to overrule others? The decision to freeze eligibility was strictly a financial matter ... then why even bother to refer it to your Committee on Human Service. Using the back door to sidestep an earlier decision only serves to feed public distrust and cynicism with our process. We have made tremendous leaps forward with our open decision-making process but without a commitment to honor these decisions, much is lost.

"On another level of commitment, Mr. Speaker, I ask all who are Democrats here ... how strong is your commitment to principles of our party? When I first worked here at the Legislature as a college student, it was impressed upon me that Democrats came to power because we championed the cause of the working class and the underclass. Time and again I was told that the difference between Democrats and Republicans is that Democrats put peoples' needs first. It's embarrassing, if not ironic to me, that our loyal opposition, even though small in numbers, should be the ones to remind us of where our priorities should be. Is it possible that we, as Democrats, have become so powerful and callous that we forget what and who brought us this far. Putting people first is a commitment and not just political rhetoric. Is there a commitment to follow our State Constitution as a preamble in our State Constitution reads: 'We reaffirm our belief in a government of the people, by the people and for the people, and with an understanding and compassionate heart toward all the peoples of the earth, do hereby ordain and establish this Constitution for the State of Hawaii.'

"Article IX, Section 3, states: 'The State shall have the power to provide financial assistance, medical assistance and social services for persons who are found to be in need of and are eligible for such assistance and services as provided by law.'

"When we created the statute to establish a current eligibility standard, Mr. Speaker, we made a policy decision which recognizes a level of poverty at which the State would provide a safety net. In effect, we created a social contract with the people of Hawaii, albeit during better economic times, nevertheless it was a commitment that we made and a commitment we need to honor until all the means have been exhausted. It would be a tragic irony, Mr. Speaker and colleagues, that at a time when Hawaii's families look to us for a handout during difficult economic times, it would be tragic if we choose to slam the door in their faces with this bill.

"Mr. Speaker and members, we have families living at the edge. Those who would be affected by this measure are hanging on by their fingertips, but we may as well just spit in their faces if we choose to pass this bill because this bill will hurt the families of the working poor, those who are trying their best to make ends meet,

and only need a short boost for a short period of time. Those who qualify at the high end of the eligibility scale are the ones who spend the shortest amount of time on welfare. They have the best chance to leave the cycle of poverty, and to close the door on these people may very well force them into financial dependency.

"This bill will hurt families on Kauai who we all know need only temporary assistance during this recovery period. We will also hurt families on Molokai, Lanai, the Big Island, and many part of Oahu, for families will need help during our times of poor employment.

"I guess the most damaging part of this bill is that it will hurt our children. Hundreds of children will be denied basic needs because we will be forcing their parent or parents to choose between providing food, shelter, health care, child care, clothing, or other basics that most of us take for granted.

"Because we are unable to come up with \$4.6-million, which could also be matched by another \$4.6-million in federal funds, we may be denying a generation of children. Can we honestly face these children and ask them to wait until economic times get better? Is it fair to ask them to wait? Where is that commitment to provide equal opportunity to all our children at all times? How can any of us, in good conscience, accept a recent legislative salary increase in one hand, and with the other hand cut the safety net below hundreds of Hawaii's families?

"Let's set our priorities straight and let our conscience be our guide. I would like to beg all of you to vote this bill down, and let's start looking elsewhere for those needed funds.

"Thank you, Mr. Speaker."

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

"A young single mother enters the town meeting with her ten year old daughter and one-and-a-half year old son. She listens attentively to the report of this 1993 legislative session. It's question time. 'Representative,' she begins, 'You cut me off from my assistance. I'm a working single mother -- a working single mother -- and need the support to pay for child care. If I lose State support, I'll have to quit my job.' The Representative answers: 'But look, we're giving you race cars to promote tourism. In twenty years your son will have a great job.' 'But Representative, my daughter needs money for a summer program so that I can continue to go to school. She needs that now.' The Representative answers: 'But look, when she grows up, she can enjoy sporting events in the new arena.' 'But Representative, my rent has gone up because of the increase in property taxes, and even my electric and telephone rates seem to be edging up. That extra money, I need now.' The Representative answers: 'But look, in about ten years there'll be this wonderful convention center out there. Prosperity is just around the corner in a few years.' 'But Representative, I can't even get health insurance now. You know that SHIP program ... they've frozen enrollments this year.' The Representative answers: 'Ah, but you can stay healthy following the professional golfers on their tour.' 'But Representative, if I can just keep support and complete my training at the community college, I can get a better job.' 'Don't worry, here's a lottery bond. This is your ticket to prosperity.'

"Mr. Speaker, the contrast here is between long term, well-meaning efforts versus the need today -- now. The contrast is between whether or not we believe someone who is working and yet not well off is to be encouraged to

keep working to get off of a system. The contrast here is whether or not we will even ask those who are best prepared financially in the society -- the wealthiest -- through our income tax system, to make a greater contribution before we ask those who are at the lower end, and indeed, are about to slip off and not pay taxes.

"This contrast between all the grand schemes of the future and the immediate needs is an unnecessary dilemma. We can today decide that this particular proposal will not be part of our financial plan -- our financial plan! What a great pillar of our plan to ask those on the lower level to wait for prosperity with the convention center, with all of the many things we hope for, that will bring prosperity in ten years. But what of that child right now who, if the Mom doesn't keep her job and get out of that rut ... what is the fate of that family right now? Is that family going to be back, testifying before us for more programs because of a cycle of welfare, and is that family going to be graduating a valedictorian or a drop out?

"This is a real dilemma. I do not, in any way, envy the position of the Finance Committee in weighing all the many proposals, and I do not in any way believe that anyone wants to strike a blow at the weakest among us. But I would say that this bill, given the context of what we've not asked of the wealthiest and what we have asked again and again and again of consumers of the middle class, of those less fortunate, in that context this is a most unwise pillar to base our financial plan on. Even though the defeat of this today would mean we would send a budget and a plan to the Senate only halfway through, unbalanced, I would say that if we do send it out -- that plan is very unbalanced. It is not a fair plan, it is not a wise plan. We should think deeply about that single mother who is working because that is the stereotype individual that this bill directly attacks -- that working woman with young children. I cannot in all conscience say that this is a wise and prudent bill to be kept alive. It is wise and prudent to say ... okay, we've evaluated this -- let's not put this on the table, let's not have bargaining over these folks, let's not throw this into conference committee -- this doesn't belong in conference committee. Those single mothers don't belong in conference committee on this. These are the folks we should draw the line for and say ... hey, we want to get you out of the cycle of poverty. We want to keep you working. We want you to pay taxes just like everyone else, in genuine prosperity. That's why I've spent so much time on this bill and another one because we can do this without hitting those folks.

"I urge each and every one of you ... let's begin this financial negotiation without these families on the table.

"Thank you."

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

"Allow me first to compliment all of my colleagues who will be voting in opposition to this bill out of their genuine concern for our citizens in financial need. Let me state unequivocally, I do believe that the purpose for the existence of government is to help those of our citizens who are not able to help themselves, and that includes a system of assistance such as we have now in place.

"The question is ... what is an appropriate level of assistance? Is that level such that it creates an incentive for those on welfare to remain on welfare? Let's look again at some of the figures that we all have been exposed to at one time or another.

"For a family of four -- father, mother and two children -- the basic 1992 assistance level of welfare payments, food stamps, and Medicaid totaled \$18,022, which is nearly two thousand over the federal poverty level of \$16,044. To put the \$18,022 in perspective, this amount equates to an hourly rate of pay of \$8.68 per hour based on a figure of 2,076 average working or paid hours for a full-time worker. This includes five days a week, Monday to Friday, at eight hours per day for 52 weeks, which assumes sick and vacation pay that not everyone receives. Please realize that the \$18,022 reflects the net amount so that someone not on welfare must earn the equivalent of \$12.40 per hour, or \$25,742 from which federal, state and social security taxes, as well as medical benefits, would be deducted. But this is only part of the assistance benefits package. Added to the welfare check, food stamps, and Medicaid assistance are such items as free school lunch, the A+ program, child care, auto insurance, and housing rental assistance. This all adds up to an additional eight thousand dollars.

"For the purpose of our discussion, let us take only one-half of that eight thousand figure and add four thousand to the base of \$18,022. The \$22,022 represents an hourly rate of \$10.61. For the non-welfare recipient to net the equivalent amount, their hourly rate rises to \$15.16 per hour with an annual gross wage of \$31,472. For some, it could amount to \$35,000. That is a lot of money. Is this sufficient? Is it adequate, or is it generous? Does this level of equivalent assistance at \$15.16 per hour, \$31,472 annually, provide encouragement for many people? Not all, but many on welfare do remain on welfare and give incentive to those not on welfare to get on its roll.

"This measure does not take away any benefits already received by welfare recipients. The problem is ... many deserve, many do not.

"The bottom line for this bill is that a family of four would not receive an additional \$33 per month under the 1993 guidelines -- \$27 for a family of three. Comparing current welfare benefits now received, which are equivalent to about \$30,000 for those not on welfare, that is the basis for my position on this at this time. And I am still wrestling with it, but my position is for solid support of this measure.

"Thank you, Mr. Speaker."

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

"I'm going to try my very best to get at least one or two other members to also vote against this bill.

"We've talked about a lot of serious issues today -- a lot of them are very complex, very difficult to understand, but I don't think this one is. I think this is pretty easy. This one says we're going to freeze the welfare benefits to 1992 and it's going to be for AFDC, and AFDC stands for Aid For Dependent Children. Anybody who I've heard in my last three years speak here about women's issues should be outraged with this one particular bill.

"This bill is going to affect women and their children. Of all the bills that we've heard. . . for those of you who know me, you know what I do for a living -- I'm a social worker. I know what this is going to do to the families that we're talking about affecting. I know, in all due respect to statistics thrown out, the stereotypes that we have about these people on welfare are totally off the wall. We're talking about individuals that stay on the welfare rolls for about two years. We're talking about single family Moms who are working, none of whom enjoy going to the grocery store, paying for their food with food

stamps; none of them who enjoy having their children singled out in school by others saying ... Hey, look at that guy -- the guy whose parents are on welfare. These are the people trying to get off. These are the people that we always talk about wanting to help.

"You know, during the Finance Committee hearing in which the testimony came forth, I'll tell you ... the best testimony I've ever heard. We had two parents come forth and you know what they said? They said, 'I will die for my children. I will do whatever I have to to give them the chance I didn't have.' That's what we're suppose to be trying to do -- trying to give them the chance.

"You know, we talk about \$33 a month. For many of us, that's not a whole lot. For a lot of the people we're talking about, that's going to make or break that month. When we talk about a woman being able to have a male companion who potentially may become a father to some children and then having to make the decision ... maybe I can't do this right now, maybe when we freeze these welfare rolls, it's best that this guy stay away from me. We're going to break the spirit of a lot of courageous women out there, many of whom I've had personal contact with, who are going through much of which many of us sitting in this room will never ever have to endure.

"I heard one of the previous speakers talk about consistency. I just want to ask you guys about compassion. I get so sick and tired of hearing about a lot of this stereotypes that we put forth, whether it be in the media or by members in this House, about the individuals we are talking about dealing with. This bill does not deal with the welfare fraud, this does not deal with those guys who are just kicking back and not trying.

"This bill will hurt the very people that we all want to help, and I don't want to see people playing politics with those people that we all talk about we come down here to represent. This is not the group that we should be playing politics with, and I ask you guys, I beg you guys, one or two members on this House floor, to please reconsider your vote. I know what it will mean, in terms of this House Finance ... I'm on the Finance Committee, and I have a lot of respect for what went into putting this budget together. I just wonder if we fully realize what we are doing with this one particular measure and the message that we are sending out as House members.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I know that for some this is a very emotional issue because some have been led to believe that by the passage of this bill everyone on AFDC or any of the other general assistance levels will, all of a sudden, be swept off the rolls. Nothing could be further from the truth.

"All we're attempting to do in this measure is to stabilize the number of beneficiaries, let us get a handle on where these particular programs are going, and the cap drops dead in two years. I don't think it is too much to ask. The number of persons eligible for AFDC and the other assistance programs will continue to grow, but perhaps they won't grow by as great a proportion, and they won't grow in a way that our budget cannot accommodate.

"Colleagues, there are other programs that help this population, help others who are in need, and if this measure doesn't pass, quite frankly, some of those

programs are in jeopardy, and I care as much about those programs as I do about these individuals.

"Mr. Speaker, I will not, as some of my colleagues have, cast aspersions on the compassion, the sensitivity, the sensibilities, or the caring of anyone who happens to take an opposite view. I think it's time that we all did a reality check. We looked at what we can afford and what we cannot afford. It is not a matter of not caring or not being compassionate ... it's simply a matter of saying, there is a level of funding that can be accommodated, at the same time we're trying to stimulate our economy, there's a level of funding that cannot be accommodated. And I believe that by putting a cap at the 1992 levels, we are still going to be providing that safety net. The safety net will still be there, it will still be as deep -- it just won't be growing any wider for two years.

"Thank you, Mr. Speaker."

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

"Many of my colleagues have spoken very eloquently on why we should not be passing this measure out. I come from a slightly different perspective.

"I was a legal aid attorney for five years and I know what this means to the single parents that are on AFDC. To pass this measure is going to be very devastating for not only those parents, but for those children as well, and I can't vote for this measure, Mr. Speaker."

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

"You know, there's only a handful of really positive and rewarding experiences that I have had in the Legislature, and one of these experiences occurred in the Fourteenth Legislature. . . . actually just before the Fourteenth Legislature began. Then Speaker Kawakami had insisted that I chair the Human Services Committee and I just strenuously objected to chairing the Human Services Committee, and he kept insisting that I do chair the committee. Finally, I gave in because he said we had to get organized, so I became the Chair of the committee. For two years I had to deal with the issues of human services, in the way that I think Representative Marshall Ige, Representative Arakaki, and a number of others had to deal with either as Chair or Vice Chair, in the same way that Representative Suzanne Chun is dealing with it now. For a person who dealt basically with labor, culture and arts, and higher education, it really was a tremendously important experience for me. I've always, of course, favored helping the welfare people but this is the first time that I had to, as a person in a position of decision-making, deal with these people. It became a very tremendous experience in my legislative career and a very rewarding one.

"The one thing that motivated me through the two years that I was Human Services Chairman, and motivates me today, is some words that were spoken on Opening Day. I always turn to these words from time to time. It's part of a speech and I think it tells the motivation of many of us that are concerned today, and it's a quote from a person named Judy Chicago who said: 'And then all that has divided us will merge; And then compassion will be wedded to power; And then all will care for the sick and the weak and the old; And then all will nourish the young; And then all will live in harmony with each other and the earth; And then everywhere will be called Eden once again.'

"I think that this is what Representative Santiago has eloquently called us for, and I don't believe that those of

us who are taking the opposing viewpoint on this view are in any way doubting anyone else's compassion on this, but I think this is the motivation for many of us to vote against this bill. And I do join them with this plea to all of you, to all of my colleagues, to consider voting no on this measure.

"Thank you very much."

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

"Actually, Mr. Speaker, I think the decision before us is very, very simple. It's not complex -- it's very simple. It's not a reality check -- it's a priority check. What are our priorities? Every family in this State makes the decision every day -- how they're going to spend their money. We also have to make that decision.

"When a family member has not enough food, not enough for their education, they take it from other areas. They stop the building on the side or they stop the addition up on the roof. And I would submit, Mr. Speaker, we, in this body, have not put our priorities straight because what we've done with the billions of dollars in brick and waters ... I don't want to keep saying the renovation of the Capitol, but there's a lot of welfare payments right there. They're the benches outside here. It's a matter of priorities. The decision is not a complex one. No one needs to feel guilty. It's a matter of getting our priorities straight -- people first or brick and water. I think we've decided for the latter, and I think a lot of us are going to vote for the former.

"Thank you."

Representative Alcon then rose to speak in support of this bill "with great, great reservations," stating:

"Mr. Speaker, you know very well that I represent one of the poorest areas in the State, but I support this bill with great reservations because of the fact that I want to take it through the process; hopefully, Mr. Speaker, that along the way we will be able to chop some money out of the stadium, some money out of the University arena, and some money out of the convention center. I don't think that those projects are essential at this point. I think we can get along without them for the time being and if this is going to drop dead in two years, let's drop dead the stadium, the University arena, and the convention center.

"I support this bill, Mr. Speaker, because of the fact that I like to compare it to myself. Mr. Speaker, I would like to drive a Mercedes Benz, but I don't have that kind of money. I'd like to drive a Volvo, but I don't have that kind of money. So what do I do? I move back and drive a Beetle -- Volkswagen -- and it takes me to everywhere I want to go that a Mercedes Benz or a Volvo can go.

"Hopefully, Mr. Speaker, by taking this bill through the process, that we will be able to chop off some money out of those I have enumerated as unimportant projects.

"Thank you very much."

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

"I think that it is sending wrong signals to my constituents that I represent in my 46th District if I was to be supportive of this bill. I feel, at this time, that there is a need for people to be on assistance. If this need could be satisfied, Mr. Speaker, and if the need to work with this type of legislation could be put into effect gradually than being put into effect with a freeze at this time, I think it would be a much better issue to deal with.

"There are many that are out there that are single parents in our native Hawaiian communities, and as stated early on, on Second Reading, the record showed that 40 percent were native Hawaiians. Where did the other 60 percent come from? Are they just getting off the airplanes and loading off right here in Hawaii? These are some of the things that we have to look at, Mr. Speaker.

"I really feel that those of us here that get in office, get in because we want to serve. Who do we serve? Who are we in office for at this time? Is it to represent our constituents, or is it to satisfy others in this political process? Mr. Speaker, I believed with all my heart that when I came into the legislative process, that the reform issues on the floor were real ... they were something that I could handle, something that I could deal with. I feel, Mr. Speaker, that these kinds of things are absolutely important issues to us as we go out to our communities in our desire to serve. We need to give our constituents the right message. Are we really here to serve and to really evaluate and look at the process? I ask my colleagues -- ARE WE REALLY HERE TO SERVE?

"This I say, Mr. Speaker, that this kind of bill is not what we are here to serve. We need to take care of those people out there that have needs.

"Thank you, Mr. Speaker."

Representative Chun then rose to speak against the measure, stating:

"I appreciate everyone's indulgence and those that are sharing from their hearts. I know that there is compassion among all of us.

"This particular bill, if we freeze it at the 1992 level, would prevent about eight hundred to nine hundred working families from receiving assistance. I think Representative Santiago has mentioned that most of these families utilize this service or assistance for about two to three years. They are not families that want to stay on welfare. And also, I think Hawaii's people -- those that are on welfare -- have demonstrated that they don't want to be relying on government, and this has been proven through the JOBS program -- job opportunities and basic skills program -- which is a welfare reform program. We had the highest volunteer rate in the nation.

"So I hope that you are willing to help those that want to help themselves, and I thank you for your time."

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

"I speak against the bill for two reasons. One is budgetary. You recall last year, we voted this bill down to increase COLA. The Senate's bill came over and, lo and behold, in the six to eight weeks during conference time, we found sixteen million dollars. So I think by voting this bill down, it sends a message to the Senate that they in turn bring over their bill, and I think the conference committees can look at this for the next six to eight weeks and come up with some innovative and creative way of funding this bill.

"But the most important thing that I feel very disturbed about is the way we get jerked around by the administration. You recall last year, on this very floor, I mentioned that the administration should come up with some type of stable funding so that we in turn can take care of COLA. In 1989, we all voted for COLA. If we want to do something about it and not get jerked around every year, we ought to amend the bill or delete that provision. That's all there is to it on our part.

"For now, what we have to do is always look for when money is available and then try to reach 65 percent of the federal poverty level.

"So there's two things. We've been jerked around last year. That bill was presented to us, Mr. Speaker, the last week of February. It was brought to the Finance Committee's attention in early March -- sixteen million dollars worth of increases.

"This year, we are faced with the same situation. The administration should have some responsibility in helping us find some new sources of revenue for this program or, if not, put it in the budget so that we can take care of those who are in AFDC and general assistance.

"Thank you very much."

Representative M. Ige then rose to speak against the bill, stating:

"Mr. Speaker, I speak as a former chairman of this committee and as a proud Democrat.

"Mr. Speaker, at that time, it was made very clear to me that people programs need to be accommodated for in the budget. It was that time where we made a commitment to people -- the welfare people, children -- and I must agree that we haven't done a superb job in trying to get our people off of welfare rolls. As you know, when you were chairman of the Finance Committee, you supported the HOPE Program which was to hit at the core of these generationalism type of families on welfare, and it's a very difficult problem, and we need to work with Representative Chun, the chair of that committee to look for answers, to look at alternatives.

"Mr. Speaker, I guess I'm somewhat disappointed because in this day and age or in this year, we are now saying we need to look at new problems or old problems in new ways, and yet when we talk about revenue enhancement, what do we look at? We look at a welfare freeze, we look at taxing sick people and hospitals, we look at lottery that, based on statistics, look at the people that cannot afford to participate in it.

"As a Democrat, I look at this and I say ... Mr. Speaker, this is not the route or the road I would like to travel on. I believe we need to come back to the good old days where people come first, where economic activities and revenue generation become second, and making room for our families, looking at investing in our children.

"Mr. Speaker, I ask you to please let's go back to what it was then. Make a commitment to the people. I believe it's going to pay off tenfold.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 120, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ASSISTANCE," having been read throughout, passed Third Reading by a vote of 27 ayes to 24 nos, with Representatives Amaral, Apo, Arakaki, Beirne, Cachola, Chun, Duldulao, Hagino, Herkes, Hiraki, Hirono, M. Ige, Isbell, Menor, Pepper, Peters, Santiago, Shon, Takamine, Takumi, Tam, Thielen, Ward and Yonamine voting no.

The Chair directed the Clerk to note that H.B. No. 120 had passed Third Reading at 5:18 o'clock p.m.

At 5:18 o'clock p.m., Representative Baker asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:19 o'clock p.m.

**H.B. No. 122, HD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 122, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," was recommitted to the Committee on Finance.

**H.B. No. 775, HD 1:**

Representative Ihara moved that H.B. No. 775, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Bunda 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."

"Mr. Speaker, I rise to speak in support of H.B. No. 775, HD 1, relating to no-fault insurance.

"Specifically, this measure continues the mandate enacted last year requiring motor vehicle insurers in this State to implement a 15 percent rollback of their no-fault insurance rates. Those insurers that did not implement the full 15 percent rate rollback in January 1993 would be obligated for another year to rollback their rates a total of 15 percent.

"However, in view of the court rulings that have been issued in sister jurisdictions, the standard for a rollback exemption is being amended. Insurers will be exempt from the 15 percent rate reduction, IF AND ONLY IF, the rollback would preclude them from receiving 'a fair and reasonable rate of return.' This is a departure from the existing harsher and potentially unconstitutional standard which requires that an insurer be in 'imminent danger of insolvency' in order to claim an exception to the rollback requirement.

"This change in the exemption standard is necessary to bring the State into compliance with constitutional due process requirements and does not represent a significant departure from existing practice. According to the Insurance Commissioner's office, the 'reasonable rate of return' standard is currently being applied in its review of rate filings, and application of this standard has already resulted in varying degrees of rate relief for some policyholders. Therefore, this amendment would simply codify current procedures and correct a statute which appears to be unconstitutional on its face.

"Finally, Mr. Speaker, it is my hope that in the future we can avoid the need to correct legally flawed measures by having all interested parties bring before this Legislature all of the information necessary for us to reach prudent, informed and sound policy decisions. Had this been the case with regards to the mandatory rollback standard, we could have avoided the public outcry which arose when problems with the current no-fault law came to light. Further, the consumers of this State might have had more realistic expectations regarding anticipated decreases in their no-fault premiums.

"Mr. Speaker, I urge all of my colleagues to support this measure in our continuing efforts to alleviate the costs of motor vehicle insurance for consumers.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 775, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 775 had passed Third Reading at 5:20 o'clock p.m.

At 5:21 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:22 o'clock p.m.

#### **H.B. No. 1495, HD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, H.B. No. 1495, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE LOTTERY," was recommitted to the Committee on Finance.

### **SENATE COMMUNICATIONS**

The following communications from the Senate (Sen. Com. Nos. 14 and 15) were read by the Clerk and were placed on file:

Sen. Com. No. 14, transmitting Senate Concurrent Resolution No. 41, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT HAWAII'S DELEGATION TO CONGRESS OPPOSE THE NORTH AMERICAN FREE TRADE AGREEMENT, IN ITS PRESENT FORM, IN ORDER TO PROTECT HAWAII'S SUGAR AND AGRICULTURAL INDUSTRIES," which was adopted by the Senate on March 9, 1993.

By unanimous consent, further action on S.C.R. No. 41, SD 1, was deferred.

Sen. Com. No. 15, transmitting Senate Bill No. 1057, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," which passed Third Reading in the Senate on March 4, 1993.

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 1057, SD 1, passed First Reading by title and was referred to the Committee on Legislative Management.

### **STANDING COMMITTEE REPORTS**

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 802) recommending that H.B. No. 1152, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1152, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 803) recommending that H.B. No. 203, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 203, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 804) recommending that H.B. No. 195, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 195, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading.

### **INTRODUCTION OF RESOLUTIONS**

By unanimous consent, the following resolutions (H.R. Nos. 156 to 177) and concurrent resolutions (H.C.R. Nos. 159 to 181) were offered and were referred to Committee:

H.R. No. 156, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO MEDIATE A DISCUSSION ON A LANDLORD'S REMEDY FOR THE COMMISSION OF AN OFFENSE RELATED TO DRUGS AND INTOXICATING COMPOUNDS ON THE PREMISES, AND DRAFT APPROPRIATE IMPLEMENTING LEGISLATION," was jointly offered by Representatives Stegmaier and Isbell.

Referred to: Jointly to the Committees on Judiciary; Consumer Protection and Commerce; and Intergovernmental Relations and International Affairs, then to the Committee on Finance

H.R. No. 157, entitled: "HOUSE RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO CONDUCT A STUDY OF THE NEED FOR A HEALTH CARE COMMISSION IN THE STATE," was jointly offered by Representatives Isbell and Duldulao.

Referred to: Jointly to the Committees on Health and Consumer Protection and Commerce, then to the Committee on Finance

H.R. No. 158, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE TRAFFIC PROBLEMS BETWEEN HONALU AND CAPTAIN COOK ON THE ISLAND OF HAWAII," was offered by Representative Isbell.

Referred to: Committee on Transportation, then to the Committee on Finance

H.R. No. 159, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON PROGRESS BEING MADE TO ACCESS WATER RESOURCES FOR THE SETTLEMENT OF HAWAIIAN HOMESTEAD LANDS," was jointly offered by Representatives Isbell, Beirne and Okamura.

Referred to: Jointly to the Committees on Hawaiian Affairs and Water and Land Use Planning, then to the Committee on Finance

H.R. No. 160, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE IMPACT OF THE LITTLE DAVIS-BACON ACT ON THE COST OF HOUSING IN HAWAII," was offered by Representative Isbell.

Referred to: Jointly to the Committees on Housing; Labor and Public Employment; and Legislative Management, then to the Committee on Finance

H.R. No. 161, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF EDUCATION TO NEGOTIATE WITH THE UNITED STATES DEPARTMENT OF DEFENSE TO HAVE THE UNITED STATES ASSUME A FAIRER SHARE OF THE COST OF EDUCATING MILITARY DEPENDENTS AND REQUESTING THE ASSISTANCE OF THE HAWAII DELEGATION TO THE UNITED STATES CONGRESS THERETO," was jointly offered by Representatives Lee, D. Ige, Baker, Beirne, Chumbley, Duldulao, Isbell, O'Kieffe, Oshiro, Shon, Takumi, Taniguchi and Yonamine.

Referred to: Jointly to the Committees on Education and Intergovernmental Relations and International Affairs, then to the Committee on Finance

H.R. No. 162, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO IMPROVE THE STATE'S SYSTEM OF INTERCEPTING UNWANTED PLANTS AND ANIMALS BEING TRANSPORTED INTO HAWAII," was jointly offered by Representatives M. Ige and Chumbley.

Referred to: Jointly to the Committees on Agriculture and Transportation, then to the Committee on Finance

H.R. No. 163, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII BOARD OF REGENTS AND ADMINISTRATION TO ESTABLISH A HAWAIIAN IMMERSION LAB SCHOOL AT THE UNIVERSITY OF HAWAII, MANOA CAMPUS," was jointly offered by Representatives Beirne and Apo.

Referred to: Jointly to the Committees on Hawaiian Affairs and Higher Education and the Arts, then to the Committee on Finance

H.R. No. 164, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO RESTRICT FUTURE OIL-FIRED ELECTRIC GENERATING PLANTS TO ENCOURAGE DIVERSIFICATION OF HAWAII'S FUELS FOR POWER GENERATION," was jointly offered by Representatives Bainum and Herkes.

Referred to: Jointly to the Committees on Energy and Environmental Protection and Consumer Protection and Commerce, then to the Committee on Finance

H.R. No. 165, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO STUDY THE FEASIBILITY OF A PREMIUM TO STIMULATE THE USE OF FUELS OTHER THAN OIL FOR ELECTRICITY GENERATION," was jointly offered by Representatives Bainum and Herkes.

Referred to: Jointly to the Committees on Energy and Environmental Protection and Consumer Protection and Commerce, then to the Committee on Finance

H.R. No. 166, entitled: "HOUSE RESOLUTION ENCOURAGING THE USE OF PERFORMANCE

CONTRACTING BY STATE AGENCIES AND INSTITUTIONS," was jointly offered by Representatives Bainum and Herkes.

Referred to: Jointly to the Committees on Energy and Environmental Protection and Consumer Protection and Commerce, then to the Committee on Finance

H.R. No. 167, entitled: "HOUSE RESOLUTION REQUESTING AN EVALUATION OF ENERGY SAVING DEVICES FOR THE STATE CAPITOL," was jointly offered by Representatives Bainum and Herkes.

Referred to: Committee on Energy and Environmental Protection, then to the Committee on Finance

H.R. No. 168, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO CONDUCT A STUDY TO DETERMINE THE FEASIBILITY OF REQUIRING A PERSON CONVICTED OF AN OFFENSE TO REIMBURSE THE STATE OR APPLICABLE COUNTY FOR ALL COSTS RELATED TO THE PERSON'S OFFENSE," was offered by Representative O'Kieffe.

Referred to: Committee on Judiciary, then to the Committee on Finance

H.R. No. 169, entitled: "HOUSE RESOLUTION REQUESTING A SEPARATE ALCOHOL ABUSE PROGRAM FOR DRUNK DRIVERS," was jointly offered by Representatives Morihara, Bunda, Chun, Hirono and Young.

Referred to: Jointly to the Committees on Health and Judiciary, then to the Committee on Finance

H.R. No. 170, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF REGENTS TO ALLOW PUBLIC PARTICIPATION IN DETERMINING FUTURE PRIORITIES AND DIRECTIONS FOR THE UNIVERSITY OF HAWAII SYSTEM," was offered by Representative Morihara.

Referred to: Committee on Higher Education and the Arts, then to the Committee on Finance

H.R. No. 171, entitled: "HOUSE RESOLUTION REQUESTING A COMPREHENSIVE ASSESSMENT OF THE BOUNDARIES SURROUNDING HAWAII'S INTERNAL WATERS, AND A REVIEW OF HAWAII'S LEGAL OPTIONS REGARDING THE POSSIBLE EXPANSION OF THE BOUNDARIES SURROUNDING HAWAII'S INTERNAL WATERS," was jointly offered by Representatives Morihara, Bainum and Nekoba.

Referred to: Jointly to the Committees on Ocean Recreation and Marine Resources and Judiciary, then to the Committee on Finance

H.R. No. 172, entitled: "HOUSE RESOLUTION RELATING TO THE FORMATION OF A TASK FORCE TO ENCOURAGE THE DEVELOPMENT OF A PRIVATE SCHOOL BUS PROGRAM," was offered by Representative Oshiro.

Referred to: Jointly to the Committees on Transportation and Education, then to the Committee on Finance

H.R. No. 173, entitled: "HOUSE RESOLUTION REQUESTING THE SELECTION OF A SUITABLE SITE FOR A BIOREMEDIATION FACILITY IN THE STATE TO TREAT PETROLEUM-CONTAMINATED SOIL," was jointly offered by Representatives Beirne and Bainum.

Referred to: Committee on Energy and Environmental Protection, then to the Committee on Finance

H.R. No. 174, entitled: "HOUSE RESOLUTION REQUESTING THE STATE TO EXPEDITE THE INSTALLATION, OPERATION, AND MAINTENANCE OF A STATEWIDE SYSTEM OF DAY-USE MOORINGS," was jointly offered by Representatives Hiraki and Apo.

Referred to: Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance

H.R. No. 175, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ISSUE A FORMAL APOLOGY ON BEHALF OF THE UNITED STATES TO NATIVE HAWAIIANS FOR THE OVERTHROW OF THE KINGDOM OF HAWAII," was offered by Representative Okamura.

Referred to: Committee on Hawaiian Affairs

H.R. No. 176, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO DETERMINE THE IMPACT THAT FISH FEEDING AND ARTIFICIAL REEFS HAVE ON SHARKS," was offered by Representative Hiraki.

Referred to: Jointly to the Committees on Ocean Recreation and Marine Resources and Higher Education and the Arts, then to the Committee on Finance

H.R. No. 177, entitled: "HOUSE RESOLUTION RELATING TO OCEANS," was offered by Representative Thielen.

Referred to: Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO CONDUCT A STUDY OF THE NEED FOR A HEALTH CARE COMMISSION IN THE STATE," was jointly offered by Representatives Isbell and Duldulao.

Referred to: Jointly to the Committees on Health and Consumer Protection and Commerce, then to the Committee on Finance

H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE TRAFFIC PROBLEMS BETWEEN HONALU AND CAPTAIN COOK ON THE ISLAND OF HAWAII," was offered by Representative Isbell.

Referred to: Committee on Transportation, then to the Committee on Finance

H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON PROGRESS BEING MADE TO ACCESS WATER RESOURCES FOR THE SETTLEMENT OF HAWAIIAN HOMESTEAD LANDS," was jointly offered by Representatives Isbell, Beirne and Okamura.

Referred to: Jointly to the Committees on Hawaiian Affairs and Water and Land Use Planning, then to the Committee on Finance

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE

IMPACT OF THE LITTLE DAVIS-BACON ACT ON THE COST OF HOUSING IN HAWAII," was offered by Representative Isbell.

Referred to: Jointly to the Committees on Housing; Labor and Public Employment; and Legislative Management, then to the Committee on Finance

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY FROM THE LEGISLATIVE AUDITOR ON MUTUAL BENEFIT SOCIETIES," was offered by Representative Duldulao.

Referred to: Jointly to the Committees on Health; Consumer Protection and Commerce; and Legislative Management, then to the Committee on Finance

H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT REGARDING MANDATORY INSURANCE COVERAGE FOR TEMPOROMANDIBULAR DISORDERS SERVICES," was offered by Representative Duldulao.

Referred to: Jointly to the Committees on Health; Consumer Protection and Commerce; and Legislative Management, then to the Committee on Finance

H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF EDUCATION TO NEGOTIATE WITH THE UNITED STATES DEPARTMENT OF DEFENSE TO HAVE THE UNITED STATES ASSUME A FAIRER SHARE OF THE COST OF EDUCATING MILITARY DEPENDENTS AND REQUESTING THE ASSISTANCE OF THE HAWAII DELEGATION TO THE UNITED STATES CONGRESS THERETO," was jointly offered by Representatives Lee, D. Ige, Baker, Beirne, Chumbley, Duldulao, Isbell, O'Kieffe, Oshiro, Shon, Takumi, Taniguchi and Yonamine.

Referred to: Jointly to the Committees on Education and Intergovernmental Relations and International Affairs, then to the Committee on Finance

H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO MEDIATE A DISCUSSION ON A LANDLORD'S REMEDY FOR THE COMMISSION OF AN OFFENSE RELATED TO DRUGS AND INTOXICATING COMPOUNDS ON THE PREMISES, AND DRAFT APPROPRIATE IMPLEMENTING LEGISLATION," was jointly offered by Representatives Stegmaier and Isbell.

Referred to: Jointly to the Committees on Judiciary; Consumer Protection and Commerce; and Intergovernmental Relations and International Affairs, then to the Committee on Finance

H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII BOARD OF REGENTS AND ADMINISTRATION TO ESTABLISH A HAWAIIAN IMMERSION LAB SCHOOL AT THE UNIVERSITY OF HAWAII, MANOA CAMPUS," was jointly offered by Representatives Beirne and Apo.

Referred to: Jointly to the Committees on Hawaiian Affairs and Higher Education and the Arts, then to the Committee on Finance

H.C.R. No. 168, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO RESTRICT FUTURE OIL-FIRED ELECTRIC GENERATING PLANTS TO ENCOURAGE DIVERSIFICATION OF HAWAII'S FUELS FOR POWER

GENERATION," was jointly offered by Representatives Bainum and Herkes.

Referred to: Jointly to the Committees on Energy and Environmental Protection and Consumer Protection and Commerce, then to the Committee on Finance

H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO STUDY THE FEASIBILITY OF A PREMIUM TO STIMULATE THE USE OF FUELS OTHER THAN OIL FOR ELECTRICITY GENERATION," was jointly offered by Representatives Bainum and Herkes.

Referred to: Jointly to the Committees on Energy and Environmental Protection and Consumer Protection and Commerce, then to the Committee on Finance

H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE USE OF PERFORMANCE CONTRACTING BY STATE AGENCIES AND INSTITUTIONS," was jointly offered by Representatives Bainum and Herkes.

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H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EVALUATION OF ENERGY SAVING DEVICES FOR THE STATE CAPITOL," was jointly offered by Representatives Bainum and Herkes.

Referred to: Committee on Energy and Environmental Protection, then to the Committee on Finance

H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONDUCT A STUDY TO DETERMINE THE FEASIBILITY OF REQUIRING A PERSON CONVICTED OF AN OFFENSE TO REIMBURSE THE STATE OR APPLICABLE COUNTY FOR ALL COSTS RELATED TO THE PERSON'S OFFENSE," was offered by Representative O'Kieffe.

Referred to: Committee on Judiciary, then to the Committee on Finance

H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SEPARATE ALCOHOL ABUSE PROGRAM FOR DRUNK DRIVERS," was jointly offered by Representatives Morihara, Bunda, Chun, Hirono and Yonamine.

Referred to: Jointly to the Committees on Health and Judiciary, then to the Committee on Finance

H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS TO ALLOW PUBLIC PARTICIPATION IN DETERMINING FUTURE PRIORITIES AND DIRECTIONS FOR THE UNIVERSITY OF HAWAII SYSTEM," was offered by Representative Morihara.

Referred to: Committee on Higher Education and the Arts, then to the Committee on Finance

H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE ASSESSMENT OF THE BOUNDARIES SURROUNDING

HAWAII'S INTERNAL WATERS, AND A REVIEW OF HAWAII'S LEGAL OPTIONS REGARDING THE POSSIBLE EXPANSION OF THE BOUNDARIES SURROUNDING HAWAII'S INTERNAL WATERS," was jointly offered by Representatives Morihara, Bainum and Nekoba.

Referred to: Jointly to the Committees on Ocean Recreation and Marine Resources and Judiciary, then to the Committee on Finance

H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE FORMATION OF A TASK FORCE TO ENCOURAGE THE DEVELOPMENT OF A PRIVATE SCHOOL BUS PROGRAM," was offered by Representative Oshiro.

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H.C.R. No. 177, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SELECTION OF A SUITABLE SITE FOR A BIOREMEDIATION FACILITY IN THE STATE TO TREAT PETROLEUM-CONTAMINATED SOIL," was jointly offered by Representatives Beirne and Bainum.

Referred to: Committee on Energy and Environmental Protection, then to the Committee on Finance

H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE TO EXPEDITE THE INSTALLATION, OPERATION, AND MAINTENANCE OF A STATEWIDE SYSTEM OF DAY-USE MOORINGS," was jointly offered by Representatives Hiraki and Apo.

Referred to: Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance

H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ISSUE A FORMAL APOLOGY ON BEHALF OF THE UNITED STATES TO NATIVE HAWAIIANS FOR THE OVERTHROW OF THE KINGDOM OF HAWAII," was offered by Representative Okamura.

Referred to: Committee on Hawaiian Affairs

H.C.R. No. 180, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE IMPACT THAT FISH FEEDING AND ARTIFICIAL REEFS HAVE ON SHARKS," was offered by Representative Hiraki.

Referred to: Jointly to the Committees on Ocean Recreation and Marine Resources and Higher Education and the Arts, then to the Committee on Finance

H.C.R. No. 181, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO OCEANS," was offered by Representative Thielen.

Referred to: Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance

#### ANNOUNCEMENTS

Representative Thielen rose and stated:

"I would just, on behalf of the Minority and I am sure all of the members here ... I would like to commend and sincerely thank all of the people that were involved in the digest. That was a tremendous amount of work -- very professional -- and it let us all be able to make informed decisions today although we may have differed on the ultimate decisions. I think that they have worked very hard, and I think we all owe them a deep debt of gratitude, and thank you for the cooperation from the other side of the aisle."

Representative Baker then rose and stated:

"Before I announce the time that we will be convening on Thursday, I would just like to thank all of my colleagues for their diligence, their good humor, and their perseverance on the floor as we moved through this very lengthy agenda, and would advise my colleagues that we will be convening on Thursday at 1:00 p.m."

#### **ADJOURNMENT**

At 5:29 o'clock p.m., on motion by Representative Ihara, seconded by Representative Thielen and carried, the House of Representatives adjourned until 1:00 o'clock p.m. on Thursday, March 11, 1993.