

THIRTY-EIGHTH DAY

Tuesday, March 30, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:38 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Ezra R. Kanoho and rendered in song by a group of the members of the House, after which the Roll was called showing all members present with the exception of Representatives Herkes and Yonamine, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Thirty-Seventh Day.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 177 to 182) were read by the Clerk and were placed on file:

Gov. Msg. No. 177, transmitting copies of the 1992 Community Long Term Care Branch Annual Report, prepared by the Health Care Administration Division, Department of Human Services, pursuant to Chapter 346D-2, Hawaii Revised Statutes, as amended.

Gov. Msg. No. 178, transmitting copies of a report prepared by the Housing Finance and Development Corporation in response to House Concurrent Resolution 390 (1992), entitled, **"Requesting a Study to Determine the Feasibility of Having the State Acquire the Tropicana West Apartment Complex of the Fee Interest Thereof."**

Gov. Msg. No. 179, transmitting copies of the 1992 Annual Report prepared by the Hawaii Strategic Development Corporation, pursuant to Section 93-12, Hawaii Revised Statutes.

Gov. Msg. No. 180, transmitting copies of the 1992 Annual Report prepared by the Office of International Relations (OIR), pursuant to Act 101, SLH 1992.

Gov. Msg. No. 181, transmitting copies of the following report: Report to the Legislature on HCR 303, Requesting the State Department of Health and the City and County of Honolulu, Department of Health, to Provide Adequate Ambulance Services to the Waianae Coast.

Gov. Msg. No. 182, transmitting copies of the "Conceptual Plan and Project Description" for the State's proposed commercial satellite launching facility on the Big Island, prepared by the Department of Business, Economic Development and Tourism.

SENATE COMMUNICATION

The following communications from the Senate (Sen. Com. Nos. 413 and 414) were read by the Clerk and were placed on file:

Sen. Com. No. 413, returning H.B. No. 2052, entitled: **"A BILL FOR AN ACT RELATING TO SPECIAL**

FACILITY REVENUE BONDS FOR HARBORS," which passed Third Reading in the Senate on March 29, 1993.

Sen. Com. No. 414, returning H.B. No. 1797, HD 1 (SD 1), entitled: **"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,"** which passed Third Reading in the Senate on March 29, 1993, in an amended form.

By unanimous consent, H.B. No. 1797, HD 1, as amended by the Senate, were placed on the Clerk's desk and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1797, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 438 and 439) were read by the Clerk and were disposed of as follows:

H.R. No. 438, entitled: **"HOUSE RESOLUTION RECOGNIZING THE VALUABLE PROFESSIONAL AND COMMUNITY CONTRIBUTIONS OF DOCTORS TO THE PEOPLE OF HAWAII, AND HONORING ALL PHYSICIANS IN CELEBRATION OF DOCTORS' DAY 1993,"** was offered by Representative Duldulao.

On motion by Representative Duldulao, seconded by Representative Pepper and carried, H.R. No. 438 was adopted.

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

"It is with great pleasure and honor that I rise to speak in favor of this resolution.

"It has been sixty years since our doctors were first honored and a day designated as Doctors' Day. As they did sixty years ago, our doctors continue to maintain the highest standards of their predecessors in providing the best medical care possible for their patients.

"As Chair of the Committee on Health, I have become increasingly aware of the many obstacles that our colleagues in the medical field, especially the doctors, face every day. I have also noted with great admiration the many sacrifices doctors have made to ensure that the best care is given to the patient. I am sure all of us, sometime or another, have been under a doctor's care and share our debt of gratitude to all in this honored profession.

"During the past year, we have experienced the devastation of Hurricane Iniki. I know that many on Kauai and the Waianae Coast are grateful for the selfless services that a good number of doctors volunteered during this time of great need.

"We are indeed thankful for the numerous physicians who give so much of themselves to include meeting the needs of those who are homeless and indigent. We have a good example of such a doctor here with us today who has devoted much time and effort to meeting the medical needs of those in the Philippines, China, and Hawaii who otherwise would not have received any medical care.

"Mr. Speaker and fellow colleagues, I take great pleasure at this time to introduce Dr. Ramon Sy," and asked the honoree to stand to be recognized.

Representative Duldulao continued:

"Dr. Sy was selected as the Physician of the Year by the Hawaii Medical Association. Dr. Sy has volunteered his services for many years with the Aloha Medical Mission which has treated more than thirty thousand needy patients in the Philippines, China, and Hawaii since 1983.

"Dr. Sy, we are honored by your presence here this morning.

"In addition to Dr. Sy, it is my honor to introduce to you, Mr. Speaker and my fellow colleagues, the others with us today, representing the medical community and who are also making notable contributions as doctors in Hawaii."

Representative Duldulao then introduced the following honorees, who were seated on the Chamber floor, and asked them to stand to be recognized: Dr. Jeanette Chang, President of the Hawaii Medical Association; Dr. Carl Lehman, President of the Honolulu County Medical Society; Dr. Stephen Wallach, Legislative Committee Chair, Hawaii Medical Association; and Dr. Richard DeJournett of the Hawaii Federation of Physicians and Dentists.

Representative Duldulao then introduced Mrs. Susan Foo, President of the Hawaii Medical Association Women's Auxiliary; other members of the Auxiliary; Dr. Robert Guine; and Dr. Dan Estrugo, who were seated in the gallery, and asked all of them to stand to be recognized.

Representative Duldulao continued:

"Thank you all for your selfless dedication and sacrifices, and for taking the time to represent all the doctors in Hawaii whom we honor today and to whom we extend our warmest mahalo and aloha.

"Thank you, Mr. Speaker."

Representative Bainum then rose and stated:

"I join my colleagues in congratulating the physicians on their very special day.

"First of all, I would like to thank Harriet, one of my 12th floor neighbors, who was kind to give me one of the prettiest leis I have ever seen.

"You know, there's been much said lately about the growing dissatisfaction that physicians feel in their jobs. One physician was quoted in a magazine as saying: 'I hadn't passed the Internal Medical Boards in order to justify treatment decision to insurance clerks. I hadn't worked for more than a decade to build a practice to be verbally abused by angry patients, and I sure as heck can't take on the responsibility for peoples' lives so that I can spend less and less time with my own family.'

"Fortunately, I think the medical community is realizing that they need to reach out to their own -- they're conducting workshops and things so physicians can rediscover the joy in medicine. And I think that it's very important to note, and heartening to note, that surveys recently have shown over 73 percent of the physicians are satisfied or somewhat satisfied with their current profession. They also report, I'm very pleased to say, that 68 percent of the physicians say that the number one greatest satisfaction they receive on a daily basis is the day they interact with their patients and their ability to improve the lives of their patients, while 14 percent

state that financial success and social prestige are the things that motivate them.

"Lastly, Mr. Speaker, I wished, as an intern thirteen years ago across the street at Queen's Hospital ... I looked out at night over at the State Capitol and I used to say -- boy, a lot of the decisions being made about how to practice medicine are being made over in that building. I'd like to be there. They must be doing very important work. I say now that on some nights and some days, when I look out my window and I hear that dreaded Medivac helicopter as it descends on the roof of Queen's Hospital, I look out the window and I say ... that's where they're really doing important work.

"I congratulate the physicians on this very special day.

"Thank you, Mr. Speaker."

Representative Kawakami then rose and stated:

"I, too, would like to congratulate all the doctors here today, but especially one, and that is Dr. Jeanette Chang who has been the pediatrician for my three children over all these years and wanted to stay with her even when they became adults. And all of my five sisters and all of my nieces and nephews have been very happy to have a competent and a very caring pediatrician in Dr. Jeanette Chang.

"Mahalo, Dr. Chang."

Representative Cachola then rose and stated:

"Mr. Speaker, I, too, would like to congratulate all the doctors that are here today. I should know better ... I didn't know that today is Doctors' Day, and I forgot to greet my wife so when I go home, I'll do that because I know how hard it is for her to really work as a doctor -- working like 24 hours a day, and she is no different from all the doctors that I know. I'd like to really extol one of my friends who is here today, and that is Dr. Ramon Sy.

"Dr. Ramon Sy is the President of the Aloha Medical Mission. My wife and I are also members of the Aloha Medical Mission and we served together in going to the Philippines to serve the needy and the poor. Last year, we went to Baguio and we treated a lot of patients, but that's not what Aloha Medical Mission is just all about. We are also trying to extend the services of the Aloha Medical Mission here in Hawaii. We went to serve the homeless in Waianae, in parks in Waimanalo and Sand Island. We also went to the Big Island. My wife was co-chair of the Mission that went to Hilo and Dr. Ramon Sy served as the overall coordinator. Those that went to Kona. . . oh, I think we went to Kona and he went to Hilo. Some of the members of the Aloha Medical Mission, Mr. Speaker, also went to Kauai after Hurricane Iniki and helped out however they could.

"At this time, I really have a lot of aloha to you doctors. I know how doctors act ... they sometimes are moody, but overall, you are doing a good job.

"Mahalo."

At this time, Certificates of Recognition and floral leis were presented to Dr. Ramon Sy by Representative Duldulao, and to Dr. Chang by Representative Pepper while Representatives Chun, Isbell and Kawakami presented floral leis to the other honorees.

H.R. No. 439, entitled: "HOUSE RESOLUTION HONORING JOHN KAHA'I TOPOLINSKI, THE FOUNDER OF KA PA HULA HAWA'I, ON HIS HULA HALAU'S 20TH ANNIVERSARY," was jointly offered by

Representatives Shon, Lee, Amaral, Apo, Arakaki, Bainum, Beirne, Cachola, Chumbley, Chun, Hagino, Hiraki, Hirono, D. Ige, Isbell, Kanoho, Marumoto, Morihara, Nakasone, O'Kieffe, Okamura, Oshiro, Pepper, Peters, Santiago, Suzuki, Tajiri, Takumi, Tam, Thielen, Ward, Yonamine and Young.

On motion by Representative Shon, seconded by Representative Apo and carried, H.R. No. 439 was adopted.

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

"Mr. Speaker, today we honor, in the fullest meaning of the word, a teacher -- a teacher of culture, values, knowledge and history -- a preserver of standards, a preserver of the flame, of the spirit, a model of excellence, and of hard work. And someone who teaches so many of us in Hawaii to keep the edge sharp.

"I am not well versed in the world of hula, but I have noticed that those who are and those who know, regard this gentleman, our honored guest, with much, much respect, affection and aloha. In the continuum of efforts to nurture a living culture, John Kaha'i Topolinski stands as a spiritual beacon, a reference point of a sense of clarity. I am honored in my small malihini way to honor this true teacher."

Representative Shon asked the honoree, kumu hula John Kaha'i Topolinski, to stand to be recognized.

Representative Shon then asked Mrs. Topolinski, his wife; his parents, son, and other members of the Topolinski delegation, who were seated in the gallery, to stand to be recognized.

Representative Isbell then rose and stated:

"I would like to rise and especially recognize John Kaha'i Topolinski because there's a special lady from Kona -- Ulalea Verna -- who asked if I would present him a lei and give a few words on her behalf. She is one of the finest kumu hulas that we have in West Hawaii and she credits you with her expertise. I want to express to you her love, her devotion, and her respect.

"Mahalo."

Representative Lee then rose and stated:

"It is with great pleasure that I have this opportunity to speak to honor John Kaha'i Topolinski. I think it's important to remember that he is not only responsible for the coming renaissance in Hawaiian culture, in Hawaiian language, in Hawaiian history, but he is also a history teacher of note in Central Oahu. I say so from personal knowledge. My three children who graduated from Mililani High were his students in history class, and they did exceedingly well. Kammy who got a Master's in geology took his history course back in 1985; Thomas, whom some of you may know, was a Sterling Scholar, also took his course; and finally, last year Andrew took his course in history.

"This is the reason why our public schools are good, because we have teachers who know their subjects, who care about their children, and are able to impart their knowledge and understanding, not only of history itself, but the culture and everything that is Hawaii, and I would like to tell Mr. Topolinski ... thank you very much for taking good care of my children, especially Andrew who I'm very proud to say is a finalist in the National Merit Scholarship, and he is a complete product of the public schools in Hawaii -- from first grade in Mililani-

waena through Wheeler Intermediate, and now in the Class of 1993 from Mililani High School.

"So, ladies and gentlemen, we are not honoring only a kumu hula, but also a history teacher in the classic sense, and thank you very much, Mr. Topolinski, and I'll see you on the campus again."

Representative Apo then rose and stated:

"I'm compelled to say a few words about my good friend, John Topolinski, and although he doesn't know it, I want to acknowledge that I do owe him a great debt.

"Mr. Speaker, I returned, after twenty years of living on the mainland, to Hawaii in 1975, and having grown up in an atmosphere where it was not cool to be Hawaiian during my formative years, I came home in 1975, sort of looking for myself and trying to find out what it was to be a Hawaiian. At that time, there were three things happening and emerging as part of the Hawaiian renaissance. One was the Protect Kahoolawe Ohana; second was the Hokule'a; and then there was John Topolinski as an individual.

"As I was searching for my roots, you know, I was really attracted to those things that he was involved in, especially with respect to the arts, that he was a Hawaiian who was providing a very strong leadership that was definitive, that had a clarity of purpose that made us all feel proud, and it was also beautiful, and included a lot of aloha.

"It was largely through watching him and through those efforts that I decided to take a shot at writing some music about my homeland. And John, I have to credit you directly for getting me started in writing music about Hawaii. I've never told you this, and so I feel today that I'm somewhat an extension of this gentleman here before us, and for that I'm grateful, and I think all of Hawaii owes you a great deal of gratitude.

"Mahalo."

Representative Amaral then rose and stated:

"As has been said, he is kumu hula -- he is kumu hula extraordinaire, I believe, and not only a keeper of traditions with an exemplary halau, but a teacher of teachers. He himself has graduated several kumus from his halau of note. He is, as has been said, a historian, a scholar, a teacher, and a keeper of our culture, and so, Mr. Speaker, as a member of Na Kanaka Maoli of this House, I share my pride in being able to recognize and to honor the achievements of a very special person -- the achievements of kumu hula John Kaha'i Topolinski.

"Thank you, kumu hula Topolinski."

Representative Morihara then rose and stated:

"I wanted to also, not only transmit mine, but the sentiments of Mrs. Gordeen Bailey, Miss Hawaii 1959, who wanted to transmit her honor and love and congratulations and the admiration of all the people of Maui.

"Thank you."

Representative Beirne then rose and stated:

"Mr. Speaker, I, too, would like to add my comments to this wonderful person -- kumu hula John Kaha'i Topolinski.

"My memories of Kaha'i goes way back. While we acknowledge him for his hula, he was also very instrumental in canoe paddling, and you can see that he's still in very good shape today, and I think my colleagues can agree and that's because we practice very hard, we come from grassroots standing, and we go back way in the years when Hui Nalu was very, very proud to put out beautiful paddlers. I was also involved with his sister, Topy, way back then who paddled with us.

"It's no wonder that he is so good at what he does today because he was trained under Ma'iki Aiu Lake who was the hula sister of my mama who was Mary Hart Kaawahao, and so I would like to add my comments and share with my colleagues that he does deserve all the honors of being this special person that he is.

"Thank you very much, Mr. Speaker."

Representative Peters then rose and stated:

"I would like to acknowledge and say 'aloha' to my cousin, Brother John Kaha'i Topolinski, and of course to congratulate him on the twentieth anniversary of the founding of his halau, Ka Pa Hula Hawai'i.

"It is often referenced Aunty Mary Kawena Pukui saying that he was the essence inside that made the Hawaiian. It's not the aina, it's not the calabashes, it's not the feathered capes that define the Hawaiian -- it's the spiritual values that continue like a link between generations.

"We honor you today, and thank you for the essence inside of you that you continuously share through your teachings, both within and outside of your halau. You are continuing and strengthening that link between our generations. Through your efforts and hard work, you've helped to perpetuate our culture.

"Thank you, Brother John -- Aloha."

Representative Shon then rose and stated:

"I would just like to add that I'm really astounded at the enormous number of people and the amount of aloha that has emerged out of this building. John knows more people than I'll ever know in this building, and so many connections and so many people who want to wish him well today.

"After the session, there will be an opportunity for folks who would like to talk to him directly in Room 1310 for a small reception."

At this time, a Certificate of Recognition was presented to John Kaha'i Topolinski by Representative Shon and floral leis were presented to the honoree by Representatives Amaral, Beirne, Apo and Peters.

At 12:09 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1000) recommending that S.B. No. 1713, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1713, SD 1, 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 49 ayes, with Representatives Herkes and Yonamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1001) recommending that S.B. No. 1420, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1420, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE PAYMENT PROGRAMS," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Herkes and Yonamine being excused.

The Chair directed the Clerk to note that S.B. Nos. 1713 and 1420 had passed Third Reading at 12:20 o'clock p.m.

ADJOURNMENT

At 12:21 o'clock p.m., on motion by Representative Ihara, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, March 31, 1993.

THIRTY-NINTH DAY

Wednesday, March 31, 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 Carolyn Stapleton of the Hawaii Council of Churches, after which the Roll was called showing all members present with the exception of Representatives Hagino, Menor and Tajiri, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Thirty-Eighth Day.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 415 to 442) were read by the Clerk and were placed on file:

Sen. Com. No. 415, returning House Bill No. 118 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," which passed Third Reading in the Senate on March 30, 1993, in an amended form.

Sen. Com. No. 416, returning House Bill No. 201 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO COURTS," which passed Third Reading in the Senate on March 30, 1993, in an amended form.

Sen. Com. No. 417, returning House Bill No. 568, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," which passed Third Reading in the Senate on March 30, 1993, in an amended form.

Sen. Com. No. 418, returning House Bill No. 569 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO DIVORCE PROCEEDINGS," which passed Third Reading in the Senate on March 30, 1993, in an amended form.

Sen. Com. No. 419, returning House Bill No. 782, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO VISITATION RIGHTS," which passed Third Reading in the Senate on March 30, 1993, in an amended form.

Sen. Com. No. 420, returning House Bill No. 1117, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," which passed Third Reading in the Senate on March 30, 1993, in an amended form.

Sen. Com. No. 421, returning House Bill No. 1467, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO PAROLE," which passed Third Reading in the Senate on March 30, 1993, in an amended form.

Sen. Com. No. 422, returning House Bill No. 2003 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," which passed Third Reading in the Senate on March 30, 1993, in an amended form.

By unanimous consent, H.B. Nos. 118; 201; 568, HD 1; 569; 782, HD 1; 1117, HD 1; 1467, HD 1; and 2003, as amended by the Senate, were placed on the Clerk's desk and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 118, SD 1; 201, SD 1; 568, HD 1, SD 1; 569, SD 1; 782, HD 1, SD 1; 1117, HD 1, SD 1; 1467, HD 1, SD 1; and 2003, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

Sen. Com. No. 423, returning House Bill No. 62, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL ENTRY," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 424, returning House Bill No. 635, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 425, returning House Bill No. 921, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF FINANCIAL INTEREST AMOUNTS," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 426, returning House Bill No. 922, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF FINANCIAL DISCLOSURE STATEMENTS," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 427, returning House Bill No. 1068, entitled: "A BILL FOR AN ACT RELATING TO FORGERY," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 428, returning House Bill No. 1075, entitled: "A BILL FOR AN ACT RELATING TO THEFT OFFENSES," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 429, returning House Bill No. 1127, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 430, returning House Bill 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," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 431, returning House Bill No. 1591, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT ORDERS," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 432, returning House Bill No. 1601, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 433, returning House Bill No. 1602, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC REDEVELOPMENT PROGRAM FOR DEPRESSED AREAS," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 434, returning House Bill No. 1604, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE ENTERPRISE ZONES PROGRAM," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 435, returning House Bill No. 1668, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDING," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 436, returning House Bill No. 1678, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCE REGISTRATIONS," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 437, returning House Bill No. 1687, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 438, returning House Bill No. 1688, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE CENTERS FOR COMMITTED PERSONS," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 439, returning House Bill No. 1692, entitled: "A BILL FOR AN ACT RELATING TO RECOMPUTATION OF INCOME TAX," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 440, returning House Bill No. 1693, entitled: "A BILL FOR AN ACT RELATING TO REPORTING GROSS INCOME CHANGES TO THE DEPARTMENT OF TAXATION," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 441, returning House Bill No. 1717, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," which passed Third Reading in the Senate on March 30, 1993.

Sen. Com. No. 442, returning House Bill No. 1895, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS UNDER THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 30, 1993.

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

Representative Arakaki introduced his "shadows" from Dole Intermediate School: John Matalia, an eighth grader, and Cassie Cicero, a seventh grader.

Representative Arakaki, on behalf of Representative Alcon, then introduced Abel Yoshioka, and eighth grader from Dole Intermediate School.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.R. Nos. Re-referred to:

182 Committee on Consumer Protection and Commerce, then to the Committee on Finance

192 Committee on Hawaiian Affairs, then to the Committee on Finance

252 Committee on Hawaiian Affairs, then to the Committee on Finance

273 Committee on Hawaiian Affairs

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

H.C.R. Nos.

186 Committee on Consumer Protection and Commerce, then to the Committee on Finance

196 Committee on Hawaiian Affairs, then to the Committee on Finance

256 Committee on Hawaiian Affairs, then to the Committee on Finance

275 Committee on Hawaiian Affairs

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

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 440 and 441) were read by the Clerk and were disposed of as follows:

H.R. No. 440, entitled: "HOUSE RESOLUTION HONORING AND CONGRATULATING THE 1993 KALAHEO HIGH SCHOOL BOYS' SOCCER CHAMPIONS, was offered by Representative Nekoba.

On motion by Representative Nekoba, seconded by Representative Thielen and carried, H.R. No. 440 was adopted.

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

"Being a former soccer player for, unfortunately, Kailua High School, we never did beat Kalaheo when I was playing. I can appreciate Head Coach Steve Greene and all of his players and the accomplishment that they've proceeded to win this year.

"After coaching in the Kailua youth soccer leagues and taking his team to Europe for competition, Coach Greene turned his attention to the high school level, and with Assistant Coach Tim York, brought the Kalaheo Mustangs to the State championship for the second time since 1985. Under the guidance of these coaches, along with the support of Athletic Director Lee Cashman, the team strove together toward a common cause. Led by co-captains Tim Darrah, Kyle Ditto, and Mark Mench, with six returning starters, the soccer players pulled together in a successful team effort to overcome stiff competition and take the State title.

"I might also add that they blanked everybody that they played against so their goalie was never scored on which is quite a feat in and of itself during the year. But to do it during the State championship is even more impressive.

"Some of the team members were also recognized as OIA All-Stars. The co-captains -- Tim Darrah, Kyle Ditto, and Mark Mench -- and also team members -- Preston Ednie and Carlos Severson."

Representative Nekoba then asked the following honorees, who were seated on the Chamber floor, to stand to be recognized: Tim Darrah, Kyle Ditto, and Mark Mench, co-captains; Head Coach Steve Greene; and Mr. Lee Cashman, Athletic Director.

Representative Nekoba then asked Ben Greene, who was seated in the gallery, to stand to be recognized.

Representative Nekoba continued:

"I want to thank you gentlemen very much. You've brought a lot of pride to, not only myself, but to everybody on the Windward side and also a lot of pride in public schools, and we've had a lot of cause to celebrate this week and we will continue to celebrate.

"Thank you."

Representative Thielen then rose and stated:

"As a former Women's Island Soccer Association player -- WISA -- I was C level division and courtesy C level division and a fullback, one of the few fullbacks to have made a goal which shows how out of position I was playing that one time.

"But I really commend all of you. It's a wonderful sport -- it's an absolutely wonderful sport -- and I think because of your excellence, we're bringing more attention to this sport. It hasn't been recognized as widely as it should have been across the country.

"I think Hawaii really is at the forefront and our teams do us, as a State, very proud, so congratulations to all of you. I look forward to cheering you on at one of your games. I'm glad you didn't see one of mine when I played.

"Thank you, Mr. Speaker."

Representative Stegmaier then rose and stated:

"I saw one of their games and I did want to congratulate the team for outstanding discipline in the way that you played. It was really remarkable -- the way that you played as a unit.

"I do want to mention, as a Dad of a Kaiser High School player, that in one of our games, we did score once against you folks so I guess you didn't go unscored against.

"Thank you very much."

At this time, Representative Nekoba presented Head Coach Steve Greene with a Certificate of Recognition and floral leis were presented to the honorees by Representatives Baker, Thielen, Beirne, Young and Chun.

H.R. No. 441, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING SHINICHI SUZUKI FOR PROVIDING YEARS OF SERVICE TO THE PEOPLE OF THE STATE OF HAWAII," was jointly offered by Representatives Souki, Chumbley, Ishii-Morikami, Morihara and Nakasone.

On motion by Representative Nakasone, seconded by Representative Chumbley and carried, H.R. No. 441 was adopted.

Representative Nakasone rose and stated:

"First of all, I would like to thank the members of the House for their vote of appreciation of Suzuki Sensei.

"Today, we are honoring an exemplary individual who has devoted a lifetime to excellence. Today's honoree has dedicated a significant portion of his life to aikido -- an art which embraces the principles of meditation and discipline.

"Mr. Shinichi Suzuki, a lifelong Maui resident and former member of Maui's finest, has achieved the rank of 7th Dan Black Belt -- the highest rank in aikido outside of Japan.

"In addition to instructing dedicated students in Hawaii, Mr. Suzuki has shared his aikido knowledge and experience with people across the nation, Japan, New Zealand and Europe.

"Unlike the Speaker, I wasn't a student of the Sensei. I recall his dedication and commitment to the Baldwin High football team when I was a student there, and I also recall the times when he treated us as football players with our Charley horse and pulled muscles, where I found out what pain really is, and I would like to thank -- although it's a belated thank you -- I want to thank him for all that dedication to our Baldwin High football team.

"Also, as a Council member, I would like to thank him for his commitment to training our Maui finest -- the Maui Police Department -- at no charge.

"So, again, thank you very much."

The Chair then made an exception and spoke "a little bit for this great person here. It would be remiss if I didn't extol the virtues of Sensei."

"Sensei Suzuki and I first met when we were in the Toastmasters many years ago. We both attempted to make speeches and made many ers and ahs over there and of course we still do, as you noticed. But during this period of time, Sensei began to speak about the great art of aikido and how it helped a person, not only in the martial arts, but to live a life of aikido -- a good life. So we enrolled in a businessmen's class. That was the first class we had and I believe that this class was the beginning of the aerobics.

"In those days, they didn't have any. It had a lot of stretching exercises. In fact, one of the great aerobic teachers on Maui learned from this 'glorious stallion' I believe. She was a member of the class and she learned from us, and she went out and started her own class. From there, I got to like the art, and I liked the man and enrolled as a student, and I remained with the Sensei for sixteen years.

"Sensei, if you think you know what pain is, I suffered much pain under Sensei. But all the time, he was gently saying, 'Souki, there is no pain. You must feel no pain.' And I told myself, there is no pain but when I went home. I had to shake all the pain off my body. During this period of time, I learned not only the art, I learned the life of aikido -- how to live it -- and I remember the Sensei saying, 'The art you will forget as you become older. You will have no use for the art. But to remember the principle is important -- the principles of breathing, the principles of walking with ki, the principles of weight, underside, and to always maintain a balance of life with the universe, as the universe is one.' These, the Sensei have stated.

"The art has gone but the ki, to some extent, remains, and this, I thank you for that, and I wish to say, 'Suzuki Sensei, kokoro kara orei moshigemasu.'

Representative Nakasone then rose and introduced the honoree, Mr. Shinichi "Sensei" Suzuki, and asked him to

stand to be recognized. Accompanying Sensei Suzuki on the Chamber floor were Mr. Lloyd Inaba, 5th Dan Black Belt; Mr. Gary Omori, 4th Dan Black Belt; and Mr. Colbert Matsumoto, 2nd Dan Black Belt.

A Certificate of Recognition was presented to Sensei Suzuki by Representative Nakasone and floral leis were presented to the honorees by Representatives Baker, Ishii-Morikami, Kawakami and Young.

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

The House of Representatives reconvened at 12:04 o'clock p.m.

STANDING COMMITTEE REPORTS

Representatives Lee and Oshiro, for the Committees on Higher Education and the Arts and Transportation, presented a joint report (Stand. Com. Rep. No. 1002) recommending that H.R. No. 116, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Oshiro and carried, the joint report of the Committees was adopted and H.R. No. 116, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO EXAMINE THE FEASIBILITY OF A STAGGERED CLASS SCHEDULE AND MORE CLASS OFFERINGS," was referred to the Committee on Finance.

Representatives Lee and Oshiro, for the Committees on Higher Education and the Arts and Transportation, presented a joint report (Stand. Com. Rep. No. 1003) recommending that H.C.R. No. 120, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Oshiro and carried, the joint report of the Committees was adopted and H.C.R. No. 120, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO EXAMINE THE FEASIBILITY OF A STAGGERED CLASS SCHEDULE AND MORE CLASS OFFERINGS," was referred to the Committee on Finance.

Representatives Lee and D. Ige, for the Committees on Higher Education and the Arts and Education, presented a joint report (Stand. Com. Rep. No. 1004) recommending that H.R. No. 115, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative D. Ige and carried, the joint report of the Committees was adopted and H.R. No. 115, HD 1, 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 referred to the Committee on Finance.

Representatives Lee and D. Ige, for the Committees on Higher Education and the Arts and Education, presented a joint report (Stand. Com. Rep. No. 1005) recommending that H.C.R. No. 121, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative D. Ige and carried, the joint report of the Committees was adopted and H.C.R. No. 121, HD 1, 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 referred to the Committee on Finance.

Representative Okamura, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1006) recommending that S.B. No. 1839 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative Arakaki and carried, the report of the Committee was adopted and S.B. No. 1839, entitled: "A BILL FOR AN ACT RELATING TO LILI'UOKALANI," 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. 1007) recommending that S.B. No. 1158, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Chumbley moved that the report of the Committee be adopted and S.B. No. 1158, SD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative D. Ige.

Representative Thielen rose and stated:

"Mr. Speaker, I would like to rise to speak in support but with sorrow on Senate Bill 1158, Senate Draft 1.

"With the death of Hamakua Sugar today, Mr. Speaker, I think that we all should take a moment of silence to think about how we could have acted as leaders and saved Hamakua Sugar and saved the region. If we had gone the way that was proposed in the Senate and established a Redevelopment Authority, we could have, Mr. Speaker, brought life into that region and preserved sugar as an agricultural use of that land. We could have created jobs for the people of Hamakua, not just for today, not just for tomorrow ... but for them -- for decades and for their children and their children's children.

"The regional plan was developed in cooperation with the community. It would have brought in an influx of private capital. It would have brought in a resort, some commercial, some residential, and a golf course, all of which would have added to the value of the land while, at the same time, preserving Waipio Rim.

"I find it deeply, deeply unfortunate and really a lack of leadership that we let Hamakua Sugar go down the tubes where we could have, with foresight and with leadership, saved that entire region.

"So what do we do today with Senate Bill 1158 relating to agriculture? We propose to continue the viability of Hawaii's sugar industry. We want to also make sure that agriculture is an essential component of Hawaii's strategic economic and social well-being. Well, tell that to the people of Hamakua. We failed them. We didn't do that for them.

"And then it says we want to establish a clear direction for Hawaii's agriculture through advocacy. Where were the advocates for the Hamakua region, for the agricultural use of that area? All we've done, Mr. Speaker, is taught them now how to live in poverty. That's not the road we should have traveled.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1158, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was placed on the calendar for Third Reading.

ADJOURNMENT

At 12:08 o'clock p.m., on motion by Representative Ihara, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Thursday, April 1, 1993.

FORTIETH DAY

Thursday, April 1, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:49 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend James J. Pitts of Christ Church Uniting - Kailua, after which the Roll was called showing all members present with the exception of Representatives Hagino, Ihara, Peters, Takamine and Ward, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Thirty-Ninth Day.

On motion by Representative Baker, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the Thirty-Ninth Day was approved.

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

Representative Chang introduced his parents, Leslie and Alma Chang; Kuulei McCoy, his sister; and Gordon Chang, his uncle, "very, very special people in my life," and Merle Lam, Kazuko Kaneshiro, Terry Toki and Wayne Ota, "some very, very special supporters, who came all the way from Hilo for my fundraiser this evening."

Representative Arakaki introduced Theresa-Ann Lapitan, an eighth grader from Dole Intermediate School, and his "shadow" for today.

Representative Alcon introduced Gabrielle Gersaba and Maria Tenisio, "two outstanding students from Dole Intermediate School," and his "shadows" for today.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
83	Committee on Judiciary, then to the Committee on Finance
263	Committee on Health, then to the Committee on Finance
246	Committee on Education, then to the Committee on Finance
307	Jointly to the Committees on Human Services and Health, then to the Committee on Finance
339	Committee on Education, then to the Committee on Finance
361	Committee on Education, then to the Committee on Finance
372	Committee on Education, then to the Committee on Finance

380 Committee on Tourism, then to the Committee on Legislative Management

H.C.R. Nos.

85 Committee on Judiciary, then to the Committee on Finance

251 Committee on Education, then to the Committee on Finance

325 Jointly to the Committees on Human Services and Health, then to the Committee on Finance

369 Committee on Human Services, then to the Committee on Finance

372 Committee on Education, then to the Committee on Finance

412 Committee on Education, then to the Committee on Finance

420 Committee on Tourism, then to the Committee on Legislative Management

INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)

H.R. No. 442, entitled: "HOUSE RESOLUTION COMMENDING TEACHER KATHY CAMPBELL FOR HER WORK IN DESIGNING AND RUNNING THE AFTER SCHOOL INSTRUCTION PROGRAM (ASIP) AT KALAHEO HIGH SCHOOL, AND COMMENDING THE CONCERNED PARENTS, A SUPPORT GROUP FOR THE ASIP, AND DISTRICT SUPERINTENDENT JOHN SOSA AND PRINCIPAL WILLIAM TAM, JR. FOR THEIR SUPPORT OF ASIP," was jointly offered by Representatives Thielen and Beirne and was read by the Clerk.

On motion by Representative Thielen, seconded by Representative Beirne and carried, H.R. No. 442 was adopted.

Representative Thielen rose and stated:

"I am really delighted to give this award today because I'm able to honor a program which came close to not existing any more, not due to lack of excellence, Mr. Speaker, but rather due to lack of funding, and that's a problem of course for which we legislators are responsible.

"Kathy Campbell started tutoring students six years ago at Kalaheo High School. Four years ago, her program received funding so it could serve more students and add materials. It has expanded to where over a hundred students now rely on it each day.

"I've received some letters from some of the students in the program when it nearly lost its funding, and I'll be providing a package of these marvelous letters to the Chair of the Finance Committee and to the Chair of the Education Committee. They are truly heartwarming. And if you are one of the students in the audience, when I read your letter, please stand and we would like to acknowledge you.

"The first one:

"I really wouldn't want the after school study hall to close because of lack of funding. It has made me

do my homework and do it right. The study hall program has helped with my grades which went from a 1.3 to a 3.1. That's a big change for me and I am still keeping my grades above a 3.0.' -- Jason Bunger

"Another letter:

Marcus Kamelamela wrote: 'I am a sophomore at Kalaheo High School and attend the after school study hall. I think that the study hall has done a lot for me. The study hall teachers help me with my homework. Last year, I brought my grades up from a 1.8 GPA to a 3.6 GPA. The first quarter of this year, I earned a 4.0 GPA. I was really proud of this and received two free tickets to the Aloha Bowl because I had a 4.0. I really enjoyed the football game.'

"And my favorite is:

'When I started at Kalaheo High School, I joined the Junior Varsity football team and when I needed help with the game plan, I went to the coach. When I needed to improve my grades, I went to Mrs. Campbell. I did not only improve my grades in her class, but also my self confidence. This not only made me feel good about myself, this same confidence made me a better team player both at school and at home.

'Mrs. Campbell's problem about the possibility of not having funds in the future will not only hurt me but those students who follow me.

'I have read in the papers about how tourism's budget went from \$4-million to \$22-million but education is frozen. I have also read about the State paying \$1-million for a race car but again, education monies were frozen. I don't understand how the owners of hotels in this State can use our tax dollars to support themselves and not us, Hawaii's future workers and voters.

'I hear my father always telling my older brothers and sisters that they have to get out to vote.

'Please don't forget us now, because we are the future voters. -- Shon Flores

"And I would say, perhaps he is one of our future State Representatives.

"This program is structured, Mr. Speaker, so that the students receive one on one attention from tutors who involve their regular instructors, but the most important aspect of the program is parent involvement.

"Everyday, each student must show her or his completed homework assignments to their parents and their tutor. The parents and tutors verify the homework is complete by signing what the students call a 'dogtag.' This has caused the parents to also become involved in their children's education.

"Parents like Sharon Cosma and Claudine Tomasa appreciate what the program has accomplished for their children so much that they have formed a Concerned Parents Group to make sure that this program stays alive, and I certainly thank them for their efforts.

"The Windward District of the Department of Education and Kalaheo High School Principal William Tam recognize and support Kathy Campbell's After School Instructional Program as a program that truly educates students.

"I think and I hope that each of us had one or two teachers in high school who helped us, Mr. Speaker, or changed our life for the better in some way. I believe that Kathy Campbell has demonstrated she is that teacher for many students at Kalaheo High School. For that reason, I am delighted and proud to present her with the resolution today."

Representative Thielen then introduced the awardees, who were seated on the Chamber floor, and asked them to stand to be recognized, as follows: Kathy Campbell; Fenlyn Wong, educational specialist from the Windward District Office; Glen Nakamoto, Vice Principal of Kalaheo High School; Claudine Tomasa, Chair of the Concerned Parent Group, and a strong advocate for this excellent program; and Wes Tomasa "who symbolizes all of the students who are in the After School Instructional Program."

Representative Thielen then asked the 35 students from the After School Instruction Program at Kalaheo High School, who were seated in the gallery, to stand to be recognized.

At this time, Representative Thielen presented Kathy Campbell with a Certificate of Recognition and floral leis were presented to the honorees by Representatives Amaral, Hiraki, O'Kieffe, Beirne and Nekoba.

At 12:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:10 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Baker, 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.

THIRD READING

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

S.B. No. 1839:

Representative Okamura moved that S.B. No. 1839, having been read throughout, pass Third Reading, seconded by Representative Arakaki.

Representative M. Ige rose to speak in favor of the bill, stating:

"Mr. Speaker, I just wanted to share with the members that Radio Station KCCN, FM100, ran a series on the Queen, and growing up in Hawaii I was rather ashamed that I wasn't too familiar of the facts that surrounded this overthrow. And in rising this morning, I wanted to support this measure by really supporting individuals who made this awareness ... I'm sure not just important for me but a lot of others that live in Hawaii, and this one individual's name is Mr. David Kalama and he produced a vignette of the Queen's words and went out and got sponsors so that these vignettes could be aired to the general public.

"One of the vignettes I would like to read, Mr. Speaker, with your indulgence, is Spot No. 11 regarding the death of Kalakaua: 'On January 29...' -- and these

are the Queen's words -- '1891, all of Honolulu dressed for a gala welcome. Diamond Head Charlie was watching the sea from the lighthouse. At the first sight of the Charleston returning from San Francisco, Diamond Head Charlie would telephone to town and celebrations to welcome home our King would begin. There she was, Charlie. Charlie saw the ship through his telescope. His heart must have fallen for he saw the ship's flags all at half-mast. The King, my brother, was dead. In town, at the Palace, gay banners were stripped away and in their place the black of mourning was laid. I awaited with the ministers in the Blue Room of the Palace for official word to come. My husband, John Dominis, came from Washington Place and joined me to wait for the arrival of the Admiral who would lead the escort attending my brother's body. The ministries would not wait. They gathered the Council and they sent for me. They decided I must immediately take my official oath of office as Queen. Before I was even fully aware of it, I was made to swear the oath of allegiance to the Constitution of 1887.'

"Mr. Speaker, there's 25 vignettes that Mr. Kalama so graciously said that it was okay for me to circulate to the members. They will be receiving this Spot, but I just wanted to thank Mr. Kalama and the hundreds of other people who really believed that only through education can we come together as one state and move forward into the future.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 1839, entitled: "A BILL FOR AN ACT RELATING TO LILI'UOKALANI," having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Hagino, Ihara, Peters, Takamine and Ward being excused.

S.B. No. 1158, SD 1:

On motion by Representative M. Ige, seconded by Representative Chumbley and carried, S.B. No. 1158, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 46 ayes, with Representatives Hagino, Ihara, Peters, Takamine and Ward being excused.

The Chair directed the Clerk to note that S.B. Nos. 1839 and 1158 had passed Third Reading at 12:15 o'clock p.m.

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

The House of Representatives reconvened at 12:17 o'clock p.m.

ADJOURNMENT

At 12:18 o'clock p.m., on motion by Representative Baker, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Friday, April 2, 1993.

FORTY-FIRST DAY

Friday, April 2, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:40 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by President Aldous K. Paalani of the Church of Jesus Christ of Latter Day Saints, after which the Roll was called showing all members present with the exception of Representatives Amaral, Hagino, Hirono, Marumoto and Peters, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fortieth Day.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 183) was read by the Clerk and was placed on file:

Gov. Msg. No. 183, informing the House that on April 1, 1993, he signed the following bill into law:

House Bill No. 2052 as Act 2, entitled: "RELATING TO SPECIAL FACILITY REVENUE BONDS FOR HARBORS."

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 443 to 454) were read by the Clerk and were placed on file:

Sen. Com. No. 443, returning House Bill No. 52, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," which passed Third Reading in the Senate on April 1, 1993, in an amended form.

Sen. Com. No. 444, returning House Bill No. 199, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTS," which passed Third Reading in the Senate on April 1, 1993, in an amended form.

Sen. Com. No. 445, returning House Bill No. 200 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO COURTS," which passed Third Reading in the Senate on April 1, 1993, in an amended form.

Sen. Com. No. 446, returning House Bill No. 210, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO ADOPTIONS," which passed Third Reading in the Senate on April 1, 1993, in an amended form.

Sen. Com. No. 447, returning House Bill No. 570, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," which passed Third Reading in the Senate on April 1, 1993, in an amended form.

Sen. Com. No. 448, returning House Bill No. 783, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," which passed Third

Reading in the Senate on April 1, 1993, in an amended form.

By unanimous consent, H.B. Nos. 52, HD 1; 199, HD 1; 200; 210, HD 1; 570, HD 1; and 783, HD 1, as amended by the Senate, were placed on the Clerk's desk and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 52, HD 1, SD 1; 199, HD 1, SD 1; 200, SD 1; 210, HD 1, SD 1; 570, HD 1, SD 1; and 783, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

Sen. Com. No. 449, returning House Bill No. 1073, entitled: "A BILL FOR AN ACT RELATING TO EXTORTION," which passed Third Reading in the Senate on April 1, 1993.

Sen. Com. No. 450, returning House Bill No. 1089, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO COURT COSTS AND FEES," which passed Third Reading in the Senate on April 1, 1993, in an amended form.

Sen. Com. No. 451, returning House Bill No. 1411, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on April 1, 1993, in an amended form.

By unanimous consent, H.B. Nos. 1089, HD 1 and 1411, HD 1, as amended by the Senate, were placed on the Clerk's desk and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 1089, HD 1, SD 1, and 1411, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

Sen. Com. No. 452, returning House Bill No. 1460, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A TAX ADMINISTRATION FUND," which passed Third Reading in the Senate on April 1, 1993.

Sen. Com. No. 453, returning House Bill No. 1598 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO FAMILY SUPPORT," which passed Third Reading in the Senate on April 1, 1993, in an amended form.

By unanimous consent, H.B. No. 1598, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1598, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

Sen. Com. No. 454, returning House Bill No. 1798, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES," which passed Third Reading in the Senate on April 1, 1993.

At this time, Representative Arakaki introduced to the members of the House Mr. Joseph Chung, a specialist in disaster relief, and his youngest son, Tae, from Fiji.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 443 and 444) were read by the Clerk and were disposed of as follows:

H.R. No. 443, entitled: "HOUSE RESOLUTION CONGRATULATING RUI BASTIAO AND CENTURY CAB FOR INSTITUTING THE 'DRIVE STRAIGHT/ARRIVE ALIVE' LIFE-SAVING PROGRAM," was offered by Representative Ward.

On motion by Representative Ward, seconded by Representative Bainum and carried, H.R. No. 443 was adopted.

Representative Ward rose and proceeded to introduce the honoree, stating:

"As you see the man before you, Mr. Rui Bastiao, I call him the 'lifeguard on wheels.' He is one of the unsung heroes of our community who's been a valuable player with a genuine concern for the welfare of our citizens, but who has translated this service into an ongoing and real concern, using his own company and his own resources and at his own initiative -- no one put this up to him -- he, himself, initiated this. In this day and age, particularly as tourism is at a downturn, most small businesses, like Mr. Bastiao's, is just struggling to survive but his thoughts and welfare for the community has put him on another track which, quite frankly to us, is refreshing and inspiring.

"In just the past three years, the 'Drive Straight/Arrive Alive' has taken home six hundred people; that is, you turn in your key and Century Cab comes and takes you home. If he was a lifeguard and he potentially saves or saved six hundred people, that would be quite a record and we'd really see the impact of this, but six hundred people that he has taken home, we can see that's truly a 'lifeguard on wheels.'

"During the recent Kuhio weekend, he was active, as he is on Chinese New Year's, Christmas and New Year's Day, and quite frankly, Mr. Speaker, we are extremely fortunate that someone with such goodwill has the resources to share that goodwill with the people all over this State and, quite frankly, his celebration is to us a note of keeping sober, keeping straight, and if we can't do it, we can rely on the likes of Rui Bastiao and Century Cab."

Representative Ward then asked Mr. Rui Bastiao to stand to be recognized.

Representative Ward then presented Mr. Bastiao with a Certificate of Recognition and Representative Isbell presented the honoree with a floral lei.

H.R. No. 444, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING WAH DUCK YOUNG FOR PROVIDING YEARS OF DEDICATED SERVICE TO THE PEOPLE OF THE STATE OF HAWAII," was jointly offered by Representatives Tam, Amaral, Hirono, Shon and Takumi.

On motion by Representative Tam, seconded by Representative Shon and carried, H.R. No. 444 was adopted.

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

"On behalf of the House of Representatives, I have the delightful honor and pleasure to introduce a resolution and say a few words on behalf of our special honoree -- a very good friend of mine, although there's a difference in age, but then a very good friend -- Mr. Wah Duck Young.

"Many of you may not know Mr. Young but within the Chinese community, aside from being the previous owner

of King's Garden, a fantastic restaurant in the State of Hawaii statewide, he is a well-known, respectful and quiet leader of the Chinese community. He is the honorable and respectable 'Godfather' of the Chinese community.

"I personally owe Mr. Young gratitude for involving me in my Chinese heritage, culture and religion, and thank you for sponsoring me in the past, for a number of three years, as one of the youngest trustees of the United Chinese Society -- the umbrella organization of all Chinese societies. And Mr. Young and Mrs. Young, my wife and I will always remember one of the fabulous events that we had -- our reception when we got married -- at King's Garden. We are very sad to see that King's Garden no longer exists because, personally, I can no longer find any good Chinese food in Hawaii.

"At this time, Mr. Speaker, I would like to introduce my honored guests."

Representative Tam then introduced Mr. Wah Duck Young and asked him to stand to be recognized. Accompanying Mr. Young on the Chamber floor was "his very supportive wife. I say supportive because on many occasions I've been to Chinese society dinners at King's Garden and his wife waits for him at home very patiently. After long hours, he goes home, maybe at 11:00 o'clock at night, and everyday he goes home for dinner rather than eat his own food at King's Garden because he believes in having a long, lasting relationship with his wife by giving her respect and eating her food."

Representative Tam then introduced Mrs. Young and asked her to stand to be recognized.

Representative Tam then asked family members and friends of Mr. and Mrs. Young, who were seated in the gallery, to stand to be recognized.

Representative Lee then rose and stated:

"I think Representative Rod Tam has very eloquently described the reasons why we are honoring Mr. Wah Duck Young and his wife, Mrs. Young.

"I just want to say that Mr. Wah Duck Young, or as we say, Young Wah Duck, is a parenti e paisano, if you are Italian, but in Chinese, he is a heong-lee, and we are very happy that he is here today to receive the honor from the House of Representatives.

"Thank you, Mr. Speaker."

Representative Young then rose and stated:

"I just wanted to congratulate the Youngs for providing so much dedicated service and warm hospitality to the community of Hawaii.

"On the very last day that their restaurant was open, I had lunch there. We had a planned lunch there -- Wanda Hosea, David Mathews, former Lt. Governor Jean King and I. We went to lunch there and had dim sum and noodles, and we reminisced at the many years that they provided this wonderful service to the community. We talked about the different political meetings that were held there, and the many family functions that we had all shared at their particular restaurant, and I want to congratulate them and also wish them best of luck on their next career.

"Thank you very much."

At this time, Representative Beirne presented Mr. Young with a Certificate of Recognition and a floral lei

while Representative Say presented Mrs. Young with a floral lei.

At 11:59 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

STANDING COMMITTEE REPORTS

Representatives M. Ige and Bainum, for the Committees on Agriculture and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1008) recommending that H.R. No. 193 be referred to the Committee on Finance.

On motion by Representative M. Ige, seconded by Representative Bainum and carried, the joint report of the Committees was adopted and H.R. No. 193, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF ESTABLISHING A WASTE RECOVERY SYSTEM AT CAMPBELL INDUSTRIAL PARK," was referred to the Committee on Finance.

Representative M. Ige, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1009) recommending that H.R. No. 336 be referred to the Committee on Finance.

On motion by Representative M. Ige, seconded by Representative Chumbley and carried, the report of the Committee was adopted and H.R. No. 336, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONDUCT A DEMONSTRATION PROJECT OF THE ARIGUM CROP," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1010) recommending that H.C.R. No. 371 be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Arakaki and carried, the report of the Committee was adopted and H.C.R. No. 371, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ASSURE THE STATES THAT THE FEDERAL DOLLAR ASSISTANCE UNDER TITLE 19 OF THE SOCIAL SECURITY ACT WILL NOT BE REDUCED," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1011) recommending that H.R. No. 242 be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Arakaki and carried, the report of the Committee was adopted and H.R. No. 242, entitled: "HOUSE RESOLUTION URGING CONGRESS TO ELIMINATE INEQUITIES IN THE PAYMENT OF SOCIAL SECURITY BENEFITS THAT ARE BASED ON THE YEAR THAT A PERSON INITIALLY BECOMES ELIGIBLE FOR SUCH BENEFITS," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1012) recommending that H.C.R. No. 247 be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Arakaki and carried, the report of the Committee was adopted and H.C.R. No. 247, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO ELIMINATE INEQUITIES IN THE PAYMENT OF SOCIAL SECURITY BENEFITS THAT ARE BASED ON THE YEAR THAT A PERSON INITIALLY BECOMES ELIGIBLE FOR SUCH BENEFITS," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1013) recommending that H.R. No. 392 be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Arakaki and carried, the report of the Committee was adopted and H.R. No. 392, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE SOCIAL SECURITY ACT WHICH WOULD INCLUDE HAWAII'S COST OF LIVING ALLOWANCE IN THE CALCULATION OF THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1014) recommending that H.C.R. No. 440 be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Arakaki and carried, the report of the Committee was adopted and H.C.R. No. 440, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE SOCIAL SECURITY ACT WHICH WOULD INCLUDE HAWAII'S COST OF LIVING ALLOWANCE IN THE CALCULATION OF THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1015) recommending that H.R. No. 422 be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Arakaki and carried, the report of the Committee was adopted and H.R. No. 422, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SUPPORT AND PROVIDE FUNDING FOR THE HEALTHY FAMILIES AMERICA INITIATIVE AS PART OF THE LONG-TERM NATIONAL ECONOMIC RECOVERY PROGRAM," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1016) recommending that H.C.R. No. 473 be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Arakaki and carried, the report of the Committee was adopted and H.C.R. No. 473, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SUPPORT AND PROVIDE FUNDING FOR THE HEALTHY FAMILIES AMERICA INITIATIVE AS PART OF THE LONG-TERM NATIONAL ECONOMIC RECOVERY PROGRAM," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No.

1017) recommending that H.R. No. 338 be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Arakaki and carried, the report of the Committee was adopted and H.R. No. 338, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ASSURE THE STATES THAT THE FEDERAL DOLLAR ASSISTANCE UNDER TITLE 19 OF THE SOCIAL SECURITY ACT WILL NOT BE REDUCED," was referred to the Committee on Finance.

Representative M. Ige, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1018) recommending that S.C.R. No. 41, SD 1, be adopted.

Representative M. Ige moved that the report of the Committee be adopted and S.C.R. No. 41, SD 1, be adopted, seconded by Representative Chumbley.

Representative M. Ige rose to speak in favor of the measure, stating:

"Mr. Speaker, this is again one of the more difficult decisions for the Agriculture Committee. On one hand, as an American citizen, loyal to our country and former President Bush, I do not want to see America renegade on any agreement made with any country under any circumstances. On the other hand, however, Hawaii is my home. Hawaii is where I choose to raise my family, a place that is so very special to me. One main reason is because of our open space. From the pineapple fields of Wahiawa to the coffee groves of the Big Island, the taro farms of Hanalei to the pasture lands of Kohala, Hawaii's agricultural industry truly adds to our social well-being.

"Mr. Speaker, if adopted as written, the North American Free Trade Agreement would be the beginning of the end for Hawaii's diversified agricultural industry. I have no problem with opening our markets to both Mexico and Canada. This relationship, I believe, is good for the American people, and I am sure the citizens of both countries as well. But let us make sure that all parties abide by the same rules. For instance, environmental standards are much higher here in Hawaii than in Mexico -- rightfully so. Enforcement here is more stringent and far more costly than in Mexico. In fact, a number of agricultural pesticides that are banned in Hawaii are still being widely used in Mexico. OSHA restrictions are very limited in Mexico. Mexican farm wages are about one-tenth those of Hawaii's. In addition, labor safety standards are a fraction of ours.

"Mr. Speaker, we are asking our Congressional Delegation to stand against the North American Free Trade Agreement as proposed. I am hopeful and confident, however, that President Clinton and the Congress will continue working together to develop compromises on side agreements -- these agreements that assure a level playing field for all.

"Mr. Speaker, we wish our Congressional Delegation well on this mission but also challenge them that when all parties abide by the same rules, Hawaii's agricultural industries will rise to be the new star -- from fresh papayas to pineapple, from atemoya to carambola -- Hawaii will take its place in providing exotic tropical fruits and value-added products for the world to enjoy. When all the parties abide by the same rules, Hawaii will be one step closer of having a fully diversified agribusiness ready to take on the challenges of the 21st century.

"Thank you."

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

"Mr. Speaker, I would remind all of us that the second law of thermodynamics is that for every action, there is an equal and opposite reaction. What is at stake is world trade; what is at stake is trade in the Northern Hemisphere. Visibly what's happening in the consolidated European theatre ... if we look at this just as a Hawaii sugar issue, we're missing the whole point of consolidating the North America free trade zone of which this is, in its totality, a regional global block.

"We've got to wake up and face the music in the same way that yesterday what happened in Hamakua, and nobody likes to see what happened in Hamakua, even though I see them with a beer bust and food that followed it. No one likes to see Hamakua closed, no one likes to see sugar going on to the horizon. But let's face the reality ... the era of sugar is ending. And if we block the United States and its overall economic viability because of what we have is an ending era of sugar, I think we will miss the trees in the forest, Mr. Speaker. So I would suggest that we look at this soberly and holistically and know that we are not in the 1890s any longer. This is the 1990s.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.C.R. 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," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1019) recommending that S.B. No. 240 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Tajiri and carried, the report of the Committee was adopted and S.B. No. 240, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," 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. 1020) recommending that S.B. No. 1641, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Tajiri and carried, the report of the Committee was adopted and S.B. No. 1641, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CAPITOL," 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. 1021) recommending that S.B. No. 261, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Tajiri and carried, the report of the Committee was adopted and S.B. No. 261, 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 Bainum, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1022) recommending that H.R. No. 239 be referred to the Committee on Finance.

On motion by Representative Bainum, seconded by Representative Herkes and carried, the report of the Committee was adopted and H.R. No. 239, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO INSTITUTE RECYCLING PROGRAMS FOR PAPER PRODUCTS, METAL, AND GLASS PURCHASED BY STATE AGENCIES," was referred to the Committee on Finance.

Representative Bainum, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1023) recommending that H.C.R. No. 244 be referred to the Committee on Finance.

On motion by Representative Bainum, seconded by Representative Herkes and carried, the report of the Committee was adopted and H.C.R. No. 244, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO INSTITUTE RECYCLING PROGRAMS FOR PAPER PRODUCTS, METAL, AND GLASS PURCHASED BY STATE AGENCIES," was referred to the Committee on Finance.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1024) recommending that H.R. No. 388, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ishii-Morikami, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.R. No. 388, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO EXAMINE THE LIABILITY ISSUES SURROUNDING S.B. NO. 2306, S.D. 1, H.D. 1, 1992, RELATING TO MOTOR VEHICLE INSURANCE," was referred to the Committee on Finance.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1025) recommending that H.C.R. No. 428, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ishii-Morikami, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.C.R. No. 428, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO EXAMINE THE LIABILITY ISSUES SURROUNDING S.B. NO. 2306, S.D. 1, H.D. 1, 1992, RELATING TO MOTOR VEHICLE INSURANCE," was referred to the Committee on Finance.

Representatives Bunda and Taniguchi, for the Committees on Consumer Protection and Commerce and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1026) recommending that H.R. No. 389, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ishii-Morikami, seconded by Representative Taniguchi and carried, the joint report of the Committees was adopted and H.R. No. 389, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF FINANCE OF THE CITY AND COUNTY OF HONOLULU TO STUDY THE FEASIBILITY OF THE STATEWIDE EXPANSION OF ITS COMPUTER NETWORK AND DATABASE FOR

THE IDENTIFICATION OF UNINSURED MOTORISTS," was referred to the Committee on Finance.

Representatives Bunda and Taniguchi, for the Committees on Consumer Protection and Commerce and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1027) recommending that H.C.R. No. 429, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ishii-Morikami, seconded by Representative Taniguchi and carried, the joint report of the Committees was adopted and H.C.R. No. 429, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF FINANCE OF THE CITY AND COUNTY OF HONOLULU TO STUDY THE FEASIBILITY OF THE STATEWIDE EXPANSION OF ITS COMPUTER NETWORK AND DATABASE FOR THE IDENTIFICATION OF UNINSURED MOTORISTS," was referred to the Committee on Finance.

DISPOSITION OF MATTER PLACED ON THE CLERK'S DESK

On motion by Representative Baker, seconded by Representative Thielen and carried, the House disagreed to the Senate amendments made to H.B. No. 1797, HD 2 (SD 1), and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

ADJOURNMENT

At 12:21 o'clock p.m., on motion by Representative Ihara, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. on Monday, April 5, 1993.

FORTY-SECOND DAY

Monday, April 5, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:41 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Reverend Eric Matsumoto of the Honpa Hongwanji Mission of Hawaii, after which the Roll was called showing all members present with the exception of Representatives Bainum, Souki and Tam, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-First Day.

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

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 455) was read by the Clerk and was placed on file:

Sen. Com. No. 455, informing the House that the following bills passed Final Reading in the Senate on April 2, 1993:

S.B. No. 280, SD 1, HD 1
S.B. No. 1713, SD 1, HD 1
S.B. No. 1420, SD 1, HD 1

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

Representative Duldulao introduced a group of women from the financial institutions in Hawaii and they are "members of the local chapter of the Financial Women International."

Representative Thielen then welcomed the members to the House and to tell them "what they saw was democracy in live, active action today in the hearing."

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.R. Nos. Re-referred to:

245 Jointly to the Committees on Labor and Public Employment and Human Services, then to the Committee on Finance

278 Jointly to the Committees on Economic Development and Business Concerns and Intergovernmental Relations and International Affairs, then to the Committee on Finance

310 Committee on Higher Education and the Arts, then to the Committee on Legislative Management

H.C.R. Nos.

250 Jointly to the Committees on Labor and Public Employment and Human Services, then to the Committee on Finance

281 Jointly to the Committees on Economic Development and Business Concerns and Intergovernmental Relations and International Affairs, then to the Committee on Finance

328 Committee on Higher Education and the Arts, then to the Committee on Legislative Management

At 11:47 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 11:49 o'clock a.m.

STANDING COMMITTEE REPORTS

Representatives Lee and D. Ige, for the Committees on Higher Education and the Arts and Education, presented a joint report (Stand. Com. Rep. No. 1028) recommending that H.R. No. 356 be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative D. Ige and carried, the joint report of the Committees was adopted and H.R. No. 356, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF EDUCATION, IN COOPERATION WITH THE EAST-WEST CENTER, TO COORDINATE ACTIVITIES RELATING TO HIGH-PERFORMANCE COMPUTING AND COMMUNICATIONS," was referred to the Committee on Finance.

Representatives Lee and D. Ige, for the Committees on Higher Education and the Arts and Education, presented a joint report (Stand. Com. Rep. No. 1029) recommending that H.C.R. No. 389 be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative D. Ige and carried, the joint report of the Committees was adopted and H.C.R. No. 389, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF EDUCATION, IN COOPERATION WITH THE EAST-WEST CENTER, TO COORDINATE ACTIVITIES RELATING TO HIGH-PERFORMANCE COMPUTING AND COMMUNICATIONS," was referred to the Committee on Finance.

Representative Bainum, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1030) recommending that H.R. No. 277 be referred to the Committee on Economic Development and Business Concerns.

On motion by Representative Herkes, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.R. No. 277, entitled: "HOUSE RESOLUTION SUPPORTING EFFORTS FOR HAWAII TO BECOME A ROLE MODEL AND LEADER IN THE UTILIZATION AND EXPORTATION OF ALTERNATIVE, SUSTAINABLE ENERGY SYSTEMS, PRODUCTS, AND TECHNOLOGIES," was referred to the Committee on Economic Development and Business Concerns.

Representative Bainum, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1031) recommending that H.C.R. No. 280 be referred to the Committee on Economic Development and Business Concerns.

On motion by Representative Herkes, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.C.R. No. 280, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING EFFORTS FOR HAWAII TO BECOME A ROLE MODEL AND LEADER IN THE UTILIZATION AND EXPORTATION OF ALTERNATIVE, SUSTAINABLE ENERGY SYSTEMS, PRODUCTS, AND TECHNOLOGIES," was referred to the Committee on Economic Development and Business Concerns.

Representatives Bainum and M. Ige, for the Committees on Energy and Environmental Protection and Agriculture, presented a joint report (Stand. Com. Rep. No. 1032) recommending that H.R. No. 184, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Herkes, seconded by Representative Hiraki and carried, the joint report of the Committees was adopted and H.R. No. 184, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ASSESS THE NEED FOR A REPORTING SYSTEM TO COLLECT, COLLATE, AND PUBLISH DATA ON PESTICIDE AND FERTILIZER USAGE IN HAWAII, AND TO DETERMINE THE PERSONNEL AND PROGRAM RESOURCES THAT WOULD BE NEEDED TO IMPLEMENT THIS REPORTING SYSTEM," was referred to the Committee on Finance.

Representatives Bainum and M. Ige, for the Committees on Energy and Environmental Protection and Agriculture, presented a joint report (Stand. Com. Rep. No. 1033) recommending that H.C.R. No. 188, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Herkes, seconded by Representative Hiraki and carried, the joint report of the Committees was adopted and H.C.R. No. 188, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ASSESS THE NEED FOR A REPORTING SYSTEM TO COLLECT, COLLATE, AND PUBLISH DATA ON PESTICIDE AND FERTILIZER USAGE IN HAWAII, AND TO DETERMINE THE PERSONNEL AND PROGRAM RESOURCES THAT WOULD BE NEEDED TO IMPLEMENT THIS REPORTING SYSTEM," was referred to the Committee on Finance.

Representative Bainum, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1034) recommending that H.R. No. 335 be referred to the Committee on Legislative Management.

On motion by Representative Herkes, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.R. No. 335, entitled: "HOUSE RESOLUTION REQUESTING THE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION OF THE HAWAII HOUSE OF REPRESENTATIVES TO ORGANIZE AND CONDUCT WORKSHOPS DURING THE 1993 INTERIM, CULMINATING IN AN ENVIRONMENTAL-ENERGY CONFERENCE IN LATE OCTOBER TO ADDRESS AND GENERATE LEGISLATIVE SOLUTIONS TO ENVIRONMENTAL AND ENERGY CONCERNS," was referred to the Committee on Legislative Management.

Representatives Oshiro and D. Ige, for the Committees on Transportation and Education, presented a joint report (Stand. Com. Rep. No. 1035) recommending that H.R. No. 172, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative D. Ige and carried, the joint report of the Committees was adopted and H.R. No. 172, HD 1, entitled: "HOUSE RESOLUTION RELATING TO THE FORMATION OF A TASK FORCE TO ENCOURAGE THE DEVELOPMENT OF A PRIVATE SCHOOL BUS PROGRAM," was referred to the Committee on Finance.

Representatives Oshiro and D. Ige, for the Committees on Transportation and Education, presented a joint report (Stand. Com. Rep. No. 1036) recommending that H.C.R. No. 176, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative D. Ige and carried, the joint report of the Committees was adopted and H.C.R. No. 176, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE FORMATION OF A TASK FORCE TO ENCOURAGE THE DEVELOPMENT OF A PRIVATE SCHOOL BUS PROGRAM," was referred to the Committee on Finance.

Representatives Oshiro and Taniguchi, for the Committees on Transportation and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1037) recommending that H.R. No. 288, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, the joint report of the Committees was adopted and H.R. No. 288, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO INVESTIGATE PROBLEMS CAUSED BY THE INCREASING NUMBERS OF ABANDONED VEHICLES ON ALL ISLANDS," was referred to the Committee on Finance.

Representatives Oshiro and Taniguchi, for the Committees on Transportation and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1038) recommending that H.C.R. No. 296, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, the joint report of the Committees was adopted and H.C.R. No. 296, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO INVESTIGATE PROBLEMS CAUSED BY THE INCREASING NUMBERS OF ABANDONED VEHICLES ON ALL ISLANDS," was referred to the Committee on Finance.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1039) recommending that H.R. No. 158 be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, the report of the Committee was adopted and 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 referred to the Committee on Finance.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1040) recommending that H.C.R. No. 160 be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, the report of the Committee was adopted and 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 referred to the Committee on Finance.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1041) recommending that H.R. No. 185 be referred to the Committee on Education.

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, the report of the Committee was adopted and H.R. No. 185, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN OCTOBER OF EVERY YEAR AS 'STATE OF HAWAII AVIATION EDUCATION WEEK'," was referred to the Committee on Education.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1042) recommending that H.C.R. No. 189 be referred to the Committee on Education.

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, the report of the Committee was adopted and H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN OCTOBER OF EVERY YEAR AS 'STATE OF HAWAII AVIATION EDUCATION WEEK'," was referred to the Committee on Education.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1043) recommending that H.R. No. 234 be referred to the Committee on Legislative Management.

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, the report of the Committee was adopted and H.R. No. 234, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY AND IMPACT OF PLACING MOTOR VEHICLE REGISTRATION EMBLEMS ON THE INSIDE OF A MOTOR VEHICLE'S REAR WINDOW," was referred to the Committee on Legislative Management.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1044) recommending that H.C.R. No. 237 be referred to the Committee on Legislative Management.

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, the report of the Committee was adopted and H.C.R. No. 237, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY AND IMPACT OF PLACING MOTOR VEHICLE REGISTRATION EMBLEMS ON THE INSIDE OF A MOTOR VEHICLE'S REAR WINDOW," was referred to the Committee on Legislative Management.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1045) recommending that S.B. No. 120,

SD 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 S.B. No. 120, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE THERAPY," 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. 1046) recommending that S.B. No. 126, SD 1, 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 S.B. No. 126, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," 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. 1047) recommending that S.B. No. 1458 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 S.B. No. 1458, entitled: "A BILL FOR AN ACT RELATING TO USE TAX REPORTS," 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. 1048) recommending that S.B. No. 264, 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 S.B. No. 264, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Chun and Tom, for the Committees on Human Services and Judiciary, presented a joint report (Stand. Com. Rep. No. 1049) recommending that H.C.R. No. 314, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Chun, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.C.R. No. 314, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EVALUATE STATE AND COUNTY COMPLIANCE WITH SECTIONS 103-50 AND 103-50.5, HAWAII REVISED STATUTES, WHICH RELATE TO DESIGNING BUILDINGS AND FACILITIES TO ACCOMMODATE PERSONS WITH PHYSICAL DISABILITIES," was referred to the Committee on Legislative Management.

Representatives Oshiro, Tom and Taniguchi, for the Committees on Transportation; Judiciary; and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1050) recommending that H.R. No. 108, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Taniguchi and carried, the joint report of

the Committees was adopted and H.R. No. 108, HD 1, entitled: "HOUSE RESOLUTION RELATING TO HIGHWAY SAFETY," was referred to the Committee on Finance.

Representatives Oshiro, Tom and Taniguchi, for the Committees on Transportation; Judiciary; and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1051) recommending that H.C.R. No. 111, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Taniguchi and carried, the joint report of the Committees was adopted and H.C.R. No. 111, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO HIGHWAY SAFETY," was referred to the Committee on Finance.

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.

THIRD READING

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

S.B. No. 240:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 240, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 48 ayes, with Representatives Bainum, Souki and Tam being excused.

The Chair directed the Clerk to note that S.B. No. 240 had passed Third Reading at 11:55 o'clock a.m.

S.B. No. 1641, SD 1, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 1641, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CAPITOL," passed Third Reading by a vote of 48 ayes, with Representatives Bainum, Souki and Tam being excused.

S.B. No. 261, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 261, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Third Reading by a vote of 48 ayes, with Representatives Bainum, Souki and Tam being excused.

The Chair directed the Clerk to note that S.B. Nos. 1641 and 261 had passed Third Reading at 11:56 o'clock a.m.

At 11:57 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:01 o'clock p.m.

INTRODUCTION OF RESOLUTION

(FLOOR PRESENTATION)

H.R. No. 445, entitled: "HOUSE RESOLUTION HONORING QUEEN DORI LYN YOKO HIRATA AND HER COURT OF THE 1993 CHERRY BLOSSOM FESTIVAL," was offered by Representative Ward and was read by the Clerk.

On motion by Representative Ward, seconded by Representative Duldulao and carried, H.R. No. 445 was adopted.

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

"I am particularly grateful that Queen Dori Hirata is the Cherry Blossom Festival Queen this year, not only because she lives down the street from me, but she brings great honor to Hawaii Kai and to the State of Hawaii, and particularly because this year's theme is building strength through cultural diversity. And as my colleagues, one in particular and all of you know, that that's an international theme of the global village as reminded of what we live here in Hawaii is all about. But more importantly, Madam Speaker, it allows me the time, very briefly this morning, to sing the praises of Queen Hirata and her lovely court.

"But getting here today as a Queen is not as simple as it may seem before us. Belonging to the Cherry Blossom court is neither a cakewalk, an easy honor, or an easy role to fulfill. Queen Hirata and her court have spent literally months in training for today, in preparation for the Pageant and practicing, and we're even told that Queen Hirata tied her thighs together so she could walk properly in a kimono. Obviously she has and will continue to do that ... I hope you're not tied up today, Queen Hirata.

"But actually, now that you are selected as the winners, your work is really just beginning. Over the next year, your role as Queen and princesses will take you both to the mainland and to Japan, and obviously all over Hawaii, for people to see you and for you to share in the riches and the rituals of the Japanese, non-Japanese, old, young, male and female. Through this labor of love, you will have a great time and, quite frankly, you'll never be the same again, but you're going to bring honor to yourselves, your family, your neighborhood, and your State.

"In the week after we have just honored the 442nd, it is indeed an honor to bring to this body the Queen and her princesses of the Cherry Blossom Pageant as a reminder of the cultural contributions of the Japanese/Americans that not only remind us of boldness, brains and beauty, but a rich heritage that all of us belong to and partake in today by their being here.

"Madam Speaker, it is indeed a great honor to introduce these ladies today."

Representative Ward then introduced the Cherry Blossom Queen and her court and asked them to stand to be recognized, as follows: Queen Dori Lyn Yoko Hirata; First Princess Traci Keiko Matsumoto from Representative Duldulao's district; Princess Darlene Toyomi Morikawa from Representative Lee's district; Princess Tammie Masako Omoto from Representative Ihara's district; and Mr. Edmund Wong, the 42nd President of the Japanese Junior Chamber of Commerce.

Representative Duldulao then rose and stated:

"You know, when you think of Waipahu, people think and associate us with youth gangs and youth gang

activities, but I am proud to say to you and to my colleagues and people that are present here today, that we produce beautiful queens, too. Here before us is testimony of a beautiful young lady, and I am so proud that she is here joining us this morning.

"On behalf of the Waipahu delegation, we are here to congratulate and honor our First Princess from Waipahu, and also congratulate the Queen and her court.

"Thank you."

Representative Lee then rose and stated:

"Madam Speaker, I want to thank the sponsors for the opportunity to sponsor at least another princess, Princess Darlene Toyomi Morikawa. I am very happy to hear that Kapahulu is now in my district. As you well know, the Cherry Blossom Queens for the last two years were from Mililani. Last year, it was Lesli Lynn Yoshida, the daughter of Hugh Yoshida from the University of Hawaii, and both queens from the last two years were neighbors of mine. But I am very pleased this year to be able to help honor the Queen and her court, and especially Princess Darlene Toyomi Morikawa.

"Thank you very much."

Representative Stegmaier then rose and stated:

"I want to especially congratulate Queen Dori Hirata, not only for being a Hawaii Kai resident, but also a member of the Hawaii Kai Toastmasters Club at JAAMS which we jointly belong to, and obviously by your success, you've taken much better advantage of the skills that the Toastmasters can provide than I have.

"Congratulations to you and your court."

"Thank you."

At this time, Representatives Ward, Buldulao, Lee, Ihara, Hiraki and Nekoba presented the honorees with Certificates of Recognition and floral leis.

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

The House of Representatives reconvened at 12:17 o'clock p.m.

ADJOURNMENT

At 12:18 o'clock p.m., on motion by Representative Ihara, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 6, 1993.

FORTY-THIRD DAY

Tuesday, April 6, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:50 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Shugen Komagata of the Soto Mission of Hawaii, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Second Day.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 456 to 458) were read by the Clerk and were placed on file:

Sen. Com. No. 456, returning House Bill No. 620, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 5, 1993, in an amended form.

Sen. Com. No. 457, returning House Bill No. 920, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO MARRIED PERSONS," which passed Third Reading in the Senate on April 5, 1993, in an amended form.

Sen. Com. No. 458, returning House Bill No. 1090 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," which passed Third Reading in the Senate on April 5, 1993, in an amended form.

By unanimous consent, H.B. Nos. 620, HD 1; 920, HD 1; and 1090, were placed on the Clerk's desk and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 620, HD 1, SD 1; 920, HD 1, SD 1; and 1090, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

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

Representative Amaral introduced Mary Soares, who is "working on her master's in social work at the University of Hawaii and intends to work as a patient advocate in the health setting."

Representative Beirne introduced Kawahine Kamakea Ohelo, Executive Director of the Waimanalo Health Center; Stanley Yasuda from Kona; and Pua Case from Waimea.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

The following Senate bill (S.B. No. 1063) was re-referred as follows:

<u>S.B. No.</u>	<u>Re-referred to:</u>
1063	Committee on Finance

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 446 and 447) were read by the Clerk and were disposed of as follows:

H.R. No. 446, entitled: "HOUSE RESOLUTION WELCOMING THE GORILLA FOUNDATION, ITS RESEARCH PROJECTS, AND GORILLAS TO HAWAII," was offered by Representative Chumbley.

On motion by Representative Chumbley, seconded by Representative Baker and carried, H.R. No. 446 was adopted.

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

"It gives me great pleasure to welcome the Gorilla Foundation to Hawaii and to acknowledge the Foundation's work since its inception in 1976.

"The Foundation has successfully secured a long-term lease of approximately 70 acres of land from the Maui Land and Pineapple Company in an area called Mahinahina which is above the West Maui Kapalua Airport ... part of the Eighth District which you represent, Mr. Speaker.

"It is here that the Gorilla Foundation will establish the Allan G. Sanford Preserve and continue in its efforts to promote the preservation, protection, and hopefully, the propagation of gorillas, as well as advocating the need and urgency to protect the environment and other endangered species.

"The project's main focus has been on the world's longest uninterrupted ape language study. Dr. Penny Patterson first began working with Koko, a one-year old lowland female gorilla, as a research project at Stanford University back in 1972.

"Koko is the first member of her species to communicate using the American Sign Language (A.S.L.). This 22-year old, 275 pound female, currently uses her vocabulary of over 800 gestural words to communicate her wants, her thoughts, and her feelings. Mr. Speaker. Koko has been known to lie, to joke and even insult and communicate in rhyme. She has an IQ of approximately 90 on a human scale and has the ability to comprehend over 2,000 words of spoken English.

"Michael, her 20-year old, 450 pound male gorilla companion, started learning A.S.L. at age 3-1/2 and currently has a vocabulary of over 400 signs.

"Ndume, a new prospective mate for Koko, has no experience in A.S.L., but project researchers hope he will 'be intimate' with Koko in an attempt to further learn about gorilla reproductivity biology and also to gain an opportunity to conduct A.S.L. research on Koko's offspring.

"Mr. Speaker, although on-site viewing at this worthy research project will not be available to the public, it is my sincere intent to work with the Department of Education to devise a way to bring this unique learning experience into the classrooms throughout Hawaii by means of high technology.

"Mr. Speaker, if I may be permitted to introduce our distinguished guests.

"First, we have Dr. Francine 'Penny' Patterson who received her Ph.D in Developmental Psychology from Stanford University and initiated 'Project Koko' in 1972."

Dr. Francine 'Penny' Patterson then rose to be recognized.

"Next, Ms. Eve Anderson, a Windward Oahu resident who serves as Vice President of the Gorilla Foundation."

Ms. Eve Anderson then rose to be recognized.

"Next, we have Ms. Mary Cameron Sanford, a well-known personality on the Valley Isle, and publisher of the Maui News. Mary serves as Secretary of the Foundation and was very instrumental in the relocation of the project from Woodside, California to Maui."

Ms. Mary Cameron Sanford then rose to be recognized.

"Last, but not least, we have Ray and Sandy Martin of Hawaii Kai who have served as leaders of the Gorilla Foundation Auxiliary of Hawaii, and have exerted their time and energy to raise support and public awareness about the Foundation and its goals to relocate to Hawaii."

Ray and Sandy Martin then rose to be recognized.

"Mr. Speaker and colleagues, please join me in welcoming this worthy non-profit research organization to our State. I feel that the Gorilla Foundation's new home in Hawaii will truly become a community and an international asset far beyond the lives of its originators.

"Thank you, Mr. Speaker."

Representative M. Ige then rose and stated:

"Mr. Speaker, I would like to recognize and commend Representative Chumbley for being, in part, responsible for Koko's relocation here. I know he's been personally involved in that relocation.

"It said that Koko loves macadamia nuts and that Representative Chumbley has been providing Koko with these nuts in its raw state. I find it quite amazing that Koko needs no equipment to break these nuts ... she just breaks it with her teeth and according to Representative Chumbley, being a macadamia nut person, it takes about three hundred pounds of pressure to crack that nut, and Koko just goes through these nuts like crazy I guess. But I find what's a little more amazing and somewhat hard to believe, and I may one day be able to see it, but Representative Chumbley claims that when they show Koko his picture with the macadamia nuts ... guess what? Koko gestures 'friend' in sign language. I find it hard to believe but I know that one day, hopefully, we will be able to see for ourselves.

"Mr. Speaker, we hope that these events bring to light how fortunate and blessed we are to live in Hawaii, and that these events also remind us of our responsibility of being the caretakers of such a precious natural resource.

"On behalf of Hawaii's agricultural industry, I hope Koko enjoys her new home, and more importantly, try to help support our macadamia nut industry.

"Thank you."

Representative Baker then rose and stated:

"I, too, rise to offer a few remarks. I know that when Representative Chumbley first presented this idea, he was met with some snickers and some smiles and perhaps it didn't make it any easier when his staff took the resolution down on April Fool's Day.

"However, I think I speak for all of the members, particularly the members of the Maui delegation, when I say we welcome you to Maui and to what I think is the best side of the island -- the West side -- as I will be a neighbor down the street, so to speak, and we welcome you to Hawaii. I commend Mazie and her family, and I guess the entity is appropriately Maui Land and Pineapple Company for making the land available to the facility. I think it's an important aspect to show that Hawaii truly has a range of climates that will accommodate all sorts of activities. Not only do we grow all kinds of things, but we can accommodate all kinds of activity and it's certainly nice to see that kind of diversification coming to our islands, and I wish you all the best and much success, and welcome."

Representative Isbell then rose and stated:

"I'd like to assure those of you who are worried about the gorilla eating too many macadamia nuts and getting fat, this past weekend, we had a nutritional macadamia nut conference and there is a federal and state grant that's cost-sharing which is going to go into more research, but the preliminaries show that you can eat all the macadamia nuts you want to. It will lower your cholesterol and it's not fattening, and we encourage you to eat all the macadamia nuts you want to and give many, many to the gorilla to keep our industry going. In the meantime, just to let you know that while they're making these facts well known to more research, we do wish you well. If you get tired of Maui, you can always come to the Big Island. I'm sure that we have plenty of room in our tropical forests as well.

"Thank you very much for allowing me to speak."

Representative Young then rose and stated:

"I, too, would like to add my congratulations and welcome to the Gorilla Foundation and especially to Dr. Penny Patterson for coming to Maui, and to Ms. Eve Anderson who is a schoolmate and friend from Waimanalo, but I do have some words about the practical applications of the work that is being helped by the Gorilla Foundation.

"Over twenty years ago, I began my career as a speech language pathologist and began working with the really multiply-handicapped children. At that time, we were very limited by our knowledge as to how we could assist them to communicate, and we worked with things like lip symbols, sign language, rap-talk communications so when her work began with the Gorilla Foundation, we began to watch it very closely and it does add to our body of knowledge about how to work with severely handicapped children and adults who are communicatively handicapped.

"I do want to note to members that just recently, in the issue of **TIME** magazine, very timely, had this article -- cover story -- on Can Animals Think? And it talked about the history of this kind of work that is being done, and with your permission, I'd like to read the very last paragraph here which I think adds some light to the work that they're doing, and it says: 'If the notion that animals might actually think poses a problem, it is an ethical one. The great philosophers, such as Descartes, used their belief that animals cannot think as a justification for arguing that they do not have moral rights. It is one thing to treat animals as mere resources

if they are presumed to be little more than living robots, but it is entirely different if they are recognized as sentient beings. Working out the moral implications makes a perfect puzzle for a large-brained, highly social species like our own.'

"And in closing on that comment, about fifteen years ago I was Director of the Speech and Hearing Department at the Maryland School for the Blind. I was working with a fourteen-year old hearing-impaired young man and talked to him about this issue of animal thinking and actually the work that was being done with gorillas, and asked him what he thought about it, that perhaps there was a lot to be learned, and he definitely agreed. And he said that there were many people though who were very close-minded and the sign language he used to illustrate that was (made a sign language), and I leave that with you.

"Thank you."

Representative Pepper then rose and stated:

"I'd like to give a particular welcome to my colleague, Dr. Patterson, psychologist, who have fulfilled many roles in our society. Dr. Patterson's contributions have been dramatic and valuable to the field and to society.

"Thank you."

Representative Amaral then rose and stated:

"First of all, I would like to welcome the Gorilla Foundation and we look forward to its presence on Maui. I would also like to say that one of the benefits of floor presentations is that we get to recognize good people and good works, but the other benefit is that we, members, get to have an education, and I thank you so much for the material that you have given us. I'm not usually inattentive on the floor but I was sitting here reading most of the material.

"Thank you for this, and I suppose I wanted to thank you also for Koko as you presented to each of us, so thank you for your generosity."

A Certificate of Recognition was presented to Dr. Francine Patterson by Representative Chumbley and floral leis were presented to the honorees by Representatives Ishii-Morikami, Baker, Nakasone and Morihara.

H.R. No. 447, entitled: "HOUSE RESOLUTION CONGRATULATING THE UNIVERSITY OF HAWAII RAINBOW WAHINE BASKETBALL TEAM FOR WINNING THE 1993 BIG WEST CONFERENCE REGULAR SEASON CHAMPIONSHIP AND FINISHING THE SEASON RANKED AMONG THE TOP 25 WOMEN'S BASKETBALL TEAMS IN THE COUNTRY," was jointly offered by Representatives Lee, Young and Taniguchi.

On motion by Representative Lee, seconded by Representative Young and carried, H.R. No. 447 was adopted.

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

"It is our pleasure and honor today to welcome and congratulate the University of Hawaii Rainbow Wahine basketball team. We are very proud of you ... we want to share with you your pride of accomplishment but, at the same time, we'll have to share your disappointment as well.

"Today is a pleasant day. A few weeks ago, it was not so. We then had the unpleasant duty of expressing our shock and disappointment at the exclusion of your team from the NCAA tournament. At that time, I quoted Governor Adlai Stevenson who, upon losing the presidential election, said it hurt too much to laugh but he was too old to cry. Of course, today a grown man can cry. In that spirit which Adlai Stevenson expressed, we did our responsibility sadly but with dignity and with strength,

"Today, however, we are very happy that we can celebrate your pride, your joy, and all the pleasures in your wonderful, splendid, outstanding season. You won the 1993 Big West Conference regular season with a 17-1 record. You went on to compile an unenviable 19 straight victories. We are very proud of you, and more than that you have demonstrated something else ... your conduct, your demeanor off the field; in other words, you were the epitome of the people who represent Hawaii with pride of accomplishment but, at the same time, with dignity and with all the things that connote what makes the University of Hawaii student body a great one in our State and in the nation as well.

"For that reason, we welcome you here today and we want to thank you for all you have done and we also wish to, above all, commend you on how you conduct yourselves, both off the field and on the field. And with those few words, I would like to introduce our honorees today and we'll start with the participants -- the honorees -- who are the most important -- that is, the players."

Representative Lee then introduced Valerie Agee, Jennifer Hurt, players; Vince Goo, coach, "who comes from a distinguished family of coaches; George Wolfe, assistant coach; and Marilyn Moniz-Kahoohanohano, Women's Athletic Director.

Representative Lee then asked Serena Valdez, assistant coach, who was seated in the gallery, to stand to be recognized.

Representative Stegmaier then rose and stated:

"I just wanted to congratulate personally a fellow resident of Hawaii Kai, Coach Goo, and in particular, thank him on behalf of all of us for the principles by which you coached your team. The team unity that was mentioned in the resolution is truly characteristic of your team in which all members of the team are an integral part of your great success.

"We're proud of you -- all of you -- and look forward to many more years of success, culminating in the NCAA championship.

"Thank you."

Representative Nekoba then rose and stated:

"I want to congratulate Coach Goo and the players on your accomplishment, and also to let you know that when I was in college, I had the opportunity to play with the women's team from Gonzaga and the one thing that I noticed most of all, besides the fact that they taught me how to shoot and taught me basically how to play because I was very bad at it when I started, was that there was a love for the game, and honesty, and a real giving spirit among all the women players. There was no attitude problem, there was no high-maka, I guess. They're giving people and I appreciated that, and I could see it when you played ... there's an enjoyment for the game that I think everybody should take heart.

"And I congratulate you again on your accomplishment and not only for the accomplishment, but for the fact that you made the accomplishment and made it stick.

"Thank you."

Representative Thielen then rose and stated:

"I also would like to congratulate the players and the coaches and I would like to give a special acknowledgement to Marilyn. You all may not know but she's had an outstanding athletic career of her own, and I think one of the highlights of her career was on the University of Hawaii Law School women's football team. I'm not sure if I should share that with them, but she was responsible for more touchdowns than anyone on our team, and she's just been an incredible inspiration to all of us.

"Thank you, and congratulations to all of you."

Representative Marumoto then rose and stated:

"I think Representative Lee said it all and he said it very well, but we welcome you here and congratulate you. I really feel bad for the seniors because there won't be any season next year -- that's what really hurts. But for the rest of us, there is hope for next year, and I wish you all continued success and good luck.

"Thank you."

Representative Young then rose and stated:

"I'd like to add to my welcome and congratulations to the team.

"Last Saturday, I gave a speech at a Title 9 conference. It was Title 9 revisited and I know Marilyn there has spoken with me on penalty for it's been over twenty years since Title 9 was implemented. And when I was in college, we learned three step, half-court basketball -- that's how women were taught to play. So it's with a great deal of admiration and pride that I watch the Rainbow Wahine play so vigorously on the team, and welcome them today.

"Thank you."

At this time, Representatives Lee, Taniguchi, D. Ige, Baker, Chumbley and Young presented Certificates of Recognition and floral leis to the honorees.

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

The House of Representatives reconvened at 12:30 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1052) recommending that S.B. No. 1729, SD 1, 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 S.B. No. 1729, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EXCISE TAX," 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. 1053) recommending that S.B. No. 262, SD 1, 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 S.B. No. 262, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," 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. 1054) recommending that S.B. No. 747, SD 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 S.B. No. 747, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," 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. 1055) recommending that S.B. No. 1523 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 S.B. No. 1523, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT PAYMENTS," 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. 1056) recommending that S.B. No. 195, SD 1, 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 S.B. No. 195, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS," 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. 1057) recommending that S.B. No. 1629, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Bunda moved that the report of the Committee be adopted and S.B. No. 1629, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Ishii-Morikami.

Representative Shon rose to speak against the measure, stating:

"Mr. Speaker, I hope that my colleagues can take a look at this bill before it passes in final form because I believe that it has some very significant implications for our health care system in the State of Hawaii. In particular, I am referring to the restrictions in the bill for those who are operating clinics such as dentistry, chiropractic, osteopathy, naturopathy, various kinds of clinics other than private doctors' offices.

"The context in which I see this, Mr. Speaker, is that this bill puts in our law a bias in favor of the private medical entrepreneur versus the collaborative clinic where many feel costs are cheaper. This is very relevant, in terms of the debate going on over managed care at the federal level, and I believe represents an attempt to buy various interests to derail any attempt on the State of Hawaii to move more aggressively into managed care, i.e. clinics would provide services.

"I think the bill also may work to undermine the long-term goals of the University of Hawaii's Kellogg Grant which places a premium on interdisciplinary cooperation from various number of various professions at the University involved with health care that are doing their residency and field work collaboratively at various health care clinics. It may complicate the managed care initiatives by the administration, in particular those looked at in terms of Medicaid. It may discriminate against those of us who live in urban areas that are not considered medically underserved per se, who may prefer to go to a clinic for one-stop shopping.

"Firstly, Mr. Speaker, one of the reasons why my family chose an HMO Plan is because of the existence of a clinic where you don't have to run all over the place for various specialties to get service. I do not see why we should discriminate against the establishment of clinics for Blue Cross/Blue Shield-type Plans such as HMSA. Why should people who live in the City and County of Honolulu not be given the opportunity, down the road, to go to a clinic where services are consolidated, they're in one place, and where the actual cost of health care may be more efficient?

"I think the bill emerges, not as the result of a thorough discussion of the health care industry or consumers as to whether or not we want to block the establishment of clinics ... in my view, it does come dangerously close to being another aspect of the perennial turf issue because this bill is a bill which puts the weight of our law on the side of the private office operation for health care as opposed to the clinic. And for this philosophical reason, I think we should pause on this. I do not believe that it is timely for us to cut off managed care options for the health care system at this point.

"There may be other aspects of this bill that deal with consumer protection that I am not referring to and I am not speaking on those, but I am speaking specifically on the restriction of an organization like HMSA setting up a clinic and the whole notion of managed care.

"Never included in this is dentistry, and reaching out for dentistry is a serious problem in the State, not only in those areas which the federal government may calculate to be medically underserved, and the provisions of this particular bill do not give us the power to determine who is medically underserved. It says, 'in accordance with federal standards.'

"Again, I think this is the wrong choice at this time when the health care system is in a very dynamic -- very dynamic -- movement. Managed care issues of how we will consolidate to be more efficient and utilize the expertise in our medical and health care community ... these issues are being debated, as we speak right now, in Washington, and there may be some very specific proposals coming down to us that will force us to go back and change this all over again next year because we will have got in the way of the establishment of managed care initiative if we pass this kind of a bill.

"So I am very concerned that we take a really close look at this bill. Yes, it does exempt geographical areas that are considered to be medically underserved, but that

begs the point of those who live in urban areas. It may not fit that federal definition as to whether or not health care can be delivered to various segments of the population in Honolulu or other medically well-served areas in a clinic context.

"For these reasons, I urge all of us to take a closer look at this as to whether or not this is not just a simple consumer protection bill or whether or not it has implications that perhaps we're not aware of. And perhaps if this bill does merge and gets the votes and goes to conference, this is one of the things that could be seriously considered. I do not believe it is wise at this time for us to be biased in favor of the personal entrepreneurial delivery of health care as opposed to a collaborative one which I believe is the health care system of the future.

"Thank you."

Representative Apo then rose to speak in favor of the bill, "with some grave reservations pending more information," stating:

"I guess what bothers me, Mr. Speaker, in reading through the committee report, I'm not sure what triggers the need and it doesn't tell me what problem it is we're trying to solve, and I guess my sensitivity represented a rural area that has, for years, fought for access and establishment of health services, particularly around rural Oahu and in Waianae. So any attempt to curb establishment of further clinics like the Waianae Coast Comprehensive Health Clinic or other kinds of services I would take very seriously, and hopefully, my concerns will be addressed when we get to Third Reading.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1629, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Shon voting no.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1058) recommending that S.B. No. 1380, SD 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 S.B. No. 1380, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," 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. 1059) recommending that S.B. No. 1181, SD 1, 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 S.B. No. 1181, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," 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. 1060) recommending that S.B. No. 281, SD 1, 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 S.B. No. 281, SD 1, 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. 1061) recommending that S.B. No. 690, SD 1, 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 S.B. No. 690, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," 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. 1062) recommending that S.B. No. 33 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 S.B. No. 33, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF CONVICTED PERSONS," 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. 1063) recommending that S.B. No. 417, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1063 and S.B. No. 417, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 417, SD 1, 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. 1064) recommending that S.B. No. 1550, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1064 and S.B. No. 1550, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1550, SD 1, 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. 1065) recommending that S.B. No. 1422, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1065 and S.B. No. 1422, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1422, SD 2, 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. 1066) recommending that S.B. No. 336, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1066 and S.B. No. 336, SD 2, HD 2, was

deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 336, SD 2, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Hiraki, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1067) recommending that H.R. No. 352, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Beirne, seconded by Representative Bainum and carried, the report of the Committee was adopted and H.R. No. 352, HD 1, entitled: "HOUSE RESOLUTION ACCEPTING THE INVITATION OF THE PACIFIC FISHERIES LEGISLATIVE TASK FORCE," was referred to the Committee on Legislative Management.

Representative Hiraki, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1068) recommending that H.C.R. No. 385, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Beirne, seconded by Representative Bainum and carried, the report of the Committee was adopted and H.C.R. No. 385, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ACCEPTING THE INVITATION OF THE PACIFIC FISHERIES LEGISLATIVE TASK FORCE," was referred to the Committee on Legislative Management.

Representatives Duldulao and Bunda, for the Committees on Health and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1069) recommending that H.C.R. No. 5, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Duldulao, seconded by Representative Bunda and carried, the joint report of the Committees was adopted and H.C.R. No. 5, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ASSESSING THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR PAP TESTS," was referred to the Committee on Legislative Management.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1070) recommending that H.C.R. No. 97 be referred to the Committee on Legislative Management.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE PROBABLE EFFECTS OF THE LICENSING OF CRANE OPERATORS AND THE REGISTRATION OF CRANES," was referred to the Committee on Legislative Management.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1071) recommending that H.R. No. 329 be referred to the Committee on Legislative Management.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.R. No. 329, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON INSURANCE RATEMAKING," was referred to the Committee on Legislative Management.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1072) recommending that H.C.R. No. 354 be referred to the Committee on Legislative Management.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.C.R. No. 354, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON INSURANCE RATEMAKING," was referred to the Committee on Legislative Management.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1073) recommending that H.C.R. No. 333, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.C.R. No. 333, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE FEASIBILITY OF ESTABLISHING A STATE OFFICE OF PUBLIC INSURANCE COUNSEL TO REPRESENT THE INTERESTS OF HAWAII'S INSURANCE CONSUMERS," was referred to the Committee on Legislative Management.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1074) recommending that H.C.R. No. 294 be referred to the Committee on Legislative Management.

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.C.R. No. 294, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATIVE AUDITOR CONDUCT A COMPREHENSIVE REVIEW OF HAWAII'S HOMEOWNERS' INSURANCE INDUSTRY," was referred to the Committee on Legislative Management.

THIRD READING

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

S.B. No. 120, SD 1:

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, S.B. No. 120, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE THERAPY," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 120 had passed Third Reading at 12:43 o'clock p.m.

S.B. No. 1458:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 1458, entitled: "A BILL FOR AN ACT RELATING TO USE TAX REPORTS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1458 had passed Third Reading at 12:44 o'clock p.m.

DISPOSITION OF MATTER PLACED ON THE CLERK'S DESK

On motion by Representative Baker, seconded by Representative Thielen and carried, the House disagreed to the Senate amendments made to H.B. No. 1467, HD 1 (SD 1), and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

ANNOUNCEMENT

Representative Bunda: "Your Committee on CPC will hold a decision-making prior to the Judiciary hearing at 2:00 on last night's agenda on Administration bills."

ADJOURNMENT

At 12:45 o'clock p.m., on motion by Representative Ihara, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 7, 1993.

FORTY-FOURTH DAY

Wednesday, April 7, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:43 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Hosen Fukuhara of the Higashi Hongwanji Mission of Hawaii, after which the Roll was called showing all members present with the exception of Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-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 Forty-Third Day was approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 184 to 202) were read by the Clerk and were placed on file:

Gov. Msg. No. 184, transmitting copies of a study entitled, "**Local Measured Telephone Service in Hawaii: Impacts and Alternatives,**" prepared for the Division of Consumer Advocacy, pursuant to Act 189, Session Laws of Hawaii 1989.

Gov. Msg. No. 185, transmitting copies of a report on geothermal and cable development permitting, prepared by the Department of Land and Natural Resources, in response to Section 196D-11, Hawaii Revised Statutes.

Gov. Msg. No. 186, transmitting copies of the Occupational Safety and Health Contested Cases Report for fiscal year ending June 30, 1992, prepared by the Department of Labor and Industrial Relations, pursuant to Section 396-11(k), Hawaii Revised Statutes.

Gov. Msg. No. 187, transmitting copies of the "**Tourism Marketing Council 1992 Annual Report**" prepared by the Department of Business, Economic Development and Tourism, which report describes the Council's activities during the past year, and is intended to meet the requirements of Chapter 201-94, Hawaii Revised Statutes; and copies of the summary of the 1993-95 Biennial Tourism Marketing Plan.

Gov. Msg. No. 188, transmitting copies of the following report: Early Intervention for Infants and Toddlers with Special Needs and their Families.

Gov. Msg. No. 189, transmitting copies of the "**Legislative Update for 'Hawaii's Older Adults' Notebook 1992,**" prepared by the Executive Office on Aging.

Gov. Msg. No. 190, transmitting copies of the 1992 Annual Report of Hawaii Foreign-Trade Zone No. 9, Department of Business, Economic Development and Tourism.

Gov. Msg. No. 191, transmitting copies of the 1992 State Certified Arbitration Program ("SCAP") Report.

Gov. Msg. No. 192, transmitting copies of the 1992 Annual Report of The Research Corporation of the

University of Hawaii, as mandated by Section 307-6, H.R.S.

Gov. Msg. No. 193, transmitting copies of the 1991 and 1992 Annual Reports of the Department of Commerce and Consumer Affairs.

Gov. Msg. No. 194, transmitting copies of the following report: SEA Grant Report Oil Spills at Sea: Potential Impacts on Hawaii.

Gov. Msg. No. 195, transmitting copies of the report prepared in response to Act 353/SLH 1988, Relating to Advertisement for Bids Required: Exceptions, requesting the Department of Accounting and General Services to analyze the experience of the county/state hospitals division and quantify the time saved by avoiding the bidding process and the effect of non-bid acquisition on acquisition costs.

Gov. Msg. No. 196, transmitting copies of the following report: The Waikiki Youth Outreach Demonstration Program Annual Report.

Gov. Msg. No. 197, transmitting copies of the following report: Peer Education Program in the State of Hawaii Evaluation Report 1990 - 1991 and 1991 - 1992.

Gov. Msg. No. 198, transmitting copies of the State Land Use District Boundary Review for Maui, Molokai, Lanai and Hawaii, in accordance with Section 205-18, HRS, which requires the Office of State Planning to conduct the State Land Use District Boundary Review and submit findings and recommendations to the State Land Use Commission.

Gov. Msg. No. 199, transmitting copies of a follow-up report prepared in response to the Super Handyperson demonstration project, funded through Act 296, SLH 1991, Section 88, for the fiscal biennium and is being implemented through AGS-807 - Physical Plant Operations and Maintenance Program.

Gov. Msg. No. 200, transmitting copies of a report prepared by the Commission on Employment and Human Resources. The report is entitled, "**1993 Report to the Governor on Employment.**"

Gov. Msg. No. 201, transmitting copies of the 1992-93 Report of the Enterprise Zones Program, prepared by the Business Services Division of the Department of Business, Economic Development and Tourism, pursuant to Chapter 209E, Hawaii Revised Statutes.

Gov. Msg. No. 202, transmitting copies of the 1991-92 Annual Report, prepared by the State Foundation on Culture and the Arts, pursuant to Chapter 9, Hawaii Revised Statutes, as amended.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 459 to 467) were read by the Clerk and were placed on file:

Sen. Com. No. 459, returning House Bill No. 126 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on April 6, 1993, in an amended form.

Sen. Com. No. 460, returning House Bill No. 1647, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTING," which

passed Third Reading in the Senate on April 6, 1993, in an amended form.

By unanimous consent, H.B. Nos. 126 and 1647, HD 2, as amended by the Senate, were placed on the Clerk's desk and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 126, SD 1, and 1647, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

Sen. Com. No. 461, returning House Bill No. 1648, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL RUBELLA TESTING," which passed Third Reading in the Senate on April 6, 1993.

Sen. Com. No. 462, returning House Bill No. 1651, entitled: "A BILL FOR AN ACT RELATING TO RADIUM FOR MEDICAL AND SURGICAL PURPOSES," which passed Third Reading in the Senate on April 6, 1993.

Sen. Com. No. 463, returning House Bill No. 1655, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES," which passed Third Reading in the Senate on April 6, 1993, in an amended form.

By unanimous consent, H.B. No. 1655, HD 1, as amended by the Senate, was placed on the Clerk's desk 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, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

Sen. Com. No. 464, returning House Bill No. 1656, entitled: "A BILL FOR AN ACT RELATING TO COORDINATION OF SERVICES FOR CHILDREN WITH SEVERE EMOTIONAL AND DEVELOPMENTAL PROBLEMS," which passed Third Reading in the Senate on April 6, 1993.

Sen. Com. No. 465, returning House Bill No. 1699, entitled: "A BILL FOR AN ACT RELATING TO FISCAL YEAR TAX RETURNS," which passed Third Reading in the Senate on April 6, 1993.

Sen. Com. No. 466, returning House Bill No. 2006, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on April 6, 1993.

Sen. Com. No. 467, returning House Bill No. 2029, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SYSTEM," which passed Third Reading in the Senate on April 6, 1993, in an amended form.

By unanimous consent, H.B. No. 2029, HD 2, as amended by the Senate, was placed on the Clerk's desk 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, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following resolutions (H.R. Nos. 161 and 262) and concurrent resolutions (H.C.R. Nos. 165 and 266) were re-referred as follows:

H.R. Nos. **Re-referred to:**

161 Jointly to the Committees on Education and Intergovernmental Relations and International Affairs

262 Committee on Intergovernmental Relations and International Affairs, then to the Committee on Finance

H.C.R. Nos.

165 Jointly to the Committees on Education and Intergovernmental Relations and International Affairs

266 Committee on Intergovernmental Relations and International Affairs, then to the Committee on Finance

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 448 to 450) were read by the Clerk and were disposed of as follows:

H.R. No. 448, entitled: "HOUSE RESOLUTION COMMENDING STUDENT SHANNON STRADFORD, HER MOTHER, MARY STRADFORD, PRINCIPAL FRANCINE FERNANDEZ AND THE STUDENTS OF KAILUA ELEMENTARY SCHOOL, BOB LOY, DIRECTOR OF EARTHTRUST, AND THE DEPARTMENT OF EDUCATION FOR THEIR EFFORTS ON BEHALF OF HUMPBACK WHALES AND THE ENVIRONMENT," was jointly offered by Representatives Thielen, Bainum, Hiraki, O'Kieffe and Santiago.

On motion by Representative Thielen, seconded by Representative Bainum and carried, H.R. No. 448 was adopted.

Representative Thielen rose and proceeded to introduce the honorees, who were seated on the Chamber floor, and asked them to stand to be recognized, as follows: Shannon and Brandon Stradford; Mary Stradford, mother; Francine Fernandes, Principal of Kailua Elementary School; Debi Hartman, Chairwoman of the Board of Education; and Bob Loy, Executive Director of Earthtrust.

Seated in the gallery and asked to stand to be recognized were Mr. Wayne Stradford, father; and Mr. Herman Aizawa from the Department of Education.

Representative Thielen continued:

"Thank you all for being here.

"Mr. Speaker, we in this State have been trying to reconcile the effects of development with the desire to preserve our wonderful environment. To be successful in this effort, we need help from all of Hawaii's citizens.

"I think that we should use this group assembled here today as consultants and advisors in this effort. Their innovative and hard work makes them worthy of this responsibility.

"Shannon and Brandon Stradford will be our chief advisors. These two special youngsters went to their parents with the idea of using profits from recycling aluminum to help humpback whales. It's sort of a surf and turf approach to environmentalism. The idea worked. They and the rest of the students at Kailua Elementary School lessened the burden on our landfills by 3,000 pounds of aluminum, while making the future a

little brighter for humpback whales. Thanks to both of you.

"Mary and Wayne Stradford should also be consultants. Besides now knowing the way to the aluminum recyclers better than anyone on the Windward side, they also bring to our effort the knowledge that the youth of Hawaii are vital to our future. They brought this great idea to Principal Fernandez at Kailua Elementary School, who turned it into a schoolwide passion. She had every student at Kailua Elementary searching for aluminum cans, and I want to thank all of them for their work.

"The incentive for Kailua's students was the chance to adopt a humpback whale through Earthtrust's International Save the Whales Campaign. They've eventually adopted 26 humpback whales and that's one for each classroom at Kailua Elementary.

"They learned a lot about whales in the process, which is the goal of Earthtrust. Earthtrust is now working with the State Department of Education to build a curriculum for sixth through eighth grade students on endangered marine species such as the humpback whale, the Hawaiian monk seal, the green sea turtle and dolphins.

"This partnership deserves our praise as does Earthtrust's cooperation with Kailua Elementary and the Stradfords on how to make a how-to video, so that Shannon's and Brandon's idea can be spread across the schools in our State. Thank you Earthtrust, thank you Debi Hartman and the Board of Education, and thank you to the Department of Education.

"These projects work for education and the environment, two areas vital to Hawaii, and so I am very pleased today, Mr. Speaker, to present all of them with the resolutions.

"Thank you, Mr. Speaker."

At this time, certified copies of the resolution and floral leis were presented to the honorees by Representatives Thielen, Apo, D. Ige, Bainum, Marumoto, Ward and Santiago.

H.R. No. 449, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING THE TROOPS OF THE UNITED STATES ARMED FORCES FOR THEIR DEDICATED EFFORTS TO PROVIDE HURRICANE RELIEF ON THE ISLAND OF KAUAI," was jointly offered by Representatives Kawakami, Kanoho and Ishii-Morikami.

On motion by Representative Ishii-Morikami, seconded by Representative Kawakami and carried, H.R. No. 449 was adopted.

H.R. No. 450, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING THE HAWAII NATIONAL GUARD FOR THEIR DEDICATED EFFORTS TO PROVIDE HURRICANE RELIEF ON THE ISLAND OF KAUAI," was jointly offered by Representatives Kawakami, Kanoho and Ishii-Morikami.

On motion by Representative Ishii-Morikami, seconded by Representative Kawakami and carried, H.R. No. 450 was adopted.

Representative Ishii-Morikami rose and proceeded to introduce the honorees, stating:

"Thank you, Mr. Speaker.

"Today, we are honoring individual leaders in the military, who represent the thousands of men and women

who came to Kauai's aid in the aftermath of Hurricane Iniki.

"In behalf of the 51,000 residents on Kauai, we want to express our sincere appreciation to the Hawaii National Guard and the U.S. Armed Forces for their efforts and hard work and commitment in getting the residents back on their feet.

"Mr. Speaker and colleagues, we often think of the military when we think of war and combat. The devastation on Kauai as a result of Hurricane Iniki, however, gave residents a very different perspective of the military, what they represent, and what they are capable of doing. Although Iniki made Kauai look like a war zone that had just been bombed, the military came to Kauai's rescue in a very different way, for a very different reason.

"The military men and women who arrived on Kauai took on many different roles and responsibilities. They worked as security guards, maintenance workers, electricians, cooks, health care workers, plumbers, carpenters, heavy equipment operators, and social workers as well.

"The well thought-out recovery program and quick response initiated by the Hawaii National Guard and U.S. Armed Forces required a great deal of planning and organization by the leadership we are honoring today. Each member of the military arrived on Kauai knowing exactly what his or her responsibilities would be and performed them well in a very orderly and caring manner.

"Those who came to Kauai gave us hope, they gave hope to the hopeless and desolate, they gave us a sense of security to the insecure and fearful, water and food to the hungry, shelter to the homeless, and order to a confused population and community, and most importantly, moral support to everyone on Kauai in a time of need and despair.

"The Hawaii National Guard and U.S. Armed Forces will always hold a very special place in the hearts of the Kauai residents. You, who are being honored today, and the thousands of men and women who you represent, have all touched our lives. The compassion and caring that you have shown us will always be remembered and we will always be grateful to you."

Representative Ishii-Morikami then introduced the following honorees, who were seated on the Chamber floor, and asked them to stand to be recognized: Major General Edward V. Richardson, Adjutant General; Brigadier General Eugene S. Imai, Commander, Hawaii Army National Guard; Brigadier General Allen Mizumoto, Commander, Hawaii Air National Guard; Brigadier General Myles M. Nakatsu, Deputy Adjutant General; Colonel David Rodrigues, Chief of Staff, Hawaii Air National Guard; Colonel Edward L. Correa, Jr., Deputy Commander, Hawaii Army National Guard; Brigadier General Frank H. Akers, Jr., Assistant Division Commander of Operations, 25th Infantry Division of the Armed Forces; and Brigadier General Ralph Lucurcio, Commander, United States Army, Engineer Division of the Pacific Ocean Division.

Representative Ishii-Morikami continued:

"Mr. Speaker and colleagues, also being honored today and recognized is Lieutenant General Johnnie Corns, Commander of the United States Army Pacific, who was not able to be here due to scheduling conflicts."

Representative Ishii-Morikami then asked the military men and women in the audience and their families to stand to be recognized.

Representative Kanohe then rose and stated:

"Mr. Speaker and colleagues, at exactly 3:00 p.m. on Friday, September 11, 1992, satellite photos showed that Hurricane Iniki was centered directly over Kauai. Tracking the storm at that time and looking at its westward movement across the Pacific then and then the storm taking a course parallel to, but some hundreds of miles below the Hawaiian Chain before making an abrupt turn towards Kauai -- as did Iwa ten years before and Hurricane Dot in the late 50's -- give much reason for amazement and frightening discomfort that we should be so struck in a space of a few years.

"The near 50,000 Kauaians who remained in their homes, some by choice but most with nowhere else to go, say that the five hour period from about 1:00 p.m. through 6:00 p.m. was the most harrowing experience of their lives, and who shouldn't be, with their homes being shaken and hammered by winds in excess of 160 mph, struck by flying debris with roofs torn, interiors soaking wet.

"You can well imagine that the night of Friday, September 11th, was most eerie because everyone was without electricity, telephone and water. Kauai's three radio stations were knocked out. Fallen utility poles, trees and debris blocked most of Kauai's streets and highways. For most of us, never before had we personally experienced or seen such devastation. The mountains of debris everywhere gave me chicken skin.

"The following morning, I went to the Hawaiian Telephone Company's main switching center in Lihue with the intent of initiating a call to Honolulu and to the mainland so that a neighbor who owns Tool Master could place an order for several hundred portable generators.

"There, as at other shopping centers, stores and warehouses, merchandise and inventory of all description lay unprotected due to broken plate glass windows and structures without walls.

"It was then and there that I felt so much hope, relief and comfort, for there stood a uniformed Hawaii National Guardsman -- tall and good-looking as they all are but, of course, at that time everybody looked nice. 'You are a sight for sore eyes!' I exclaimed. 'Where are you from?' 'Hilo,' he replied.

"I subsequently learned that various National Guard troops on the other islands had already been assembled before the hurricane struck and were poised for deployment to Kauai, but housing and shelter problems, and the closure of Lihue Airport immediately before and after the hurricane, precluded their transport that Friday afternoon and evening. Kauai troops were not activated so that they could tend to their own families and properties.

"During the days and weeks that followed, the military was a welcome sight everywhere, performing the tasks and services already described. Some of the mountains of debris were removed by private contractors using huge front-loading equipment and trucks. A great deal of the rubble piled high on every street and highway was picked up by hand by our military forces. It was an awesome task.

"In the days, weeks, and months which followed, I had the honor, as a member of Kauai's Iniki Restoration Task Force, to meet three times a week with the National

Guard representatives -- primarily Colonel Correa and Colonel Rodrigues -- along with other key people from state and county government, as well as from the private sector. I was and will always be totally impressed with the professionalism and accommodating manner of our military representatives.

"Certainly, there are many other organizations and individuals, both public and private, who deserve to be recognized -- the police, fire fighters, Red Cross, Salvation Army, utility companies, state and county agencies -- but the military, Mr. Speaker and colleagues, the Hawaii National Guard included, stood above all.

"Today, nearly seven months after that fateful day, General Richardson's responsibility in the Kauai Iniki recovery effort still continues because under a mandate from the Governor, he chairs the State-County Task Force to address ongoing problems such as assisting property owners in the repair and reconstruction of their properties as well as in expediting insurance payments to our people. It is still an awesome job because we estimate that more than half of the homes are yet to be fixed.

"It is certainly appropriate, Mr. Speaker and colleagues, that we bestow upon our honorees who appear before us today, and through them upon the thousands of men and women whom they represent, the highest recognition that this body can convey. In behalf of the House and all the people of Kauai, may I say 'thank you, thank you so very much.'"

Representative Kawakami then rose and stated:

"In order to help the youngsters recover from the trauma of Hurricane Iniki, Kauai schools utilized the Poets in the Schools Program to help them overcome their fears and their stresses, and to share it in poetry.

"And Mr. Speaker, today, through the eyes of the students, I'd like to share four very short poems which were written by them, and they tell the story and their emotional feelings.

"The first one is entitled, 'The Wind,' by a fourth grader, Alex Gunnar, of Kapaa Elementary School:

"The wind is untameable and no one can stop it; It's everywhere; It can kill; It can destroy many things in its way; There is only one place it can't harm you; It is space; The wind can also be helpful on a hot day."

"The second poem is an untitled poem written by an eighth grader at Waimea Canyon School -- Liona Lemons:

"First the wind blew through the trees in the front yard like a chain saw; And palm trees down the street were tied in a knot by the wind; And then through the louvered windows in my house; I watched the house across the street explode like an atom bomb."

"The next poem is entitled, 'A Feeling Like Never Before,' by Adam Somers, an eighth grader at Waimea Canyon School:

"The destruction was awful; Our church was ruined and completely smashed; It was an awful sight; My mom cried and cried and her tears were like drops of blood; The still air and the bare trees made me think; Will this ever be the same again; There was a feeling in my heart like cracking ice; The destruction was so terrible; And there was a sign jabbed into what was left of the roof of our church; It said 'Restrooms' and it pointed downward; As we arrived at our house in Waimea, we were happy to have most of our roof left;

For almost half an hour we stared, looking at our house which sorta survived; But our neighbor's house was gone; Then a gust of wind came by and the hair on my dog's back rippled like rhythmic water; Now that gave me a chill I'll never forget."

"The last poem, Mr. Speaker, very short, tells the story of the military -- 'The Military's Iniki Aid to Kauai' -- written by Sara Miura, a sixth grader at Wilcox Elementary School:

"The military came to Kauai; They stayed at Wilcox School; They lived in the cafeteria, in hallways, in classrooms; Many men and women, with happy faces, kind and funny; Brave men and brave women, who left their families, to help us recover from the wrath of strong Iniki; They even made visitations to classes; Cleaned our school of tons of debris; Mowed our lawn; Directed traffic; Gave us clean water and M.R.E.S.; Mahalo! Mahalo! Mahalo!; We love you!; Men and women of the military."

"Thank you very much, Mr. Speaker."

Representative Bainum then rose and stated:

"Mr. Speaker, I would like to add my praise to the Armed Forces' work on Kauai.

"I was in Homestead Florida about a week after Hurricane Andrew and I was treating a woman with a very badly infected foot. I said, 'Why in the world did you wait so long to come get medical attention?' She said, 'Well, we were afraid to leave the house because so many of our neighbors' homes have been broken into by gangs.'

"I would like to contrast that with my experience on Kauai. Not once did I hear any such concerns expressed by the citizens of Kauai. Rather, I heard only praise for the support and protection that our Armed Forces provided them. Everywhere our medical team went, there was the military -- directing traffic, dispensing assistance and helping out.

"We as Americans, we as citizens of Hawaii, can be very proud of our military's work on Kauai.

"Thank you."

Representative Ward then rose and stated:

"As one of the Army veterans in the House, the majority of which are in the back row here, and first as a Vietnam veteran who served as a translator and interpreter at a time when it wasn't very popular to be in uniform, I am particularly moved when I see commendations to the military. And, Mr. Speaker, I join my colleagues in commending the job well done on Kauai, but as a second commendation and one that is a bit more reflective of more global advance, and that was when all of us were fearing what was going to be a long, protracted, viable alternative in the world, in terms of communism, in totalitarianism, when a lot of us were on campus and leaning kind of, that things were always going to be the way they were and the big one was going to drop any day now, and that there was always going to be something that your children and your children's children were going to fear, these people in uniform were unwavering, were diligent, and kept the faith.

"And I think in the world as it is today, we have much to thank them for, and because of their diligence and faith in the system of democracy and freedom, the storms of Kauai and the war storms of the entire world have come to pass, at least for the President, and we

acknowledge that steadfastness and we salute you gentlemen and all of you who have come in the gallery. We really appreciate you."

Representative Young then rose and stated:

"Several weeks ago, I was honored to represent you on a trip to Kauai with the Governor. I went with a bit of anxiety because I have roots, too, in Kauai. My father was born and raised in Kealia, and Kauai has always been my favorite island. I had not returned since the hurricane, and I was a little bit afraid of what I would see. But in six hours of briefing, I heard in the Airport Conference Room the wonderful work that had gone on but also the work that needed to continue to go on in Kauai and in my brief tour of Kauai, I saw some of the effects of the cleanup.

"But I would like to personally extend my congratulations to a particular person in this group before us, and that is Brigadier General Edward Richardson. As some of you may not know but he has roots in Maui. He's a Maui boy -- born and raised -- and a Kamehameha School graduate. And I know because I'm a classmate of his from the University of Hawaii a long time ago and, in fact, Ric was the best man at my wedding when I got married and it's been wonderful to watch his career, so I salute his leadership, and I commend also all the women and men of the Armed Forces for helping out in this disaster.

"Thank you, Mr. Speaker."

Representative Alcon then rose and stated:

"Mr. Speaker, I am rather moved with the dedication of the Armed Forces in trying to protect us but even more so, for the Hawaii National Guard. As you are aware, Mr. Speaker, there were a group of World War II Filipino veterans who came to our shores and they stayed at the Philippine Consulate, sleeping on cardboard and without blankets. When I heard of this, Mr. Speaker, I made a call to General Richardson and asked whether we could provide cots and blankets to those World War II veterans. True to his nature, Mr. Speaker, General Richardson and General Nakatsu responded with 43 folding bed cots and 60 blankets. The only problem, Mr. Speaker, I don't know what happened to them now. So I would ask my colleagues to please contribute to this fund so that we can pay the National Guard for all the losses.

"But, Mr. Speaker, this work of mercy by the National Guard was done even before the Iniki incident, and during the Iniki incident, Mr. Speaker, the Hawaii National Guard also provided transportation and shelter for those World War II veterans. And may I also add, Mr. Speaker, that I am also a World War II veteran and that's why I was rather sensitive to their needs.

"May I also call your attention, Mr. Speaker, that the Hawaii National Guard is the only full-time National Guard in the country. They are mandated by the Armed Forces to defend our islands and also the central Pacific Ocean area. They are the only one, Mr. Speaker, that fly the F16, the most modern fighters that we in the United States can have.

"And recently, about a month ago, Mr. Speaker, they have also activated another unit which speaks for the services that our Guard has been providing, not only for our community and for our State, but for the entire United States.

"So, Mr. Speaker, in your behalf and in behalf of the House of Representatives, and in behalf of the Filipino

community, I would like to say mahalo to Hawaii's best -- the Hawaii National Guard.

"Thank you, Mr. Speaker."

At this time, Certificates of Recognition were presented to the honorees by Representatives Chumbley, Kanoho, Herkes, Apo, Suzuki, Morihara, Say and Cachola while floral leis were presented to them by Representatives Young, Baker, Ishii-Morikami, Kawakami, Marumoto, Hirono, Chun and Chang.

At 12:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:34 o'clock p.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.

STANDING COMMITTEE REPORTS

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1075) recommending that S.B. No. 638, SD 2, HD 1, pass Third Reading.

On motion by Representative Ishii-Morikami, seconded by Representative Say and carried, the report of the Committee was adopted and S.B. No. 638, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COOPERATIVE ASSOCIATIONS," having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

The Chair directed the Clerk to note that S.B. No. 638 had passed Third Reading at 12:35 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1076) recommending that S.B. No. 324, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 324, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A DONATION OF LEAVE PROGRAM," having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1077) recommending that S.B. No. 552, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 552, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1078) recommending that S.B. No. 866, SD 2, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 866, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1079) recommending that S.B. No. 535, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 535, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1080) recommending that S.B. No. 189, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 189, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1081) recommending that S.B. No. 2, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1082) recommending that S.B. No. 732, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 732, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

The Chair directed the Clerk to note that S.B. Nos. 324, 552, 866, 535, 189, 2 and 732 had passed Third Reading at 12:36 o'clock p.m.

Representatives Hiraki and Bainum, for the Committees on Ocean Recreation and Marine Resources and Energy

and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1083) recommending that H.R. No. 396, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Bainum, seconded by Representative Herkes and carried, the joint report of the Committees was adopted and H.R. No. 396, HD 1, entitled: "HOUSE RESOLUTION URGING THE FORMATION OF A GOVERNOR'S TASK FORCE TO RECOMMEND STATE PROTOCOLS TO REDUCE THE RISK OF ACCIDENTAL INTRODUCTIONS OF ALIEN ORGANISMS BY BALLAST WATER AND HULL FOULING OF SHIPS," was referred to the Committee on Finance.

Representatives Hiraki and Bainum, for the Committees on Ocean Recreation and Marine Resources and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1084) recommending that H.C.R. No. 444, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Bainum, seconded by Representative Herkes and carried, the joint report of the Committees was adopted and H.C.R. No. 444, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FORMATION OF A GOVERNOR'S TASK FORCE TO RECOMMEND STATE PROTOCOLS TO REDUCE THE RISK OF ACCIDENTAL INTRODUCTIONS OF ALIEN ORGANISMS BY BALLAST WATER AND HULL FOULING OF SHIPS," was referred to the Committee on Finance.

Representatives Lee and Duldulao, for the Committees on Higher Education and the Arts and Health, presented a joint report (Stand. Com. Rep. No. 1085) recommending that H.R. No. 321, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative D. Ige and carried, the joint report of the Committees was adopted and H.R. No. 321, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONTINUE TO PLACE THE HIGHEST PRIORITY ON TRAINING NURSES AT THE SCHOOL OF NURSING, AND REQUESTING A STUDY ON INCREASING THE ENROLLMENT AND GRADUATION RATES, AND OTHER FACTORS," was referred to the Committee on Finance.

Representatives Lee and Duldulao, for the Committees on Higher Education and the Arts and Health, presented a joint report (Stand. Com. Rep. No. 1086) recommending that H.C.R. No. 339 as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative D. Ige and carried, the joint report of the Committees was adopted and H.C.R. No. 339, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONTINUE TO PLACE THE HIGHEST PRIORITY ON TRAINING NURSES AT THE SCHOOL OF NURSING, AND REQUESTING A STUDY ON INCREASING THE ENROLLMENT AND GRADUATION RATES, AND OTHER FACTORS," was referred to the Committee on Finance.

Representatives Duldulao, Bunda and Kanoho, for the Committees on Health, Consumer Protection and Commerce and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1087) recommending that H.C.R. No. 164, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Baker and carried, the joint report of the Committees was adopted and H.C.R. No. 164, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT REGARDING MANDATORY INSURANCE COVERAGE FOR IMMUNIZATIONS," was referred to the Committee on Finance.

Representatives Duldulao and Chun, for the Committees on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 1088) recommending that H.R. No. 291 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Baker and carried, the joint report of the Committees was adopted and H.R. No. 291, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF HUMAN SERVICES TO REPORT THE FINANCIAL RAMIFICATIONS OF PUTTING A CAP ON DENTAL CARE AND USING MEDICAID FUNDS TO PUT IN DENTAL CLINICS SUCH AS THE HILO HOSPITAL," was referred to the Committee on Finance.

Representatives Duldulao and Chun, for the Committees on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 1089) recommending that H.C.R. No. 301 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Baker and carried, the joint report of the Committees was adopted and H.C.R. No. 301, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF HUMAN SERVICES TO REPORT THE FINANCIAL RAMIFICATIONS OF PUTTING A CAP ON DENTAL CARE AND USING MEDICAID FUNDS TO PUT IN DENTAL CLINICS SUCH AS THE HILO HOSPITAL," was referred to the Committee on Finance.

Representatives Duldulao and Chun, for the Committees on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 1090) recommending that H.C.R. No. 275, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Baker and carried, the joint report of the Committees was adopted and H.R. No. 275, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR, ALONG WITH THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF HUMAN SERVICES, HMSA, AND THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO REPORT ON THE IMPLEMENTATION OF THE RECOMMENDATIONS CONTAINED IN THE 'WAIMANO TRAINING SCHOOL AND HOSPITAL STUDY' SUBMITTED BY THE PUBLIC CONSULTING GROUP, INC., WITH THE HUMAN SERVICES RESEARCH INSTITUTE," was referred to the Committee on Finance.

Representatives Duldulao and Chun, for the Committees on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 1091) recommending that H.C.R. No. 277, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Baker and carried, the joint report of the Committees was adopted and H.C.R. No. 277, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR, ALONG

WITH THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF HUMAN SERVICES, HMSA, AND THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO REPORT ON THE IMPLEMENTATION OF THE RECOMMENDATIONS CONTAINED IN THE 'WAIMANO TRAINING SCHOOL AND HOSPITAL STUDY' SUBMITTED BY THE PUBLIC CONSULTING GROUP, INC., WITH THE HUMAN SERVICES RESEARCH INSTITUTE," was referred to the Committee on Finance.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1092) recommending that H.R. No. 323 be referred to the Committee on Finance.

On motion by Representative Suzuki, seconded by Representative Nekoba and carried, the report of the Committee was adopted and H.R. No. 323, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO EXAMINE THE FEASIBILITY OF CONSOLIDATING THE MANAGEMENT AND OPERATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM, THE HAWAII PUBLIC EMPLOYEES' HEALTH FUND, AND THE DEFERRED COMPENSATION PLAN," was referred to the Committee on Finance.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1093) recommending that H.C.R. No. 347 be referred to the Committee on Finance.

On motion by Representative Suzuki, seconded by Representative Nekoba and carried, the report of the Committee was adopted and H.C.R. No. 347, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO EXAMINE THE FEASIBILITY OF CONSOLIDATING THE MANAGEMENT AND OPERATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM, THE HAWAII PUBLIC EMPLOYEES' HEALTH FUND, AND THE DEFERRED COMPENSATION PLAN," was referred to the Committee on Finance.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1094) recommending that H.R. No. 119, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Suzuki, seconded by Representative Nekoba and carried, the report of the Committee was adopted and H.R. No. 119, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE ENFORCEMENT OF CHAPTER 104, HAWAII REVISED STATUTES (HAWAII'S 'LITTLE DAVIS-BACON ACT')," was referred to the Committee on Legislative Management.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1095) recommending that H.C.R. No. 122, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Suzuki, seconded by Representative Nekoba and carried, the report of the Committee was adopted and H.C.R. No. 122, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ENFORCEMENT OF CHAPTER 104, HAWAII REVISED STATUTES (HAWAII'S 'LITTLE DAVIS-BACON ACT')," was referred to the Committee on Legislative Management.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1096) recommending that H.R. No. 82 be referred to the Committee on Legislative Management.

On motion by Representative Suzuki, seconded by Representative Nekoba and carried, the report of the Committee was adopted and H.R. No. 82, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO REVIEW AND REPORT ON THE PERFORMANCE OF THE HAWAII LABOR RELATIONS BOARD REGARDING CASE PROCESSING," was referred to the Committee on Legislative Management.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1097) recommending that H.C.R. No. 84 be referred to the Committee on Legislative Management.

On motion by Representative Suzuki, seconded by Representative Nekoba and carried, the report of the Committee was adopted and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO REVIEW AND REPORT ON THE PERFORMANCE OF THE HAWAII LABOR RELATIONS BOARD REGARDING CASE PROCESSING," was referred to the Committee on Legislative Management.

Representative Taniguchi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1098) recommending that H.R. No. 81, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Taniguchi, seconded by Representative Takumi and carried, the report of the Committee was adopted and H.R. No. 81, HD 1, entitled: "HOUSE RESOLUTION URGING PRESIDENT CLINTON TO APPOINT ASIAN, PACIFIC, AND NATIVE AMERICANS TO TOP AND MIDDLE-LEVEL ADMINISTRATION POSTS," was referred to the Committee on Judiciary.

Representative Taniguchi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1099) recommending that H.C.R. No. 83, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Taniguchi, seconded by Representative Takumi and carried, the report of the Committee was adopted and H.C.R. No. 83, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT CLINTON TO APPOINT ASIAN, PACIFIC, AND NATIVE AMERICANS TO TOP AND MIDDLE-LEVEL ADMINISTRATION POSTS," was referred to the Committee on Judiciary.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1100) recommending that S.B. No. 212 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 212, entitled: "A BILL FOR AN ACT RELATING TO INTEREST INCOME," having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1101)

recommending that S.B. No. 1798, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1798, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GEOGRAPHIC INFORMATION SYSTEM DIGITAL DATA," having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

The Chair directed the Clerk to note that S.B. Nos. 212 and 1798 had passed Third Reading at 12:40 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1102) recommending that S.B. No. 1531, SD 1, 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 S.B. No. 1531, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Kawakami.

Representative Ward rose to speak against the bill, stating:

"As I said before, in the second law of thermodynamics, if we give a five percent margin to state contractors, there's nothing to say that the contractors, when our people are bidding in their states on the mainland, are not going to be given the same opposite and equal reaction as the second law of thermodynamics.

"So this is a protectionist measure. Nobody wants to have people in the state unemployed but we also don't want the cost of government to go up. We also don't want a trade war between us and our brothers and sisters on the mainland or the Pacific so this five percent protectionism is not good business, Mr. Speaker.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1531, SD 1, 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, with Representative Ward voting no.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1103) recommending that S.B. No. 530, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1103 and S.B. No. 530, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 530, SD 2, 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. 1104) recommending that S.B. No. 1770, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1104 and S.B. No. 1770, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B.

No. 1770, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Taniguchi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1105) recommending that S.B. No. 3, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1105 and S.B. No. 3, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 3, SD 1, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representatives Bunda and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1106) recommending that S.B. No. 192, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ishii-Morikami, seconded by Representative Say and carried, the joint report of the Committees was adopted and S.B. No. 192, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION," 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. 1107) recommending that S.B. No. 25, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ishii-Morikami, seconded by Representative Say and carried, the report of the Committee was adopted and S.B. No. 25, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIMS CONCILIATION PANELS," 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. 1108) recommending that S.B. No. 1619, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ishii-Morikami, seconded by Representative Say and carried, the report of the Committee was adopted and S.B. No. 1619, SD 1, 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. 1109) recommending that S.B. No. 819, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ishii-Morikami, seconded by Representative Say and carried, the report of the Committee was adopted and S.B. No. 819, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALES TO OWNER-OCCUPANTS," 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. 1110) recommending that S.B. No. 127,

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

On motion by Representative Ishii-Morikami, seconded by Representative Say and carried, the report of the Committee was adopted and S.B. No. 127, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRY," 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. 1111) recommending that S.B. No. 993, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1111 and S.B. No. 993, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 993, SD 1, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representatives M. Ige and Takamine, for the Committees on Agriculture and Water and Land Use Planning, presented a joint report (Stand. Com. Rep. No. 1112) recommending that H.R. No. 187, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Chumbley, seconded by Representative D. Ige and carried, the joint report of the Committees was adopted and H.R. No. 187, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO INVESTIGATE AN EXCHANGE OF CERTAIN LANDS," was referred to the Committee on Finance.

Representatives M. Ige and Takamine, for the Committees on Agriculture and Water and Land Use Planning, presented a joint report (Stand. Com. Rep. No. 1113) recommending that H.C.R. No. 191, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Chumbley, seconded by Representative D. Ige and carried, the joint report of the Committees was adopted and H.C.R. No. 191, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO INVESTIGATE AN EXCHANGE OF CERTAIN LANDS," was referred to the Committee on Finance.

Representatives M. Ige and Cachola, for the Committees on Agriculture and Tourism, presented a joint report (Stand. Com. Rep. No. 1114) recommending that H.C.R. No. 363, as amended in HD 1, be adopted.

On motion by Representative Chumbley, seconded by Representative Cachola and carried, the joint report of the Committees was adopted and H.C.R. No. 363, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONTINUED SUPPORT OF LOCALLY-GROWN AGRICULTURAL AND VALUE-ADDED PRODUCTS BY THE VISITOR INDUSTRY," was adopted.

Representative M. Ige, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1115) recommending that H.C.R. No. 119 be adopted.

On motion by Representative Chumbley, seconded by Representative D. Ige and carried, the report of the Committee was adopted and H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONTINUATION OF THE PAPAYA INDUSTRY'S FEDERAL MARKETING ORDER," was adopted.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1116) recommending that H.R. No. 310, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Lee, seconded by Representative Taniguchi and carried, the report of the Committee was adopted and H.R. No. 310, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO ASSESS THE HIGHER EDUCATION NEEDS OF NEIGHBOR ISLAND STUDENTS," was referred to the Committee on Legislative Management.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1117) recommending that H.C.R. No. 328, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Lee, seconded by Representative Taniguchi and carried, the report of the Committee was adopted and H.C.R. No. 328, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE HIGHER EDUCATION NEEDS OF NEIGHBOR ISLAND STUDENTS," was referred to the Committee on Legislative Management.

Representative Taniguchi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1118) recommending that H.R. No. 227, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Taniguchi, seconded by Representative Takumi and carried, the report of the Committee was adopted and H.R. No. 227, HD 1, entitled: "HOUSE RESOLUTION REQUESTING EACH OF THE COUNTIES TO UPDATE THEIR BUILDING CODES TO MAKE RESIDENCES AND BUILDINGS MORE ABLE TO WITHSTAND HIGH WIND DAMAGE ASSOCIATED WITH TROPICAL STORMS AND HURRICANES," was referred to the Committee on Finance.

Representative Okamura, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1119) recommending that H.R. No. 24, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative Ihara and carried, the report of the Committee was adopted and H.R. No. 24, HD 1, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO HONOR AND FULFILL THE FEDERAL TRUST OBLIGATIONS TO NATIVE HAWAIIANS," was referred to the Committee on Finance.

Representative Okamura, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1120) recommending that H.C.R. No. 29, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative Ihara and carried, the report of the Committee was adopted and H.C.R. No. 29, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO HONOR AND FULFILL THE FEDERAL TRUST OBLIGATIONS TO NATIVE HAWAIIANS," was referred to the Committee on Finance.

THIRD READING

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

S.B. No. 126, SD 1, HD 1:

On motion by Representative Ishii-Morikami, seconded by Representative Say and carried, S.B. No. 126, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

S.B. No. 264, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 264, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

The Chair directed the Clerk to note that S.B. Nos. 126 and 264 had passed Third Reading at 12:47 o'clock p.m.

S.B. No. 747, SD 1:

Representative Say moved that S.B. No. 747, SD 1, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

"This bill exempts labor unions who own and rent real estate property from paying the GET tax on its rentals. This creates an uneven playing field for the non-profit corporation sector in this State. If unions are given this exemption, it's only fair that it be given to other non-profit corporations. So all non-profits leasing out space would have the same exemption.

"Lastly, Mr. Speaker, there's an error in the committee report ... the last sentence on the first page says that the Tax Foundation was for this measure but it said, in effect, it said that 'the proposed measure could be justified because it would grant a tax preference to a select group of taxpayers.'

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 747, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

S.B. No. 1523:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 1523, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT PAYMENTS," passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

The Chair directed the Clerk to note that S.B. Nos. 747 and 1523 had passed Third Reading at 12:49 o'clock p.m.

S.B. No. 1380, SD 1:

On motion by Representative Ishii-Morikami, seconded by Representative Say and carried, S.B. No. 1380, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

S.B. No. 33:

On motion by Representative Ihara, seconded by Representative Baker and carried, S.B. No. 33, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF CONVICTED PERSONS," passed Third Reading by a vote of 44 ayes, with Representatives Beirne, Bunda, Hagino, Hiraki, Menor, Peters and Takamine being excused.

The Chair directed the Clerk to note that S.B. Nos. 1380 and 33 had passed Third Reading at 12:50 o'clock p.m.

**DISPOSITION OF MATTER
PLACED ON THE CLERK'S DESK**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House disagreed to the Senate amendments made to H.B. No. 118 (SD 1), and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

ANNOUNCEMENTS

Representative Baker: "If I could just remind the members that since we will be having some Third Reading items on the agenda for tomorrow evening's session which begins at 8:00, I would request that all Majority members please be here for caucus at 7:45 p.m."

Representative Thielen: "I would also like to announce to the Minority Caucus that we will be caucusing at 7:30 tomorrow night, and please be prompt."

ADJOURNMENT

At 12:52 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 night, Thursday, April 8, 1993.

FORTY-FIFTH DAY

Thursday, April 8, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 8:42 o'clock p.m., with the Speaker presiding.

The Divine Blessing was invoked by Bishop Jitsumyo Ueyehara of the Hawaii Shingon Mission, after which the Roll was called showing all members present with the exception of Representatives Amaral and Apo, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-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 Forty-Fourth Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 468 and 469) were read by the Clerk and were placed on file:

Sen. Com. No. 468, informing the House that the Senate has disagreed to the amendments proposed by the House in Senate Bill No. 261, HD 1.

Sen. Com. No. 469, returning House Bill No. 947, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO LOBBYISTS LAW STATEMENT OF EXPENDITURES," which passed Third Reading in the Senate on April 7, 1993, in an amended form.

By unanimous consent, H.B. No. 947, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 947, HD 1, SD 1, were made available to the members of the House at 8:00 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following concurrent resolution (H.R. No. 250) and concurrent resolution (H.C.R. No. 255) were referred as follows:

H.R. No. **Re-referred to:**

250 Committee on Economic Development and Business Concerns

H.C.R. No.

255 Committee on Economic Development and Business Concerns

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. 1063 on S.B. No. 417, SD 1, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 417, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LIAISON RESOURCE TEACHER TO THE ASTRONAUT ELLISON S. ONIZUKA SPACE CENTER," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Stand. Com. Rep. No. 1064 on S.B. No. 1550, SD 1, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1550, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE IMPLEMENTATION OF A SPECIAL MARKETING PLAN PROMOTING TOURISM ON KAUAI," passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

The Chair directed the Clerk to note that S.B. Nos. 417 and 1550 had passed Third Reading at 8:47 o'clock p.m.

Stand. Com. Rep. No. 1065 on S.B. No. 1422, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1422, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Stand. Com. Rep. No. 1066 on S.B. No. 336, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 336, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HIGH SCHOOL ATHLETICS," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

The Chair directed the Clerk to note that S.B. Nos. 1422 and 336 had passed Third Reading at 8:48 o'clock p.m.

THIRD READING

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

S.B. No. 1729, SD 1, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 1729, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EXCISE TAX," passed Third Reading by a vote of 48 ayes to 1 no, with Representative O'Kieffe voting no, and Representatives Amaral and Apo being excused.

S.B. No. 262, SD 1, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 262, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

The Chair directed the Clerk to note that S.B. Nos. 1729 and 262 had passed Third Reading at 8:49 o'clock p.m.

S.B. No. 195, SD 1, HD 1:

On motion by Representative Bunda, seconded by Representative Tom and carried, S.B. No. 195, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS," passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

The Chair directed the Clerk to note that S.B. No. 195 had passed Third Reading at 8:50 o'clock p.m.

S.B. No. 1629, SD 1, HD 1:

Representative Bunda moved that S.B. No. 1629, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Ishii-Morikami.

Representative Shon rose to speak against the bill, stating:

"Mr. Speaker, there are occasionally bills that can clearly be characterized as premature and mistakes moving in the wrong direction of reform, and this clearly is one. In an age when we are moving toward more collaborative medicine, trying to find ways to save money through preventive programs that do not exist in the current medical system, we now are offered a bill biased in favor of private medical entrepreneurs versus the collaborative approach.

"This bill will prohibit more creative, collaborative efforts for HMSA and other similar programs in our urban areas. It may very well work to undermine the goals of the University of Hawaii's Kellogg Grant which places a premium on interdisciplinary field work. I have spoken with the Dean of the Medical School ... he agrees with me. This bill is a concern to health care education. This may very well complicate the managed care efforts being promoted by our Department of Human Services in the Medicaid program. Yesterday, I spoke with consultants from Washington who agreed that clinics and collaborative operations are the wave of the future and that this kind of a measure does restrict the ability of the state to move creatively into health care reform. It discriminates against those who may prefer one-stop shopping more than medical care.

"I would like to note one specific program which this bill will eliminate. It would prevent the development of HMSA's HealthPass Centers in which nearly 50 percent of the 623,000 members currently enjoy. It includes, among others, 89,000 public employees and their dependents as well as those over three thousand small businesses and employer groups. The HealthPass benefits provide members with a comprehensive assessment of an individual's health risk through the administration of a health risk questionnaire, a series of health screening measures, as well as health education and wellness counseling, and referrals. There is a high consumer demand for these services which are not provided by the individual physician community. This is why an organization like HMSA got into this.

"The wave of the future, Mr. Speaker, is in preventive programs like these, and here is the State of Hawaii -- the Health State -- being countered across the mainland, and we're passing a bill to limit our health care future? And why are we doing this? Because of a small number of physicians who said they don't like the idea of a more cost-effective clinic competing with them, a small group of individuals who were at the peak of the health care dollar-earning pyramid -- not at the bottom -- at the top!

"Over the years, I've had numerous discussions with those who want this kind of restriction. They are absolutely paranoid about managed care. They dislike the notion that collaborative medical and health care approaches are the wave of the future. They're scared to death of it. They have been trained at such medical schools that they're individual business persons, and that's how they see the world. But there are other creative voices to be heard these days, and it seems to me that the Health State will have a very black eye if it passes this at the very time that the federal government is considering all manner of managed care collaborative initiatives.

"I understand that there are a whole wide range of issues that relate to mutual benefit societies, but this is a policy -- a policy of the State of Hawaii -- that says, these kinds of preventive programs ... we don't want them because a small group of individuals say, hey, they may cut into our business.

"Is this a consumer bill? No, it is not a consumer bill. Is this a bill oriented to a prevention? No, it has nothing to do with that. It's going in the opposite direction.

"If this bill passes, HMSA members -- six hundred and twenty something thousand of them -- I'm sure will get a little piece of paper in their next bill ... by the way, these programs -- these preventive programs -- we have offered, the Legislature just cut them out. Call your legislator and ask -- is this your idea of a progressive legislation?

"It is argued that this is a level playing field -- level for whom? Not for the consumers, not for those who live in the City and County of Honolulu, not for those who don't already enjoy a clinic, one-stop kind of experience -- the HMO's. That's not for them -- that's not what the level playing field is for. The level playing field is for a segment of the health care community that is threatened by reform -- threatened! This is a reactionary measure by those who are threatened by change, by those who don't want new and creative approaches to delivering health care, by those who want to hang on, at any cost, to what they perceive as their central role in the health care system.

"This bill should be rejected. If mutual benefit societies need to be regulated, it's a good job for interim work for discussion. This is not a regulation -- this is a ban of certain kinds of services for the urban areas. Each one of us has hundreds and hundreds, if not thousands, of HMSA members who may very well be affected by this bill. Won't they be happy to learn the direction of the Health State. I urge you to send in those green slips now.

"Thank you."

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

"Mr. Speaker, I would like to explain my negative vote on this measure.

"I'm a member of HMSA. I enjoy certain benefits under the current plan. One of the major benefits is

HealthPass. This bill would take this HealthPass from me and many thousands of other members of HMSA.

"But what I fear most is not my personal benefits that would be taken away by this bill. What I fear is that HMSA and its member physicians will be facing an uneven playing field in the future because the bill would eliminate Kaiser's major competition. There will be more people going over to Kaiser because Kaiser will be able to provide the type of managed care that this bill prevents HMSA from doing. That I think is the major economic implication if not the health policy question.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I come from a rural area -- way down on the North Shore area -- and we don't have Kaiser's services or hospital services like they do here in Honolulu and Waialua. In the North Shore area, HMSA is widely used and we do have certain clinics that are available for service in our area.

"I think that this type of legislation would really create an impact to those of us in the rural areas that enjoy the benefits of HMSA. I would just like to share that with you and my colleagues.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, there is no question that HMSA has done good things in our community, but the majority of the testifiers who testified in favor of the bill said there are unfair disadvantages between the health care providers and HMSA, and the biggest concern was that HMSA had an overwhelming market share in the community.

"To answer a previous speaker, we did take the Department of Health's amendments in that HMSA still could open clinics in the under-served areas.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 1629, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," having been read throughout, passed Third Reading by a vote of 34 ayes to 15 noes, with Representatives Alcon, Arakaki, Beirne, Chun, Duldulao, Hagino, Hirono, Lee, Menor, Pepper, Shon, Suzuki, Takumi, Tam and Thielen voting no, and Representatives Amaral and Apo being excused.

The Chair directed the Clerk to note that S.B. No. 1629 had passed Third Reading at 9:02 o'clock p.m.

S.B. No. 1181, SD 1, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 1181, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Beirne voting no, and Representatives Amaral and Apo being excused.

S.B. No. 281, SD 1, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 281, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING

TO ELECTIONS," passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

S.B. No. 690, SD 1, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 690, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

The Chair directed the Clerk to note that S.B. Nos. 1181, 281 and 690 had passed Third Reading at 9:03 o'clock p.m.

S.B. No. 25, SD 1:

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, S.B. No. 25, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIMS CONCILIATION PANELS," passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

The Chair directed the Clerk to note that S.B. No. 25 had passed Third Reading at 9:04 o'clock p.m.

STANDING COMMITTEE REPORTS

Representatives M. Ige and Takamine, for the Committees on Agriculture and Water and Land Use Planning, presented a joint report (Stand. Com. Rep. No. 1121) recommending that S.B. No. 1473, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Ige, seconded by Representative Takamine and carried, the joint report of the Committees was adopted and S.B. No. 1473, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," 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. 1122) recommending that S.B. No. 1453 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 S.B. No. 1453, 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. 1123) recommending that S.B. No. 1393, 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 S.B. No. 1393, 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. 1124) recommending that S.B. No. 1451, SD 1,

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 S.B. No. 1451, SD 1, 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.

Representative Menor, for the Committee on Public Safety and Corrections, presented a report (Stand. Com. Rep. No. 1125) recommending that S.B. No. 833, SD 2, 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 S.B. No. 833, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," 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. 1126) recommending that S.B. No. 1454, SD 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 S.B. No. 1454, SD 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. 1127) recommending that S.B. No. 1726, SD 1, 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 S.B. No. 1726, SD 1, 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. 1128) recommending that S.B. No. 1448, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1448, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1129) recommending that S.B. No. 1582, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1582, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATIONAL OFFICER

CLASSIFICATION AND COMPENSATION ADJUSTMENTS," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1130) recommending that S.B. No. 1669, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1669, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1131) recommending that S.B. No. 1711, SD 2, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1711, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC BROADCASTING AUTHORITY," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

The Chair directed the Clerk to note that S.B. Nos. 1448, 1582, 1669 and 1711 had passed Third Reading at 9:07 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1132) recommending that S.B. No. 208, SD 2, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 208, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT FEES AND COSTS IN THE DISTRICT COURTS," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1133) recommending that S.B. No. 1706, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1706, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL ENGINEERING EMPLOYEES OF THE HAWAII PUBLIC BROADCASTING AUTHORITY," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1134) recommending that S.B. No. 1426, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1426, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read

throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

The Chair directed the Clerk to note that S.B. Nos. 208, 1706 and 1426 had passed Third Reading at 9:08 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1135) recommending that S.B. No. 448, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1135 and S.B. No. 448, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 448, SD 1, 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. 1136) recommending that S.B. No. 363, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1136 and S.B. No. 363, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 363, SD 1, 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. 1137) recommending that S.B. No. 1143, SD 2, 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 S.B. No. 1143, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," 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. 1138) recommending that S.B. No. 536, 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 S.B. No. 536, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REBUILT VEHICLES," 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. 1139) recommending that S.B. No. 1128, SD 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 S.B. No. 1128, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE PRESCRIPTIONS," 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. 1140) recommending that S.B. No. 35 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 S.B. No. 35, entitled: "A BILL FOR AN ACT RELATING TO LOYALTY OATHS," 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. 1141) recommending that S.B. No. 1214, 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 S.B. No. 1214, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SIMULTANEOUS DEATH ACT," 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. 1142) recommending that S.B. No. 812, SD 1, 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 S.B. No. 812, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL SENTENCING," 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. 1143) recommending that S.B. No. 689, SD 1, 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 S.B. No. 689, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," 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. 1144) recommending that S.B. No. 741, SD 1, 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 S.B. No. 741, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," 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. 1145) recommending that S.B. No. 886, SD 2, 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 S.B. No. 886, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," 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. 1146)

recommending that S.B. No. 818, SD 1, HD 1 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 818, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1147) recommending that S.B. No. 353, SD 1, HD 1, pass Third Reading.

Representative Say moved that the report of the Committee be adopted and S.B. No. 353, SD 1, HD 1, pass Third Reading, seconded by Representative Kawakami.

Representative Alcon rose and requested a conflict ruling, saying that he is already receiving benefits from this bill, and the Chair ruled "no conflict."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 353, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1148) recommending that S.B. No. 217 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 217, entitled: "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF THE JUDICIARY'S GENDER AND OTHER FAIRNESS COORDINATOR FROM CIVIL SERVICE," having been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Pepper voting no, and Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1149) recommending that S.B. No. 213, SD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 213, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUPREME COURT LAW LIBRARY," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1150) recommending that S.B. No. 920, SD 2, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 920, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1151) recommending that S.B. No. 1864, SD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1864, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

The Chair directed the Clerk to note that S.B. Nos. 353, 217, 213, 920 and 1864 had passed Third Reading at 9:12 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1152) recommending that S.B. No. 879 pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 879, entitled: "A BILL FOR AN ACT RELATING TO THE RETIREMENT OF UNIVERSITY OF HAWAII FOOTBALL COACHES," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1153) recommending that S.B. No. 1906, SD 1, HD 1, pass Third Reading.

Representative Say moved that the report of the Committee be adopted and S.B. No. 1906, SD 1, HD 1, pass Third Reading, seconded by Representative Kawakami.

Representative Tam rose to speak against the bill, stating:

"The reason for my opposition to this bill is because I believe in the civil service laws of Chapters 76 and 77, and not to do so would be causing moral problems within the State of Hawaii.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1906, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF YOUTH SERVICES," having been read throughout, passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Pepper, Takumi and Tam voting no, and Representatives Amaral and Apo being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1154) recommending that S.B. No. 930, SD 1, HD 1, pass Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 930, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A RESOURCE AND TECHNICAL ASSISTANCE PROJECT ON AUTISM," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Apo being excused.

The Chair directed the Clerk to note that S.B. nos. 879, 1906 and 930 had passed Third Reading at 9:13 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1155) recommending that S.B. No. 1810, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1155 and S.B. No. 1810, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1810, SD 2, 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. 1156) recommending that S.B. No. 1751, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1156 and S.B. No. 1751, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1751, SD 2, 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. 1157) recommending that S.B. No. 1300, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1157 and S.B. No. 1300, SD 2, HD 1, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1300, SD 2, HD 1, 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. 1158) recommending that S.B. No. 1643, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1158 and S.B. No. 1643, SD 2, HD 1, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1643, SD 2, HD 1, 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. 1159) recommending that S.B. No. 603, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1159 and S.B. No. 603, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 603, SD 2, 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. 1160) recommending that S.B. No. 503, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1160 and S.B. No. 503, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 503, 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. 1161) recommending that S.B. No. 1354, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1161 and S.B. No. 1354, HD 1, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1354, HD 1, 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. 1162) recommending that S.B. No. 1851, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1162 and S.B. No. 1851, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1851, SD 1, 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. 1163) recommending that S.B. No. 1652, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1163 and S.B. No. 1652, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1652, SD 2, 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. 1164) recommending that S.B. No. 250, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1164 and S.B. No. 250, HD 1, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 250, HD 1, 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. 1165) recommending that S.B. No. 467, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1165 and S.B. No. 467, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 467, SD 2, HD 2, 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. 1166) recommending that S.B. No. 1148, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1166 and S.B. No. 1148, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1148, SD 1, 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. 1167) recommending that S.B. No. 1216 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 S.B. No. 1216, entitled: "A BILL FOR AN ACT RELATING TO SPOUSES," passed Second Reading and was placed on the calendar for Third Reading.

At 9:15 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 9:16 o'clock p.m.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1168) recommending that S.B. No. 1486, SD 1, 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 S.B. No. 1486, SD 1, 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 Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1169) recommending that S.B. No. 14, SD 1, 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 S.B. No. 14, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," 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. 1170) recommending that S.B. No. 525, SD 1, 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 S.B. No. 525, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND DANGEROUS WEAPONS," 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. 1171) recommending that S.B. No. 555, SD 1, 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 S.B. No. 555, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MURDER," 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. 1172) recommending that S.B. No. 205, 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 S.B. No. 205, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," 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. 1173) recommending that S.B. No. 1172, SD 1, 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 S.B. No. 1172, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," 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. 1174) recommending that S.B. No. 1819, SD 1, 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 S.B. No. 1819, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Menor.

Representative O'Kieffe rose to speak in strong support of the bill, stating:

"About a month ago, at McKinley High School, my wife asked me to come over early from our Big Island home and she wanted me to go to a meeting. She didn't tell me what the subject of the meeting was, but being a person who has helped me so much through the years, I could not turn her down. When we went into McKinley, there were about 400 people although the newspapers reported it like a campaign get-together at a thousand, and I sat there and I was to hear Marilyn Vanderveer, a former Miss America, who had been sexually abused from the time of age 4 to the time she was 18. About three quarters of the way through her talk, she asked: How many of you have the courage to get up and admit that you have been violated?

"Mr. Speaker, my wife was one of those who stood up, and we have been married thirty years and I did not know. I knew she took medication to sleep, I knew she could not sleep through the night ... I did not know.

"Mr. Speaker, this is a very controversial bill and understandably so. As Chairman Tom said during decision-making, one of the tragedies of this issue is that it splits professionals who work together, cohesively most of the time, into opposition with one another.

"Both those who are in favor of the bill and those who oppose it are trying their utmost to do what they think is in the best interest of the child victims of incest. They are all, regardless of which side they stand on this issue, honorable, caring and dedicated people.

"Many judges, prosecutors, psychologists and other professionals in the field of child abuse believe strongly that unless this bill passes the legislative process, children will suffer more than they already have at the hands of a system that has narrow boundaries. We have a chance to widen these boundaries for those special victims in order to help them heal and become functional adults.

"A basic and unarguable tenet of the law is that the law should protect the rights of the innocent.

"Visualize the eyes of a child in pain, frightened and bewildered. These children are not only victims, but they are our most innocent, vulnerable, and needy citizens. It is to them that we must be the most responsible.

"This bill is not perfect but neither is the law as it is now. We live in a world that is not perfect. If the world were perfect, we would not be here today being forced to think about the unthinkable, to imagine the unimaginable, to speak the unspeakable. And incest is all of those.

"The hardest thing for a child to live with is the knowledge that a parent, whose love he or she needs, above all else, is the source of so much pain.

"We must recognize that of all the problems that can haunt families -- alcohol abuse, infidelity, violence, abandonment -- nothing evokes as much shame, guilt and fear in family members, and as much disgust, rage and incomprehension in outsiders, as incest.

"Nothing puts a child at greater risk of becoming a dysfunctional adult than to be abused by one's own parent.

"Nothing deserves treatment more or has a greater downside risk -- if left untreated -- than incest.

"My wife gave me permission to quote out of her journal what she wrote after she testified in favor of this bill, and I quote:

'I left the hearing with so many mixed emotions. Surprisingly, for though the bill passed, as I had so hoped it would, none of my emotions were jubilant. I was just overwhelmingly saddened. I heard so much compelling testimony from both sides that I had to examine every fiber of my being as I walked home.

'During that walk, I examined what I had heard and my own memories and emotions. It was only then that I was able to reaffirm to myself that on my very deepest and most honest level, I believe as strongly as ever that this bill is not right but that for many, it may be essential.

'For many children, having this option may be the only way they will be able to heal.

'By the time I got home, I was in tears because I know that even now as an adult, even now after many years of the night terrors, the shame, the unreasonable fears, and the low self-esteem, I could not tell. I know that for many like me, denial was far safer.

'I know that I would never, never, then or now, have gone to court against my family. I know that doing so would devastate me beyond what I could endure. I, like so many other children who are given nothing but the choice of prosecution or silence, would have chosen and still choose the sanctuary of silence. If expedited sentencing had been available, I might have been able to get help and my family might have also received help.

'What Chairman Tom said at decision-making was the most meaningful speech I have heard at the Legislature. Not because of what he said but because he so obviously meant it. He said that he felt that, as legislators, it was incumbent on them to do what they were elected to do ... to make the hard decisions, seek change where change is needed, and to try new methods in order to improve the system.

'I'm glad I worked towards trying to change the system, and I hope children who cannot speak out in court will be helped by this bill.'

"Mr. Speaker, thanks to the leaders who have gone before us and who have had the courage to work towards change we now enjoy, and even take for granted, freedoms that would have been unheard of 25, 50, 100 years ago.

"These freedoms were hard won because people fought for them and because our leaders had the courage and the wisdom to work for them. Many of these changes did not come easily, but many of these changes are what we are most proud of in our country today.

"Senate Bill 1819 does not eliminate any of the laws that we have today. It does not prevent anyone from going through the court system in the traditional manner.

At this point, the Chair interrupted and advised Representative O'Kieffe that he had exceeded his ten minutes whereupon Representative Baker rose and yielded her ten minutes.

Representative O'Kieffe thanked Representative Baker and continued his remarks:

"But the laws that we have today are laws that were not written in the best interest of some of the fragile victims of incest.

"The laws we currently have are the equivalent of a one-legged man trying to cross a mountain stream. This law would be the equivalent of giving him another leg so that he could cross the stream.

"Most cases involving child sexual abuse are in the courts, not for days, not for months, but for years before any action is taken. This is devastating to children because during that time the child is left in limbo, often feeling responsible for the upheaval in the family and often being blamed by the family for creating problems.

"The laws we have now are often more protective of the perpetrator than of the victim, and often add abuse to the child victim himself or herself.

"Opponents of this bill argue that it is too lenient on the offenders. Mr. Speaker, it is not the intention of the proponents of the bill to protect the abusers. The intent is to protect the victims from a system that is often abusive.

"Unfortunately, the reality is that in order to get a conviction, it is the victim who must testify. Many of these victims are too young, too fragile, and too terrified to be able to survive in a courtroom, or the years it takes to get the case there.

"What this bill does do is absolve the victim. This bill puts all of the burden on the abuser, and protects the child.

"It is unarguable that getting a conviction in a child sexual abuse case is extremely difficult. Rarely are there witnesses and often a child is not believed even through numerous studies have shown that rarely do children make up stories about sexual abuse.

"If an accused perpetrator does not get a conviction, then he has a clean record as far as the courts are concerned, which means he has beaten the system. He can go out and abuse again and again because the court cannot say that he was being accused in the past of child sexual abuse, or use those accusations should he be

accused again. Mr. Speaker, this bill goes a long way towards keeping these things from happening.

"In Hawaii, 89 percent of child sexual abuse cases are plea bargained; two-thirds of convictions get only one year in jail; one-half of all 1991 cases are still pending. This is how poorly the system works now!

"By enacting this legislation, we will empower the system to treat each case with flexibility.

"No sexual abuse is acceptable. Incest should never, ever be a reason to be condoned.

"No victim is ever left unharmed.

"This bill was never intended to replace pre-existing law. It was never intended for all victims. Many will choose the traditional path of the justice system. Many children can survive that and many times that is warranted.

"But, please, help enable victims who need the advantages of this bill to have the benefits that it offers to them. Please, let us give the professionals and the victims, who believe in this bill, a chance to try it.

"This bill does not ask that you change the law -- it asks that you give a two year trial to an additional option.

"Please give it a chance to work and please give a child a chance to heal.

"Please vote for the children who are waiting for and need to have this opportunity.

"Thank you, Mr. Speaker."

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

"The previous speaker was certainly correct when he said this was a controversial measure.

"This bill is far from having a consensus. This bill does not have the support of the Department of Human Services who is charged with dealing with this problem. They voiced concern and asked that the Legislature consider waiting a year until more information could be sought and other measures could be evaluated. Groups like the Sex Abuse Treatment Center, the very professionals that are in the trenches dealing with this issue on a daily basis, are deeply divided on this issue. The prosecuting attorneys from across the State also are divided. The scientific literature is far from conclusive. Since the hearing, I've looked at some of the research and I'd be happy to share some of them with you, and it is far, far from conclusive.

"You know, Mr. Speaker, when we have a particularly controversial measure, we do studies. The LRB did a study, and they and many of the issues that's contained in this measure in 1988 and their conclusions are not in favor of the recommendations contained in this bill.

"Mr. Speaker, this is a very, very important issue. It is very controversial, and I urge every member in the next couple of days to take a long hard look at this bill, talk to those on both sides of the issue.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1819, SD 1, HD 1, entitled: "A BILL FOR AN ACT

RELATING TO SENTENCING," 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. 1175) recommending that S.B. No. 413, 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 S.B. No. 413, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII TO REQUIRE SENATE CONFIRMATION OF DISTRICT COURT JUDGES," 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. 1176) recommending that S.B. No. 492, 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 S.B. No. 492, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT JUDGES," 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. 1177) recommending that S.B. No. 1624, SD 1, 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 S.B. No. 1624, SD 1, 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. 1178) recommending that S.B. No. 1584, SD 1, 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 S.B. No. 1584, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEXATIOUS LITIGANTS," 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. 1179) recommending that S.B. No. 5, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1179 and S.B. No. 5, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 5, SD 1, HD 2, were made available to the members of the House at 8:00 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. 1180) recommending that S.B. No. 799, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1180 and S.B. No. 799, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 799, SD 2, 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. 1181) recommending that S.B. No. 1824, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1181 and S.B. No. 1824, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1824, SD 1, 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. 1182) recommending that S.B. No. 301, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1182 and S.B. No. 301, SD 1, HD 1, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 301, SD 1, HD 1, 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. 1183) recommending that S.B. No. 355, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1183 and S.B. No. 355, HD 1, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 355, HD 1, 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. 1184) recommending that S.B. No. 652, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1184 and S.B. No. 652, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 652, SD 2, 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. 1185) recommending that S.B. No. 1397, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1185 and S.B. No. 1397, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1397, SD 2, 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. 1186) recommending that S.B. No. 1647, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1186 and S.B. No. 1647, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of

the Constitution of the State of Hawaii, printed copies of S.B. No. 1647, SD 1, 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. 1187) recommending that S.B. No. 1752, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1187 and S.B. No. 1752, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1752, SD 2, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

At 9:36 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 9:38 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1188) recommending that S.B. No. 1724, SD 2, 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 S.B. No. 1724, SD 2, 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. 1189) recommending that S.B. No. 1028, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1189 and S.B. No. 1028, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1028, SD 2, 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. 1190) recommending that S.B. No. 1164, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1190 and S.B. No. 1164, SD 1, HD 1, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1164, SD 1, HD 1, 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. 1191) recommending that S.B. No. 1137, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1191 and S.B. No. 1137, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1137, SD 1, 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. 1192)

recommending that S.B. No. 266, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1192 and S.B. No. 266, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 266, SD 1, 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. 1193) recommending that S.B. No. 1027, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1193 and S.B. No. 1027, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1027, SD 2, 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. 1194) recommending that S.B. No. 1218, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1194 and S.B. No. 1218, SD 2, HD 1, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1218, SD 2, 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. 1195) recommending that S.B. No. 802, SD 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 S.B. No. 802, SD 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. 1196) recommending that S.B. No. 1381, SD 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 S.B. No. 1381, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESMEN," 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. 1197) recommending that S.B. No. 122, SD 1, 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 S.B. No. 122, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OSTEOPATHY," 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. 1198) recommending that S.B. No. 130, 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 S.B. No. 130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," 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. 1199) recommending that S.B. No. 1664, 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 S.B. No. 1664, 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. 1200) recommending that S.B. No. 1489, 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 S.B. No. 1489, 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. 1201) recommending that S.B. No. 191, SD 1, 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 S.B. No. 191, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER FIREFIGHTERS," 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. 1202) recommending that S.B. No. 125, SD 1, 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 S.B. No. 125, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL BOND AGENTS," 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. 1203) recommending that S.B. No. 124, SD 1, 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 S.B. No. 124, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Tom.

Representative Thielen rose to cast her no vote, stating:

"Earlier tonight, over a rather divided House, we passed a divorcement for health care. I think that was anti-consumer. This bill does the same thing except it deals with gasoline for your automobiles and I think that, basically, the bill is an anti-consumer bill. The studies have not shown that divorcement helps the consumer, and I would ask that the members take a hard look at this before it reaches Third Reading on Tuesday.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 124, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR FUEL," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Beirne, Chun, Hirono, Shon and Thielen voting no.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1204) recommending that S.B. No. 1665, SD 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 S.B. No. 1665, SD 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. 1205) recommending that S.B. No. 1708, SD 1, 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 S.B. No. 1708, SD 1, 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, with Representative Herkes voting no.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1206) recommending that S.B. No. 1316, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1206 and S.B. No. 1316, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1316, SD 1, 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. 1207) recommending that S.B. No. 495, SD 1, 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 S.B. No. 495, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Menor.

Representative Thielen rose to cast her no vote, stating:

"The purpose of this bill is to allow the court to grant probation to those convicted of a Class A felony drug

offense. This is hard core drugs, Mr. Speaker. We're talking about heroin and we're talking about a serious drug that can in effect create severe damage to people who are then buying that heroin from the drug dealer.

"I think that the bill is soft on crime. I really do not believe that this Legislature should set forth being soft on crime, and I am concerned when we put together a number of these measures that I look at as being driven by prison overpopulation. While the answer isn't to open up the doors of the prisons, the answer is to deal with the overpopulation by giving better education to our young people so they don't choose the life of crime, and by doing other things in the human service field so we don't force people into a life of crime.

"I am really concerned, Mr. Speaker, that our Legislature, this session, is going to start on this road of softness on crime. I think this measure is one of those and I'd ask you to give it very serious consideration before Third Reading."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 495, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen voting no.

Representative Takamine, for the Committee on Water and Land Use Planning, presented a report (Stand. Com. Rep. No. 1208) recommending that S.B. No. 1608, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1208 and S.B. No. 1608, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1608, SD 1, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

Representatives Takamine and Bainum, for the Committees on Water and Land Use Planning and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1209) recommending that S.B. No. 405, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Takamine moved that the joint report of the Committees be adopted and S.B. No. 405, SD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Bainum.

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

"Apparently in the committee hearing, there was a recommendation to eliminate reference that the measure was in response to a resolution adopted at the 1992 State Democratic Convention. Unfortunately, when the bill was finally passed out of the committee, that amendment was not made.

"We all are legislators here ... we're not party partisans, and we've eliminated all such references in all other measures. This one slipped through and in conversations with you, Mr. Speaker, you acknowledged that this would not go into the law. I would like at least our Journal to reflect that, unfortunately, this provision wasn't eliminated and it was the intention of the committee to eliminate it.

"Thank you, Mr. Speaker."

Representative Takamine then rose to speak in favor of the measure, stating:

"Mr. Speaker, I think the intent of the committee was to give credit where credit is due and we thought the positive vote of the previous speaker indicated concurrence.

"But being more serious, Mr. Speaker, and putting partisanship on the side, the previous speaker is correct ... the notation about the source of the legislation was inadvertently included. As we all are aware though, when the statutes are printed, those remarks will not be part of any legislative change and therefore will have no impact on the measure.

"With that said, I would urge my colleagues to vote in support of the bill.

"Thank you."

At 9:47 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 9:48 o'clock p.m.

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 405, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAY WATER," 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. 1210) recommending that S.B. No. 1488, SD 1, 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 S.B. No. 1488, SD 1, HD 1, 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.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1211) recommending that S.B. No. 154, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1211 and S.B. No. 154, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 154, SD 2, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

Representatives Tom and Bunda, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1212) recommending that S.B. No. 937, SD 1, 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 S.B. No. 937, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS FRAUD," 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. 1213)

recommending that S.B. No. 235, SD 1, 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 S.B. No. 235, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT REFORM," 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. 1214) recommending that S.B. No. 728, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1214 and S.B. No. 728, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 728, SD 1, 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. 1215) recommending that S.B. No. 1363, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1215 and S.B. No. 1363, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1363, SD 2, HD 2, were made available to the members of the House at 8:00 o'clock p.m.

At 9:49 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:25 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1216) recommending that S.B. No. 952, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1216 and S.B. No. 952, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 952, SD 2, 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. 1217) recommending that S.B. No. 1593, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1217 and S.B. No. 1593, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1593, SD 1, 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. 1218) recommending that S.B. No. 1604, SD 3, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1218 and S.B. No. 1604, SD 3, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1604, SD 3, 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. 1219) recommending that S.B. No. 1670, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1219 and S.B. No. 1670, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1670, SD 2, HD 2, 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. 1220) recommending that S.B. No. 1632, SD 1, 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 S.B. No. 1632, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION AND PRELICENSING REQUIREMENTS," 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. 1221) recommending that S.B. No. 1666, 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 S.B. No. 1666, 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 Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1222) recommending that S.B. No. 1564, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1222 and S.B. No. 1564, HD 1, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1564, HD 1, 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. 1223) recommending that S.B. No. 1874, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1223 and S.B. No. 1874, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1874, SD 2, 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. 1224) recommending that S.B. No. 1410, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1224 and S.B. No. 1410, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1410, SD 2, 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. 1225) recommending that S.B. No. 539, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1225 and S.B. No. 539, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 539, SD 2, 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. 1226) recommending that S.B. No. 1538, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1226 and S.B. No. 1538, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1538, SD 1, 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. 1227) recommending that S.B. No. 1715, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1227 and S.B. No. 1715, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1715, SD 2, 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. 1228) recommending that S.B. No. 1126, SD 2, 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 S.B. No. 1126, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," 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. 1229) recommending that S.B. No. 1672, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1229 and S.B. No. 1672, HD 1, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1672, HD 1, 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. 1230) recommending that S.B. No. 1680, SD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1230 and S.B. No. 1680, SD 2, HD 3, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1680, SD 2, HD 3, 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. 1231) recommending that S.B. No. 1063, SD 2, 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 S.B. No. 1063, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Kawakami.

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

"This is A Bill for an Act Relating to Community Development of the Hamakua region. Along with the Department of Business and Economic Development and Tourism, I also prefer the establishment of a separate rural development corporation instead of relying upon HCDA.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1063, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," 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. 1232) recommending that S.B. No. 871, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1232 and S.B. No. 871, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 871, SD 1, 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. 1233) recommending that S.B. No. 1361, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1233 and S.B. No. 1361, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1361, SD 1, 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. 1234) recommending that S.B. No. 789, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1234 and S.B. No. 789, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 789, SD 1, 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. 1235) recommending that S.B. No. 1744, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1235 and S.B. No. 1744, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1744, SD 1, 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. 1236) recommending that S.B. No. 1709, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1236 and S.B. No. 1709, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1709, SD 2, 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. 1237) recommending that S.B. No. 1905, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1237 and S.B. No. 1905, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1905, SD 1, 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. 1238) recommending that S.B. No. 1529, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1238 and S.B. No. 1529, SD 1, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1529, SD 1, 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. 1239) recommending that S.B. No. 1616, SD 2, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1240) recommending that S.B. No. 1863, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1240 and S.B. No. 1863, SD 2, HD 2, was deferred and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1863, SD 2, 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. 1241) recommending that S.B. No. 831 pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1242) recommending that S.B. No. 476, SD 2, pass Third Reading.

By unanimous consent, action was deferred one day.

ANNOUNCEMENTS

Representative Baker: "Just a reminder to all the Majority members that we will have a caucus on Monday at 10:00 a.m. in Room 1111."

Representative Thielen: "Just a reminder to all the Minority members that we will be having a caucus at 9:00 a.m. on Monday on the 12th floor."

ADJOURNMENT

At 10:30 o'clock p.m., on motion by Representative Ihara, seconded by Representative Thielen and carried, the House of Representatives adjourned until 10:00 o'clock a.m. on Tuesday, April 13, 1993.

FORTY-SIXTH DAY

Tuesday, April 13, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 10:12 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Pastor Bob Coggins of the Diamond Head Seventh-day Adventist 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 Forty-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 Forty-Fifth Day was approved.

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 203) was read by the Clerk and was placed on file:

Gov. Msg. No. 203, informing the House that he signed the following bills into law on April 7, 1993:

Senate Bill No. 1420 as Act 3, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE PAYMENT PROGRAMS," and

Senate Bill No. 1713 as Act 4, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR OPERATING EXPENSES FOR THE STATE MEDICAL ASSISTANCE PROGRAM"

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

Representative Bainum introduced Mr. Jim Teasdale, Chairman of the News Print Division of American Forest and Paper Association.

Representative Amaral introduced a group of people in the audience who were here "in silent opposition to Senate Bill 1819."

At 10:17 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:41 o'clock a.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

The following concurrent resolution (H.C.R. No. 146) was re-referred as follows:

<u>H.C.R. No.</u>	<u>Re-referred to:</u>
146	Committee on Finance

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. 1103 on S.B. No. 530, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 530, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1104 on S.B. No. 1770, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1770, HD 2, 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 S.B. Nos. 530 and 1770 had passed Third Reading at 10:42 o'clock a.m.

Stand. Com. Rep. No. 1105 on S.B. No. 3, SD 1, HD 2:

Representative Taniguchi moved that the report of the Committee be adopted and S.B. No. 3, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Takumi.

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

"Mr. Speaker, I ask: Where is our backbone? What's happened to legislative leadership?"

"House Draft 2 successfully continues this stagnant status quo. From drafting a State Plan that mandates economic diversification, House Draft 2 merely suggests that we can consider diversifying. The last fifty years of control -- single party control -- have been spent simply pondering the prospect of diversification. Take a look around this State. We still, as we were fifty years ago, are held hostage by tourism and the military. And yes, Hawaii has earned its reputation as a bad place to do business. In the fading days of the Waihee/Cayetano administration, we see where the inaction to diversify has led us, wishing for a policy that would secure our future, our employment, our resource needs, and hoping a dragster race car will convince more tourists to visit our State and mend our faltering economy.

"This bill frankly is an embarrassment to those of us who want to plan for the future. What we need is leadership. Perhaps in 1994, the renovated Capitol building will inspire renovated policy that had been absent in the Waihee/Cayetano administration. . .

At this point, the Chair interrupted and asked Representative Thielen to "please stick to the merits of the bill."

Representative Thielen continued:

"I will, Mr. Speaker.

"Maybe it's too much to ask for anything more than just a stagnant request as in this bill to once again think about diversifying our State economy.

"Mr. Speaker, I believe that we will have to wait for a real leader as she leads from the top floor in 1994. . .

The Chair interrupted and stated:

"Again, Representative Thielen, will you please stay away from those kinds of areas. In the future, I would want you to stick to the merits or demerits of the bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 3 had passed Third Reading at 10:45 o'clock a.m.

Stand. Com. Rep. No. 1111 on S.B. No. 993, SD 1, HD 2:

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and S.B. No. 993, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FISHERIES," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 993 had passed Third Reading at 10:46 o'clock a.m.

Stand. Com. Rep. No. 1135 on S.B. No. 448, SD 1, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 448, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE NO HOPE IN DOPE PROGRAM," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Alcon and Amaral voting no.

Stand. Com. Rep. No. 1136 on S.B. No. 363, SD 1, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 363, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU FOR THE NO HOPE IN DOPE PROGRAM," 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. 1155 on S.B. No. 1810, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1810, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1156 on S.B. No. 1751, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1751, SD 2, 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. 1157 on S.B. No. 1300, SD 2, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1300, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DEVELOP AN ALIEN SPECIES ACTION PLAN," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1158 on S.B. No. 1643, SD 2, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1643, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CARE," 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. 1159 on S.B. No. 603, SD 2, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 603, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

"This bill lays the initial groundwork for creating a Department of Environmental Protection. We're only one of eight states in the nation, Mr. Speaker, without such a department. I know that you've asked me not to point fingers but yet, in this instance, I must say ... where has the administration's commitment to the environment been during these last six years?

"As I see us with a population and an industry so dependent on the well-being of our environment, it's grossly apparent that the creation of this department is long overdue. Knowing the urgency, Mr. Speaker, of the creation of this department, I am disappointed that we, as the Legislature, have again postponed its inception from 1994 to 1996 -- no reports from LRB, no final governmental planning are required until 1996. That's almost to the year 2000! I mean that doesn't show us as pointing the correct message to the population who says that the environment is of their primary concern. We haven't shown our leadership and the administration has not shown its leadership. Frankly, Mr. Speaker, the message we send to the people of Hawaii is that the environment is not a priority in this State.

"I would like to reference from the Governor's 1992 environmental message, and I quote: 'Make no mistake, habitats on land and sea must be protected and will be protected by this administration.'

"Unfortunately, that rhetoric did not translate into leadership and its commitment did not even extend into the creation of a Department of Environmental Protection and, Mr. Speaker, I again say, we need to change the top floor in 1994."

The Chair then said:

"Representative, I'm going to be calling you out of order if you continue to persist in that. I would again want you to speak on the merits or demerits of the bill. If you're speaking in favor of the bill, I wish you would speak for the bill and if against, against the bill."

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

"I rise to speak about the Big 8 and that is, the Big 8, including Hawaii, is one of those few states -- eight in the nation -- that don't have a Department of the Environment, and it's 1993. Currently, the State does have four water quality branches that operate with only 85 employees and have been critically understaffed and runs at about 65 percent of the speed.

"The Department's lack of life is a victim to the system, and now monitor what I'm saying, Mr. Speaker. We have been planning this department for years and we've been postponing it for as many years. Is this analysis/paralysis, or is this a lack of political will? What we need is leadership and action, not bureaucracy and rhetoric. Let's move forward with this department and the plans that we've already laid in. Now we're relaying them again with this bill.

"The people of this State and the environment will not wait, and again, Mr. Speaker, that's why people are talking about a new name on the door, and that's in 1994, and let's get on with the environment.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 603, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 448, 363, 1810, 1751, 1300, 1643 and 603 had passed Third Reading at 10:51 o'clock a.m.

At 10:52 o'clock a.m., Representative M. Ige asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:55 o'clock a.m.

Stand. Com. Rep. No. 1160 on S.B. No. 503, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 503, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative O'Kieffe rose to speak in favor of the bill, with guarded reservations, stating:

"This bill addresses the lack of accountability on the part of the Department of Health towards its mental health programs. We, as legislators, need to know what is being done with that money that has been appropriated into our massive collection of programs funded by our taxpayers.

"The State of Hawaii offers a variety of mental health programs to us, but while we continue to be confronted with requests after requests for more programs, we question the staggering amount of money poured into these old programs. This is not to say that such programs are not needed, or that the money appropriated

is going to waste. As legislators, we are the ones held responsible for the funds we appropriate. On the other hand, the Department of Health must be held accountable to the Legislature which funds its programs. We are also responsible for prioritizing and for reallocating funds.

"I hear all too often how the State of Hawaii considers itself the 'Health State.' I think this is a backhanded compliment. Mental health is one area in which the 'Health State' is not too healthy. Hawaii ranks at the bottom in its mental health programs, but yet we continue to tout ourselves as the 'Health State.' It is shocking to think that we, as legislators, speak of providing the best health care available, but yet we fail to address the problems which keep us at the bottom of the list in health care. We seem to prioritize funds for these mental health programs every session, and yet every year, we hear the Department of Health's same song and we watch the same Department of Health dance ... I don't have this answer, I don't have that answer; I'll get back to you on this. I'll get back to you on that.

"The people who end up suffering from this lack of direction on the part of the Department of Health are the people of Hawaii who receive these services as well as the taxpayers who supply the funds that are poured into this black hole called 'mental health.' There needs to be a new focus on mental health, both child and adult mental health. The problems of the past cannot be attributed to a lack of finances but can be attributed to the walking-in-place bureaucracy that the Department of Health has become. The State of Hawaii is footing the whole bill for mental health because of the fact that the Department of Health does not go after the federal funding set aside for mental health programs. It is alarming to think that states that do not have the same mental health programs for which Hawaii can lay claim receive more in federal funding per capita. Hawaii is at the bottom ten states in receiving federal matching funds for mental health.

"The Legislature has been kept in the dark long enough in this area. We need to make the Department of Health accountable for the comprehensive plan that we need for mental health in the future. We need to especially address the children who need the legislation and take a stand in this area. The adults of tomorrow cannot wait until the end of today.

"Thank you, Mr. Speaker."

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

"The purpose, as we know, is to appropriate funds for the development and long-range planning of a comprehensive community-based mental health system in Hawaii.

"As a member of a family who has dealt with and cared for a mentally ill loved one for many years, I acknowledge the leadership shown by the Health Committee in this area and the Finance Committee. It's very important that we revolutionize the health care system, and this bill would go a long way in developing the kinds of plans that would be necessary to do that.

"Thank you very much."

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

"I would like to make a clarification to the members of the House that this bill does not call for any appropriation or funding. What it does is that it requires the Department of Health to submit to us an updated projection of their financial resources and staffing

necessary to implement the State's comprehensive mental health services. And until then, we will not be able to know what they would need, how much do we need to fund them, so just a clarification, Mr. Speaker, that this bill does not call for any funding.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 503, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1161 on S.B. No. 1354, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1354, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1162 on S.B. No. 1851, SD 1, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1851, SD 1, 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. 1163 on S.B. No. 1652, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1652, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1164 on S.B. No. 250, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 250, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF THE PACIFIC MAPPING CENTER," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1165 on S.B. No. 467, SD 2, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 467, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative O'Kieffe rose to speak in favor of the bill, stating:

"I agree with the intent of this bill because it would eliminate a great deal of red tape and paper work for schools by exempting them from the quarterly allotment process and from annual lapsing requirements.

"However, providing flexibility for schools by allowing the Department of Education to carry over unexpended funds means virtually nothing without the structure of

lump-sum budgeting which is notably absent from the House budget. Without lump-sum budgeting, the notion of fiscal flexibility is without merit. However, even if lump-sum budgeting does get inserted into the final budget, is allowing the Department of Education to carry over unexpended funds good financial policy?

"This bill would exempt the Department of Education from the control that the Governor may exercise in releasing money throughout the year, a decision based on realistic cash flow.

"Until this body decides who's ultimately responsible for education -- the Governor, the Board of Education, the Department of Education -- this bill is premature.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 467, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION FINANCING," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 503, 1354, 1851, 1652, 250 and 467 had passed Third Reading at 11:03 o'clock a.m.

Stand. Com. Rep. No. 1166 on S.B. No. 1148, SD 1, HD 2:

Representative Bunda moved that the report of the Committee be adopted and S.B. No. 1148, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Ishii-Morikami.

At 11:04 o'clock a.m., Representative Baker asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:05 o'clock a.m., the motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1148, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1148 had passed Third Reading at 11:06 o'clock a.m.

Stand. Com. Rep. No. 1179 on S.B. No. 5, SD 1, HD 2:

Representative Oshiro moved that the report of the Committee be adopted and S.B. No. 5, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Nakasone.

Representative Thielen rose and stated:

"I will be voting in favor of this measure but I will be voting in favor with the understanding that this bill does not in any way facilitate rapid transit.

"That is all that I wanted to state, Mr. Speaker, and I assume, unless the Chair has any other understanding, that the bill does not facilitate rapid transit in any way.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 5, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 5 had passed Third Reading at 11:07 o'clock a.m.

Stand. Com. Rep. No. 1180 on S.B. No. 799, SD 2, HD 2:

Representative Bunda moved that the joint report of the Committees be adopted and S.B. No. 799, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Tom.

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 Senate Bill 799, SD 2, HD 2.

"The purpose of this bill is to set up a program for chemically dependent nurses so that they do not face dismissal in the case of a possible drug problem and are allowed to get the help they need. I realize the vital role that nurses play in the health care field, as well as the pressures that they are under. Therefore I wholeheartedly support any program to help nurses that succumb to the pressures of their profession.

"However, I do question the clause in the bill that will allow for unregistered nurses to be eligible for this program. It is my understanding that to be a nurse, you have to be licensed and registered, so this clause would allow too much latitude on who qualifies under this program. I do not think this bill was also intended to provide a drug program for ex-nurses. I believe it was intended to cover all nurses who are currently registered.

"Thank you."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 799, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A PEER ASSISTANCE PROGRAM FOR CHEMICALLY DEPENDENT NURSES," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 799 had passed Third Reading at 11:08 o'clock a.m.

Stand. Com. Rep. No. 1181 on S.B. No. 1824, SD 1, HD 2:

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and S.B. No. 1824, SD 1, HD 2, 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 S.B. No. 1824 had passed Third Reading at 11:09 o'clock a.m.

Stand. Com. Rep. No. 1182 on S.B. No. 301, SD 1, HD 1:

Representative Say moved that the report of the Committee be adopted and S.B. No. 301, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

"Mr. Speaker, farmers and residents of Waiahole Valley Agricultural Park consider the farmers and residents occupying DLNR parcels abutting the Park, part of their community. Therefore, they see that a single State agency, namely Housing Finance Development Corporation, manage the agricultural park as well as those parcels presently under the jurisdiction of DLNR.

"In its capacity as managing agency, HFDC has performed planning and made significant infrastructure improvements, not only to its agricultural park, but also to these DLNR parcels. Wouldn't it make sense that since these adjoining parcels were included in these early activities, the farmers and residents of these parcels should be treated exactly the same as those people who have leases with HFDC? The Waiahole Valley community seems to think so. They know that this will allow for efficient planning and management, as well as uniformity and lease terms, and future agricultural and residential subdivision matters.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 301, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIAHOLE VALLEY," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1183 on S.B. No. 355, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 355, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1184 on S.B. No. 652, SD 2, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 652, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative M. Ige rose to speak in favor of the bill, stating:

"Mr. Speaker, the LISA research project is something very dear to our hearts, especially for those who sat in the Legislature last year, because Chairman Honda, I guess, had the vision of one day being pesticide-free and preserving our environment.

"Unfortunately, these projects take commitment and it takes dedication, and when you see the one dollar, you don't feel too good about our commitment. But for now, I think it's important that this particular measure goes into further discussions with the Senate, and I am hopeful that more money could be appropriated.

"Mr. Speaker, I believe that this project is so valuable because there is a commitment to our environment. It is not the rhetoric and it's not the finger-pointing, but it's what we actually do here that I think truly measure who we are, and this is one of those projects. It works with twenty farmers, working on a pilot basis, in hopes of delivering an environment that's cleaner, that's much more healthy, but also providing products that are pesticide-free, herbicide-free. I think that's a wonderful objective, and I think to be pesticide-free by the year 2000 may be a lofty goal, granted, but it's a goal nevertheless that we all must strive toward, especially in agriculture,

and if we can provide our products to our people -- quality products that's grown right here in this State -- to be pesticide-free and herbicide-free, I believe we've done our job in this area.

"But, Mr. Speaker, this is just the warning that you will see a barrage of bills relating to the environment, relating to alien pests, that we will be supporting this year and they will not just come in bills, but they also come in resolutions, so it's a warning and, hopefully, a message to the Finance Committee to please continue supporting this measure because we are deeply concerned about our environment.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 652, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LOW-INPUT SUSTAINABLE AGRICULTURE (LISA) RESEARCH, EDUCATION, AND DEMONSTRATION PROJECTS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1185 on S.B. No. 1397, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1397, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAIL AND ACCESS SYSTEM," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1186 on S.B. No. 1647, SD 1, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1647, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

"Mr. Speaker, our Mason's legislative manual states that it is in order in debate to refer to the Executive Branch with either approval or criticism when such references are relevant to the subject under discussion. I believe that those references are relevant to this bill.

"This bill will create an appointed Chief Elections Officer. While the Chief Elections Officer is prohibited from publicly supporting or opposing any candidate for office, there's no prohibition against publicly supporting or opposing any valid initiative. I think that's a defect in the bill and as it moves forward to Conference Committee, I would hope that that measure would be added.

"I should acknowledge too, Mr. Speaker, and I believe that you will recognize this more than I because you have been with this body for a longer period of time. I am extremely grateful that this measure has made it this far in the process because your loyal opposition has been pushing for this type of legislation for a long time.

"The Chief Elections Officer's voter registration record has been anything but inspiring, Mr. Speaker. In seven years, under this Chief Elections Officer's purview, voter registration has increased by less than 45,000 persons to only about 465,000 total. That leaves the total number of registered voters in Hawaii at little better than half of the approximate 719,000 eligible voters in this State. For democracy to thrive in Hawaii, we must do better than

that. And, Mr. Speaker, a non-partisan Chief Elections Officer is a step in the right direction.

"Thank you."

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

"This is not only a good bill, it is an excellent bill. This bill, once and for all, puts in arms-length distance professionalism, trust and objectivity back into the electoral process in this State. No longer will the Pagan American Party which they say in Kuala Lumpur, no longer will the Lieutenant Governor be subject of being the fox watching over the chicken coop.

"I want to thank the Lieutenant Governor for his personal testimony, his personal strength and, quite frankly, without his personal courage in this bill, it would have not been as progressive and as far-reaching and here today as it is now.

"I would also thank a number of people who fought for this who happen to be Republicans, Mr. Speaker, who for at least the last twenty years were calling for an investigation into the appearance of a conflict of interest in the service of the Lieutenant Governor being also the State's Election Officer. However, that era ends today, and I want to thank all of you who see it fit that the electoral process will now be beyond reproach if this bill proceeds.

"This bill marks the beginning of a new day. It restores the integrity of not only the person who is going to sit in that office, but the dignity of the office so the elections that all of us in this room go through will be without taint.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1647, SD 1, 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 S.B. Nos. 301, 355, 652, 1397 and 1647 had passed Third Reading at 11:18 o'clock a.m.

Stand. Com. Rep. No. 1187 on S.B. No. 1752, SD 2, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1752, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

"This is the Correction's Population Management Commission. The concern I have is that there are two conflicting priorities, and it appears that prison overcrowding is the driving force behind this legislation and other legislation that will be before us today.

"On page 3 of the bill, we establish a commission for each correctional facility, and they are going to determine the population limits for those correctional facilities. They are going to adopt guidelines which are not going to be subject to the requirements of Chapter 91 which is the part that would provide notice and a comment period for the public on those guidelines. The guidelines shall ensure the safety of the public but without any input from the public itself.

"So the mandate to the Population Management Commission is ... control the population -- that's your first priority. I think our first priority, Mr. Speaker, should be public safety and that we, as legislators, should deal with that issue face on rather than trying to establish a commission to deal with the issue by allowing for early release of criminals.

"Thank you, Mr. Speaker."

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

"I really do applaud the efforts of the Corrections Committee to try and address the issues of prison overcrowding because it is a very important issue. However, having worked with the issue closely over the past few years, I think many of us know we've done some things in the past to sort of Band-Aid the solution.

"I think you remember, Mr. Speaker, we hired a special master about three years ago to look at some of the problems we have with our correctional system. He came up with many recommendations which were not implemented. We also tried to create, or we did create a Department of Public Safety, I guess, as a way of creating a priority for the problem of overcrowding, and we also hired a new director, and I think he is doing a good job considering the resources he has to work with. In addition to that, we have many recommendations from the Consent Decree Panel which reviews the consent decree requirements, and they've come up with many recommendations that we haven't really implemented. And to add to that, we've had many studies from the Auditor to the LRB, and people from the mainland coming in to evaluate our system.

"So I guess my opposition is that we are going to create another body. We are going to be spending money to again come up with more recommendations when I think we do know what the problems are and how to fix the problem, and basically, a matter of resources and where we put our resources. While public safety is a primary concern, we ought to recognize that it will cost a lot of money to incarcerate individuals -- anywhere from \$40,000 to \$70,000 per inmate. That's a lot of precious resources that we could be using for other things.

"So we need to look at alternatives, including intensive supervision and electronic monitoring, and we need to re-evaluate our policies of mandatory sentencing and how we deal with the pretrial population. We definitely need to look at how we are going to rehabilitate, and how we transition the inmates back into the community because we do have a high incidence of recidivism and reoffending where people are returning again and again.

"Just to make a point, a judge is considering sending a woman inmate to the mainland for a special program so she can stay with her child, and I would propose to you, Mr. Speaker and other members, that the money that's being allocated in this bill could very well provide for programs for women inmates in a secure residential setting for five women who can provide child care for their children.

"So, I think again, we know what the solutions are and we need to start putting resources towards those solutions.

"Thank you, Mr. Speaker."

At 11:31 o'clock a.m., Representative Stegmaier asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:32 o'clock a.m.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1752, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Amaral and Arakaki voting no.

Stand. Com. Rep. No. 1189 on S.B. No. 1028, SD 2, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1028, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Ward rose to speak in favor of the bill "with reservations on a single matter," stating:

"Firstly, we all realize that sovereignty is an exciting and a rightful and a desirable movement in entity and reality in the Hawaiian community.

"Secondly, Mr. Speaker, it's breaking out all over the world. There's a sovereignty renaissance, if you will, as we look at the new Soviet Union, we look at Eastern Europe, we see what new formations are even in Indochina and parts of the Pacific. And I have personally watched for the last ten years the new emerging nation in South Africa where I've watched Chief Buthelezi of the Ang Kha Tha Party vying with Mandela in the ANC in the emerging sovereignty in that nation.

"But in all cases, sovereignty implies posing, posturing, juxtapositioning various philosophies and rhetoric, and one of the things that I've seen that I want to speak about is that of the many Hawaiian groups who are posturing, and some are advancing the extreme of cessation from the United States. And, Mr. Speaker, that's where my reservation is, and that's why I speak of how, if this implies that cessation is a viable option, I'm not sure that's the Hawaiian sovereignty that this bill intends.

"Mr. Speaker, we know that the Civil War of 1865 settled the issue of cessation and that was forever and ever and while it may be politically incorrect to even stand up and speak about it, as I am now, to remain silent on this issue I think is to do a disservice to the Hawaiian community and a disservice to the United States.

"Mr. Speaker, this body nor the subject matter committee has ever said that cessation from the United States is not an option. I think this needs to be said so no misunderstandings will result, nor civil strife be implied, nor bad will result, like ... I told you so, or we didn't mean that. I think we're setting up some people in the Hawaiian community for that kind of a fall, and I won't even mention the land issue of which we've been silent. But I would hate to see civil strife come because ... well, we did really talk about it, but we wanted to be politically correct and not courageous to say no to cessation. Sovereignty should proceed. It should be a powerful, sure and complete entity in the Hawaiian community, but we should have the courage to say no to cessation before this misunderstanding.

"Thank you, Mr. Speaker."

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

"I believe that we who live in Hawaii should be sensitive to the many nuances in our multi-cultural, multi-ethnic society, and that sensitivity includes the discussion of the question of Hawaiian sovereignty. I do not have one clear answer nor do all the various groups have one clear answer. The bill will further the dialogue and discussion of this very, very sensitive issue.

"I think it behooves all of us to pay special attention to our history, to the history that is marked, not only with achievements, but also with tragedies and sorrow. In this respect, I would simply like to commend my fellow members to read Bob Krauss's article on the evolving Hawaiian culture which appeared in **The Advertiser** on page 3 last week, and also to John Griffins' very interesting article on page 4 of the Focus section last Sunday. These two articles by people who came from the mainland show a particular sensitivity to what is happening and what will happen in our fair State.

"With those few words, I commend my members in supporting this measure.

"Thank you, Mr. Speaker."

Representative Amaral then rose and stated:

"Mr. Speaker, I rise again in opposition to this bill although it is an improvement over the House version which I also opposed.

"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 this Legislature fund public education programs on the subject of sovereignty. To that end, of course, I support any bill that would fund such programs.

"I insist, however, as I have in the past, that a Hawaiian nation is not meant to be another ahahui, it is not meant to be another club or association. It is meant to be a nation -- a nation dealing with other nations at a national level and not with the state government, and we should get used to that idea and we should make the distinction clear.

"In my opinion, it is the Legislature's role to educate the people on the perspectives of sovereignty, to help people to become better informed. Other than that, we should restrain ourselves, and let Hawaiians exercise their right to true self-determination by making their own decision as to who, and when, and how the nation will become a reality, or 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 believe that this bill, though well intentioned, reduces that privilege and attempts to control that process. And because of that, Mr. Speaker and my dear colleagues, I vote no on this measure.

"Thank you."

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

"The Hawaiian people need to start somewhere. Right now they have many, many different models on the table and it is very, very hard to try and take every single one of them.

"I think that this body does support the education process of the term itself. I think that my colleagues working on this committee have worked long and hard to

study the issue. We hope that we do not leave anything out and I think that, at this time, we need to really look at it. This is an opening for us to really get into the issue, really learning about it, and I'm in full support of it.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1028, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Amaral and Tam voting no.

Stand. Com. Rep. No. 1190 on S.B. No. 1164, SD 1, HD 1:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1164, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Tam rose to speak against the bill, stating:

"This bill allows the Board of Trustees of the Public Employees Health Fund to appoint, by majority vote, a civil service exempt administrator, by amending Chapter 87-28 of the HRS.

"This bill is a special interest bill. There is no public interest need to exempt the existing administrator position from the civil service laws of Chapters 76 and 77, respectively, which involves hiring qualification procedures and compensation schedule laws. This position is filled with the current administrator. The administrator came to the public hearing in the Finance Committee and admitted that the reason for this bill was for him to get a raise -- a raise -- without going through the usual civil service process of the Salary Review Commission of the State of Hawaii. In other words, the administrator wanted us to be unfair to the thousands of civil service employees by giving the administrator a raise at a time when Governor Waihee himself stated that it is doubtful that, in a year of collective bargaining, civil service employees will receive a raise due to our State's poor financial condition.

"This bill reminds me of the Ken Kiyabu pay raise bill a few years ago. A special interest bill was introduced for former representative and former administrator, Ken Kiyabu, who was with the Aloha Stadium and a cabinet member of Governor Waihee's administration. That bill was only for Ken Kiyabu and not for other cabinet members. Fortunately, that bill died.

"If this bill passes today, on behalf of the thousands of civil service employees, I ask Governor Waihee to please veto this bill.

"This bill is unfair and unjust. The morale of civil service employees will decline even more than it is today if this bill becomes law.

"Thank you, Mr. Speaker."

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

"The civil service system, Mr. Speaker, was set up to ensure a fair, stable system of public employment -- free of political pressure, free of preferential treatment -- offering opportunities for advancement based on seniority

and merit. It was not set up to favor particular individuals.

"There is a particular individual whose interest in this bill in excluding the position from civil service is clear. It is not reasonable to exclude one position where there have been two incumbents since 1970. That clearly is a stable employment picture.

"This is not a very dramatic bill, Mr. Speaker, but it is a bill which I would ask my colleagues to consider voting against.

"Thank you."

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

"Mr. Speaker, the issue is very clear. No one person can serve two administrators or two supervisors. In this particular situation, we have an administrator who is, through the organizational structure, accountable to a Budget and Finance Director and on to the Governor and yet, at the same time, he is accountable and should be accountable to the Board of Trustees in which their responsibilities are to account for and be accountable for the millions of dollars that we put into the Public Employees Health Fund. So, it is very simple. He serves at the pleasure of the Board, he is given some accountability to somebody; there is also an accountability very clear to the employees and to the employee board.

"This is, in effect, taking the political process out of this situation and bringing some accountability to the Board of Trustees of the Public Employees Health Fund.

"That Health Fund has been under scrutiny now. It should be further scrutinized and investigated, and I think this is one significant step in making someone accountable for the Health Fund.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1164, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Amaral, Beirne, Hagino, Lee, Pepper, Shon and Tam voting no.

Stand. Com. Rep. No. 1191 on S.B. No. 1137, SD 1, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1137, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Amaral rose to speak against the bill, stating:

"To their good credit, in House Draft 1, the Higher Education and Hawaiian Affairs Committees both required that the University of Hawaii provide 500 tuition waivers to Hawaiian students, with priority given to those enrolled in Hawaiian language courses or programs, or pursuing degrees in education. Furthermore, it allowed the Board of Regents to waive or reduce tuition fees for Hawaiians as requested, as long as they meet the minimum academic requirements. And finally, as long as the student continued to meet minimum academic requirements, the tuition waiver continued, not to exceed eight semesters for undergraduate work, and eight semesters for graduate work.

"The House Draft 1 was adopted after the joint Committees heard compelling testimonies in support of this version from the University Vice President of Student Affairs, the Director of Operation Manong, the Associated Students of the University, the Academic Scholar Association, and a number of Hawaiian students currently receiving University tuition waivers and/or other forms of financial aid. These were both graduate and undergraduate students from a variety of disciplines -- chemistry, medicine, marketing, education, public health and others.

"Mr. Speaker, I wish to provide some information regarding the amount of ceded land that the University of Hawaii uses, free of charge, and offer some insight as to the current conservatively appraised value of these lands, and then perhaps my colleagues will understand my dismay that the Finance Committee would take a machete to House Draft 1, and in House Draft 2, reduce the number of tuition waivers from 500 to 10 -- from 500 to 10 -- and on top of that, insert language that prevents the Board of Regents from providing additional waivers.

"Let me do a quick take on history. The Admissions Act of the State of Hawaii provides that revenue and proceeds from land conveyed to the State by the United States government shall be held as a public trust and used for five basic purposes: (1) the public schools and other public educational institutions; (2) the betterment of conditions of native Hawaiians as defined by the Hawaiian Homes Act; (3) the development of farm ownership; (4) the development of home ownership; and (5) land for public purpose.

"The public land trust is also known as the ceded land trust, and until the Constitutional Convention of 1978, revenues and proceeds from the public land trust were almost without exception used for public education. Many of you sitting here today were courageous and visionary delegates in that Con-Con, and I'm here to remind you that you dared to create the Office of Hawaiian Affairs, you dared to say that native Hawaiian people should be treated fairly, you dared to recognize Hawaiians as a special class of people, and imperfect though it may be in its operation, you created a vehicle to provide for the betterment of the conditions of Hawaiians through the formation of the Office of Hawaiian Affairs.

"An article in the October 1992 Ka Wai Ola O Oha quotes inventory information provided by the Procurement and Property Management Office of the University of Hawaii. It states that the amount of land under the jurisdiction of the University of Hawaii totals 1,879.4 acres. It states also that the standard commercial appraisal formula values the land, conservatively speaking, at \$534,284,216.

"At an annual lease rent of four percent, the return would be over twenty-one million dollars. Twenty percent of that amount paid to OHA would be more than four million dollars a year. Hawaiians have not asked for that money. They are not objecting to subsidizing higher education. They fully recognize that asking the University to pay four million dollars annually would create havoc in the University system. All they were asking for were tuition waivers that they are already subsidizing.

"On February 10th, the House Committees on Higher Education and Hawaiian Affairs held a hearing on House Bill 1956, relating to tuition waivers for Hawaiian students to attend the University of Hawaii. The Vice President for Student Affairs testified in support of the bill and offered an amendment deleting a section of the bill that provided funding saying, '...because tuition waivers

exempt students from the payment of tuition, no appropriation of funds is necessary.' The Committees agreed, deleting the sections relative to funds, and the Hawaiian Civic Clubs, also testifying that day, made a commitment to handle student recruitment to use the waivers.

"Is it not too much to ask, Mr. Speaker, considering almost all of the acreage valued at over five hundred million dollars now in use by the University, that students of Hawaiian ancestry be allotted 500 tuition waivers. Because this House Draft makes a mockery of the original intention of 500 by offering 10, I will be voting no on this measure.

"Thank you."

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

"The previous speaker, the distinguished Representative from Makakilo, has explained very succinctly the issue involved in ceded lands. All of us, I believe, are sensitive to the issues involved in ceded lands.

"The tuition waiver bill before us, however, was not predicated upon a trade-off between the use of ceded lands and tuition waivers. The thrust of the tuition waivers was to increase the enrollment of Hawaiian students in the University of Hawaii system. There was a good review of the progress made and the progress included excellent and overrepresentation, if we can ever use that word, at Hilo, but an underrepresentation at Manoa. There was discussion as to whether this was a barrier to the enrollment of students in the University system. There was also discussion as to whether it was the only message that we could get an increase in the enrollment of Hawaiian students.

"The point that I am trying to make here is that we are indeed very much committed to increasing the number of students at the University of Hawaii-Manoa and other campuses from those groups which now are not as well represented as the traditional ones are. There was, interestingly enough, no discussion of the question of ceded lands which belongs in another forum and which I support wholeheartedly.

"I think we are now only arguing about the numbers, and you can be sure that much as we would like to have as many as five hundred, we need to look at the entire question as to how we can achieve tuition waivers. I do not recall at this moment the exact number of tuition waivers, but I understand it might be as high as two thousand which is extraordinary.

"The other extraordinary facet of our post-secondary education is its incredible affordability. I think we have probably the cheapest tuition for a state university -- a land grant University -- among all the different states in the union. In other words, we are committed to making higher education affordable but, at the same time, we have not kept pace with the increasing expenses nor the inflationary aspects of our economy. There must be some commensurate commitment on the part of the administration in looking at tuitions as more than just a payment for attending school, but also as a means of helping to redress what they perceive to be a diminishing resource in today's world.

"I would just like to simply close that we have two bills before us ... one which is dedicated to students of Hawaiian ancestry, and another one dedicated to all students of those groups which are not as well represented. We hope we will be able to craft an acceptable compromise in the Conference Committee, and

I would like to commend everyone to understand that this bill is dedicated to removing of what is perceived as a barrier to higher education.

"Thank you, Mr. Speaker."

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

"I think it's time to call a spade a spade. This is a tightwad tuition bill -- it's nothing more than that. I don't think it can be explained by anybody.

"As we look around us, we see Hawaiians are short in the House of Representatives. As we look around, we see they are short in the legal profession. As we look around, we see that even though they are up to twenty percent of the community, there are less than five percent of the businesses. As we look around, we see fewer teachers, we see fewer doctors, we see fewer dentists. Why is this? Because the root to success in America is through education. The way of climbing the ladder is to get educated and we need to remove, Mr. Speaker, all the barriers to education, and especially in the Hawaiian community.

"This bill cuts tuition, as my colleagues have said, from five hundred down to ten. What a ratio that is!

"This bill is well intended by our otherwise very astute Finance Committee. However, it misses the nature of the University setting where a few of us spent some of our time. If you have twenty or twenty-five students in a classroom, and because I teach at HPU I know the economy is upscale here, the fixed and the variable costs are the same. It doesn't cost you any more to educate twenty-five people than twenty people. We've missed the point on this bill, going from five hundred down to ten, thinking, hey, we're going to save money. We're not going to save money. If the economy is upscale, it will not allow it.

"Mr. Speaker, this bill was attested to by Dr. Agbayani as one of the better, astute programs in the entire UH system. I would parallel it with the GI Bill of Rights where the best way to get a soldier into the University was through the GI Bill, and we've got one of those and now we're gutting it and putting it down to ten people.

"The tuition waiver for the Hawaiians is one of the most active and open ways for parity to be reached now, and when we talk about the Hawaiian sovereignty nation in the future, those leaders will come about that now. The best way is for this body to make it available for as many Hawaiians in as many locations as possible to get as much education as possible. We have that educational opportunity here -- it's not going to cost us anything -- and I would urge everybody, especially those who are going to be on the Conference Committee, to forget the ten and stick it up to at least five hundred, if not a thousand.

"Thank you."

Representative Thielen then rose and requested that "the remarks of the Representative from Aina Haina and the Representative from Makakilo be inserted in the Journal as if they were 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 S.B. No. 1137, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," having been read throughout, passed Third Reading by a vote of 47 ayes to

4 noes, with Representatives Amaral, Hirono, Thielen and Ward voting no.

Stand. Com. Rep. No. 1192 on S.B. No. 266, SD 1, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 266, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A CENTER FOR DISABILITY STUDIES AT THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1193 on S.B. No. 1027, SD 2, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1027, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Thielen rose to speak in favor of the bill, "with some serious reservations," stating:

"This is the measure that is going to provide an annual 'part-time' salary for OHA trustees, and when I look at the amount that the chairperson of the Board will get for a part-time salary, it's \$37,000 a year. That's a pretty hefty amount in today's economy. And then I look at page 4 of the bill and the other trustees of OHA will be getting part-time salaries of \$32,000 a year. And then to add frosting on the cake, they're all going to be allowed a protocol allowance to cover expenses associated with the members' duties and responsibilities.

"I think that that is too permissive, Mr. Speaker, and I would urge, as this matter goes to Conference Committee, that we look at eliminating these protocol allowances which I wish we had done for all measures that went before this body, but since those measures aren't before us, I won't address that subject now.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, OHA trustees are some of the best civil servants we've got in the State of Hawaii. They work hard and they work long -- they deserve a pay raise. I've got no problem with that.

"However, no elected State official should have an entertainment allowance. The protocol allowance in this bill is a bad precedence and it makes us all look like we want special privileges. The provision should be struck from the bill to preserve the integrity of the Office of Hawaiian Affairs and the high and honorable office of OHA trustees.

"Thank you, Mr. Speaker."

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

"In respect to the same issue regarding OHA salaries or the OHA Salary Commission, I think I need to express my displeasure in the way in which this commission was formed and selected. There is no question in my mind, when it comes to compensation, you require a certain kind of discipline and expertise. The fact that you had common laymen trying to determine this whole issue regarding compensation for the trustees of OHA, I consider that very, very offensive. We need to get away

from politics regarding this issue. I consider this very discriminatory. Hawaiian leaders are no different than any other ethnic group when it comes to the operations and implementation of programs. The trustees of OHA have a tremendous -- tremendous -- amount of responsibilities and they should be compensated accordingly. Let's get away from the politics.

"My personal feeling is that this is not adequate. It is just not fair, and I hope that as this measure proceeds through the process, that some semblance of fairness will be adhered to.

"Mahalo."

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

"Mr. Speaker, I agree with the previous speaker and would like to add that the responsibility of a trustee of the Office of Hawaiian Affairs is a very, very special relationship. It is unlike any other commission or board, including the Board of Education, that we have in the State. And, in fact, they have a huge task in trying to address all the breaches of responsibility that have gone on in this State from the time that we were a territory, and before that when we were a republic.

"Mr. Speaker, I don't think any of us question the salaries that are made by the Public Utilities Commission or other commissions and boards whose salaries are upwards of \$70,000. For anyone to tell me that a trustee with the responsibility of, not only ushering the Hawaiians through this very difficult transition period, but hopefully that it will eventually lead to some form of sovereignty, doesn't deserve \$37,000, I resent that.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1027, SD 2, HD 2, 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. 1194 on S.B. No. 1218, SD 2, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1218, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL DISASTERS," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1752, 1028, 1164, 1137, 266, 1027 and 1218 had passed Third Reading at 11:58 o'clock a.m.

Stand. Com. Rep. No. 1206 on S.B. No. 1316, SD 1, HD 2:

Representative Tom moved that the report of the Committee be adopted and S.B. No. 1316, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Menor.

Representative M. Ige rose to speak in favor of the bill, stating:

"Mr. Speaker, if agriculture will continue to be a priority for the people of this State; if using our lands to be productive, producing exotic tropical fruits, with our vision of one day having agriculture to truly take its place among Hawaii's top major revenue generators; if a view

plane of waving canefields and rows of pineapple fields are desirable; if the replenishing of our aquifer through the irrigating of ag lands on West Oahu is necessary, then let us continue to show our support for the people who make all of this possible for Hawaii -- our farmers.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1316, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1208 on S.B. No. 1608, SD 1, HD 2:

Representative Takamine moved that the report of the Committee be adopted and S.B. No. 1608, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Nekoba.

Representative Herkes 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 Herkes' remarks are as follows:

"This bill will increase the Natural Area Reserve Commission from eleven to thirteen members to allow representatives of the hiking and hunting communities to sit on the commission. Mr. Speaker, I apologize to no one in this chamber for my love of the forest or for support of this bill. I live on the edge of a forest. My house is under a canopy of ohia trees. From my front window, I can look out over the Kilauea Forest Reserve, the majestic stands of koa, and up the slopes of Mauna Loa. I know of the threats to the forest. The invasion of alien species such as gorse, faya tree, banana poka and fountain grass to name just a few. My wife and I spent many happy days in the forests with our three sons as they were growing up.

"However, I don't know the forest as well as many that live in these islands do. The forest is their playground, their recreation area, their supermarket. The forest is where they go to unwind from the vigors and tension of everyday life. If you understand this, then you can understand their concern when they come across new fences in public lands where heavy equipment has cleared a swath through the forest, knocking down everything in sight, including ohia trees, to make space for miles of fences. You can imagine their concern when they see that these fences run through dry stream beds and gullies, and they know that when the rains come, the debris will clog the fences and cause flooding. It did, and it did. And they said, 'Why didn't they just ask us? We could have told them what would happen.' When they discussed this with the forestry people, they agreed and took down the fences. And these people said, 'What a waste of money. \$100,000 down the wash. The money would have been better spent in our schools or hospitals to make life just a little better for us in these troubled times. If they had just asked, we could have cautioned them and saved the money and the anguish.'

"Then they read the Sunday **Advertiser** of a few weeks ago which, in a feature story, tells of how Nature Conservancy plans to save the 'last great place on earth' -- Hawaii's forests. And they read where they have one endowment of \$167,000,000. Another of \$17,000,000 and yet others, and they read where the State Legislature plans to give NARS even more money from the conveyance tax, and they also read where the Nature Conservancy has hired General Swarskoff to lead this

battle. And who is the enemy? It's the pig. General Swarskoff against the pig. The pig has lived in these forests for over a thousand years. The pig didn't cut down the sandalwood, the pig didn't cut down forests for sugar, or ranches, or golf courses or development. We did. They are concerned that the General and the learned scientists who sit on the NARS Commission will make the same mistake that they did when they tried to save the palila bird. They got a federal court order to eradicate the sheep, to save the mamani tree, to save the palila bird. The sheep are gone. Grasses choke the mountain, no longer controlled by the sheep, and the palila bird counts are down.

"'Please,' they said, 'let us share with them, these eminent scientists, what we know about the forest and its creatures from a lifetime of association with this forest. We want to save the forest also.'

"All this bill does is to give hunters and hikers the recognition and respect of being able to sit at the same table with eleven people, mostly from the scientific community, to share their knowledge of the forest with them. This will help ease the tensions between the groups and allow these important projects to proceed with the support and concurrence of the community. One vote out of thirteen for a hunter's representative -- that's all. No more and certainly, they deserve no less."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1608, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Shon voting no.

The Chair directed the Clerk to note that S.B. Nos. 1316 and 1608 had passed Third Reading at 12:00 o'clock noon.

Stand. Com. Rep. No. 1211 on S.B. No. 154, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 154, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS ENFORCEMENT," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 154 had passed Third Reading at 12:01 o'clock p.m.

Stand. Com. Rep. No. 1214 on S.B. No. 728, SD 1, HD 2:

Representative Tom moved that the report of the Committee be adopted and S.B. No. 728, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Menor.

Representative Hirono rose to speak against the bill, stating:

"This bill waters down protection for the environment if there's an oil spill. Federal law already requires cleanup when there is a spill and this bill will provide immunity from liability for those who are negligent in doing the cleanup. I wonder why we should be doing this.

"Thank you very much, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 728, SD 1, HD 2, entitled: "A BILL FOR AN ACT

RELATING TO OIL SPILLS," having been read throughout, passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Apo, Hagino, Hiraki, Hirono, Shon, Takumi, Tam and Thielen voting no.

Stand. Com. Rep. No. 1215 on S.B. No. 1363, SD 2, HD 2:

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and S.B. No. 1363, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 728 and 1363 had passed Third Reading at 12:03 o'clock p.m.

Stand. Com. Rep. No. 1216 on S.B. No. 952, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 952, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EXCISE TAXES," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1217 on S.B. No. 1593, SD 1, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1593, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Arakaki rose and stated:

"Mr. Speaker, I would like to speak in favor of S.B. No. 1593, SD 1, HD 2, with a reservation. I would like to have my comments, in support of the measure, inserted into the Journal, however, I would like to express my reservation.

"This bill would establish the multi-disciplinary teams for the statewide management of child abuse and neglect cases, and I guess my concern is the amendments made by the Finance Committee which inserts language that does not confer State status of the teams and does not permit the Legislature to provide future funding for this program. I suppose this would be technically correct and the caveat would be financially wise; however, one of the intent of the bill was to show or to demonstrate that these teams are essential to the State and they are necessary to our child protective services system.

"As such, you know, we should be looking at ways to provide the needed funding. On a larger scale, I think, hopefully, the Finance Committee can get together with the subject matter committees and the departments to look at some of these contracted services that are essential and perhaps look at how we can devise plans for a long-term contract and consistent funding for these programs.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1593, SD 1, 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. 1218 on S.B. No. 1604, SD 3, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1604, SD 3, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative O'Kieffe rose to speak in favor of the bill, stating:

"Mr. Speaker, starting on page 2, at line 3, it reads, and I quote: 'Unfortunately, the construction, renovation, and modernization of public educational facilities statewide have not received adequate attention in recent years. As a result, the construction, renovation, and modernization of public schools is backlogged. Some of the reasons for this backlog are burdensome regulations governing construction and improvements...' and I must repeat, '...some of the reasons for this backlog are burdensome regulations governing construction and improvements...' It goes on to say that 'unexpected emergencies such as the devastation caused to Kauai schools by Hurricane Iniki, and competing demands. However, the major problem has been inadequate funding to cover all the needed construction, repairs, maintenance, and modernization. The Legislature recognizes the State's current fiscal difficulties and limited financial ability to meet all the schools' needs.'

"Mr. Speaker, I stop the quote here because it is exactly this problem that is being exacerbated by this bill. This bill would extend indefinitely the so-called 'superfund' -- a fund that began as an emergency catch up solution to years of facilities neglect. This special fund, which appears to not now meet the criteria for a legitimate special fund, allows the Legislature to ease its conscience by taking the fiscally questionable action of skimming off ninety million dollars in general excise tax revenues before it can be counted in the general fund. This will relieve us of the responsibility of making some very tough decisions on a level playing field. It also perpetuates the illusion that we are solving the public education facilities problem.

"Mr. Speaker, ninety million dollars a year is not nearly enough money to take care of the projected ten year, two billion dollar facilities needs. It certainly does not address the fact that teachers still don't have enough textbooks, paper, chairs and desks.

"The recent Tax Review Commission noted that use of this type of special fund is not sound fiscal policy and should be avoided. Years of neglect cannot be undone by creating unsound fiscal policies.

"To quote testimony on this bill from the Tax Foundation: 'Over the last six years, so many clever mechanisms have been injected into the State financial system that the taxpayer no longer knows just how much money the State has or is spending. These schemes have made a major contribution to the financial dilemma that the State is now facing. It is estimated that it will take years to undo the financial malaise and return sound financial management to the State.'

"By playing the old shell game with taxpayers' money, the illusion has been created that there is not enough money to meet the basic needs of the community and therefore tax increases are the only solution.

"The public has made itself heard. Education is a priority! That means ALL of education, including operations and facilities. It means setting priorities, cleaning up cumbersome regulations and eliminating waste -- starting with the Queen Lilioukalani Building and working on down.

"Thank you, Mr. Speaker."

Representative Marumoto then rose to speak in favor of the bill, "expressing my many reservations":

"This year holds great promise for imaginative ideas in education, and this year there is a great desire for innovative ideas in educational programming. This year, there was also a need for better ways to fund the educational system to provide for these programs. This year is the time for action.

"Carry-over funds is only one of the many good ideas to fund education. We dealt with that concept in a previous bill -- Senate Bill 467. That bill allows the department to carry over five percent of its funds to another fiscal year. The House Education Committee had envisioned ten percent.

"As Minority Leader O'Kieffe pointed out earlier, carry-over funding will help if indeed it works in concert with stated goals of (1) school/community-based management; (2) lump-sum budgeting; and (3) decentralized authority.

"The provision of this measure before us also shows a glimmer of promise, but again falls short of bold action needed to shake up and revamp the system. We need more ideas than carry-over funding, and Senate Bill 1604 contains a faint hope of new ways to finance our dreams for public education.

"Senate Bill 1604 would allow us to appropriate nine million dollars in cash or bond financing for facilities but this is nothing new. We have been doing this without benefit of enabling legislation for a couple of years. It can be done by indicating such action in the budget bill.

"This bill is useful, however, in pointing out that there are innumerable unmet needs in school construction and improvements. The phrase 'facilities gap' has been coined and pertains to the difference in what we need and what we can afford.

"The Superintendent is directed to come up with strategies to close the gap. The Superintendent can hire a facilitator to expedite the effort. The Superintendent can also contract with a consultant to come up with an action plan to present to the Board of Education.

"There are good ideas in this bill and I hope they will result in concrete steps forward. But I contend that what we really need is more money to fill in the gap. There are no proposals nor a hint of a tax increase in the House plans. Gone also is the Education Committee's proposal to dedicate seven percent of general funds to school facilities.

"Please, don't get me wrong. I am not proposing a tax increase. I just think we should be more creative in coming up with more money. It is my contention that we can increase the amount of funds for education by making judicious cuts in other areas of the budget. Other departments should be cut before education. How imperative are the needs of the Personnel Department? How immediate are the needs of the Labor Department? Is there not some fat in the Land Department? Why not slash Budget and Finance? That's a wonderful idea. How about DAGS? Should we spend so much more on prisoners compared to our students? See what I mean? And perhaps we should use bond monies for additional repair and maintenance projects, thus freeing more cash for operating schools.

"There is time before adjournment of this session to turn more ideas into reality, to demonstrate our

commitment to improve public education and to show students and teachers that we care about them.

"This bill, by itself, does very little to fulfill the great needs of the schools in our districts, but we still got to deliver. We're still on trial, folks. Our next generation is looking to us for guidance as well as parents and teachers and administrators. So let's focus our energy, money and creativity into our greatest asset -- our children.

"Thank you for your attention."

Representative D. Ige then rose to speak in favor of the bill, stating:

"Mr. Speaker, I'd just like to correct a couple of, I guess maybe, misinformation. I think this Legislature, over the past several years, has made tremendous strides in the area of facilities for our children. Our commitment, in terms of capital improvements as well as repair and maintenance, is unprecedented in the history of the State.

"I think what we are looking at in the next decade is an overwhelming challenge before us that is primarily a result of the baby boomlet and the demographic that show an increasing number of students. I think if you look at the backlog, it really is a result of a growing demand and the number of children that will be entering the school system, and that is really the dilemma that faces us all today.

"I think in S.B. 1604, we present and are prepared to pursue a strategy of two things. One is to ensure that current public financing of the facilities is being used most efficiently and effectively, and truly for all members here in this Chamber, we are asking them to reinvent the process that they use. We are asking them and are demanding that they examine and review and change and adopt new strategies at funding the facilities for our children. We will be asking them to revise specifications that have not been revised in a decade or so. We are asking them to examine each and every process that they do to ensure that it is focused on the child, it is focused on the teacher and the interaction with the child so that we can all be assured that when we face constituents and voters, that we've done our best to ensure the best for their children.

"In addition, we are facing another challenge in that there are still unmet needs and it has to be weighed along with the unmet needs of the University system and the many other departments, the whole issue of the convention center -- many, many other capital improvement projects -- and I think between now and the end of session, I am confident that we will put our best face forward and meet the demand for all the constituents and voters of the State.

"Thank you very much."

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

"I would just like to give thanks to a Board of Education member, Lex Brodie, who spearheaded the examination of the schools throughout the State that are in serious need of repair, and to say 'thank you very much.'

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

"I think we need to look at what happened in the past and what we have done since we began to educate our children and ourselves about this very high priority issue.

"First of all, I think the priority given to education coincides with the introduction of single-member districts. The single-member district means that everyone in the district knows who the member is, who represents them in the House or the Senate, and who can help them. In that respect, you can find every Representative, every Senator going to school meetings to the various different schools because they know that's where the parents are most interested in. For that we have to thank another party for making the single-member district possible.

"Now, as to history, our needs always outrun our resources. I've never heard of anyone, including my wife or my children, who do not believe that they need more than I could provide for them, or in my case today, what my wife who is the principal breadwinner provides for all of us.

"We wish we could all do more -- of course, we do. Our economy did not permit that until recently. With the great boom in the economy in the latter part of the 1980s, principally by foreign investors, what that meant was ... it brought more business, more jobs, and also more profits, but also more taxes, because revenues rose with income. And you know the federal government collects twice as much as the State does and its take in Hawaii has increased by a phenomenal 155 percent in the last ten years.

"So what have we done with the monies that were generated by this booming economy?

"The Berman Report, commissioned by the Hawaii Business Roundtable, recommended a program of facility development which translates into finding the money, building the facilities, or repairing the facilities. That was 1988. The Legislature responded with a special fund in 1989 -- ninety million dollars. The Hawaii Business Roundtable supported that. David Heenan, the Chief Executive Officer of Theo. H. Davies, came and testified personally, and so did Mr. Kenneth Harding, who was the head of the Chamber of Commerce's Education Committee.

"So in the last five fiscal years, the Legislature's putting ninety million dollars a year ... is that enough? Of course it isn't. There are lots more that we can do, but where is the money? People say ... well, let's be imaginative and find the money, cut out other departments. All I can say is 'good luck' because everyone has his idea of what his priorities are.

"In any case, the special fund is an indication of the Legislature's priorities. We want to really build more facilities for our education. That's the reason why we have the special fund. And the supreme compliment was paid by Mr. Lowell Kalapa when he imitated the dedication to a specific legislative intent. He himself helped create a special fund for the convention center, and he is very proud of that.

"So, with those words, I would like to assure everyone that we are committed to education. We are going to put up ninety million dollars a year. We wish we could put up more but that does not, in any sense, denigrate our commitment to education, so I support this bill wholeheartedly.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1604, SD 3, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE FINANCING OF PUBLIC

EDUCATIONAL FACILITIES," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 952, 1593 and 1604 had passed Third Reading at 12:22 o'clock p.m.

Stand. Com. Rep. No. 1219 on S.B. No. 1670, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1670, SD 2, 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. 1222 on S.B. No. 1564, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1564, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPTROLLER TO SUPERVISE ACCOUNTS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1223 on S.B. No. 1874, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1874, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1224 on S.B. No. 1410, SD 2, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1410, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

"I realize that this bill will go to conference but I have concerns which hopefully will be resolved.

"These concerns, and there are five concerns, are:

- (1) The Department of Taxation will be unable to recommend a new tax;
- (2) The imposition of the new tax presents a constitutional problem;
- (3) The new tax would increase the cost of fuel oil sold to the utility companies and would result in passing on these higher costs to the consumers;
- (4) Periodic termination and re-imposition of the tax would be confusing to the taxpayers; and
- (5) I feel very uncomfortable voting in full support of a tax increase on consumers when over 4,300 signatures on a petition presented to the Governor's Office this past weekend in support of more education funding was submitted which requested the administration to first, eliminate or reduce wasteful spending, such as the two thousand plus passenger vehicles.

"We must take the step like President Clinton and cut down wasteful spending before increasing taxes.

"Thank you."

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

"I know that there have been some concerns about this measure but I think we all agree that Hawaii is known internationally as a 'paradise,' and our natural beauty is unrivaled and appreciated by everyone throughout the world. And imagine the concern, grief, and anger if an oil spill were to spoil this beauty, especially if that oil spill could have been contained promptly by well-trained and fully-funded State forces. The bill establishes those forces that will help prevent and also clean up oil spills, both in our waters and on land, that we as citizens demand from well-trained fire fighters to protect our property in case of fire.

"This bill also establishes collection centers to recycle motor oil. I want to note that this provision arose out of a request made to me by some Lanikai residents who were really frustrated, Mr. Speaker, at not having any place to recycle this motor oil. They wanted to participate in that kind of a program but nothing was readily available, so this will enable the Department of Health to move forward in everyone's community throughout the State. I think that's to the benefit of our residents.

"It also strengthens efforts to recycle solid waste, and it really gives the Department of Health the funds necessary to carry out the many environmental tasks we have assigned to it.

"In short, Mr. Speaker, this bill enumerates and puts before the administration solutions to some of our major environmental problems. Now, we need the administration to move aggressively to enact these solutions.

"Thank you, Mr. Speaker."

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

"This measure includes a tax that would go to help prevent, hopefully, and certainly to deal with a oil spill. A recent study shows that if we were to have a moderate-sized oil spill in the State, it could cost us billions of dollars and thousands of jobs. Many surveys have shown that citizens are willing to spend a little bit more, be taxed just a little bit more, to protect the environment.

"This measure goes a long way in that regards, and I urge your support.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1410, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Marumoto and Ward voting no.

Stand. Com. Rep. No. 1225 on S.B. No. 539, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 539, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO

HUMAN SERVICES," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1226 on S.B. No. 1538, SD 1, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1538, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Morihara 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 Morihara's remarks are as follows:

"I rise to speak in favor of Senate Bill No. 1538, Senate Draft 1, House Draft 2. Also, I wish to place on the record some comments regarding the intent of the bill.

"Since 1978, emergency medical services have been governed by Part VII, Chapter 321, Hawaii Revised Statutes. Section 321-228, Hawaii Revised Statutes, provides that the State shall contract with counties which elect to provide emergency medical services in their respective jurisdictions. Further, the State shall contract with private agencies in counties which elect not to perform such services.

"Since 1978, emergency medical services have been provided by county personnel in the City and County of Honolulu and in Hawaii County. International Life Support has provided services in Maui and Kauai.

"The purpose of this bill is to protect the health and safety of emergency medical services consumers by allowing the State to employ a multi-step procurement process with respect to contracts with private agencies. This bill gives the Department of Health the ability to ensure that only qualified bidders are considered for such contracts. Specifically, the Department would be authorized to require all potential bidders who would perform the contracted services. Although the bill originally required a personnel listing in all cases, it was amended to permit the Department to exercise some discretion with regard to the personnel listing.

"I urge my colleagues to vote in favor of Senate Bill 1538, SD 1, HD 2, because the health and safety of the citizens of Maui and Kauai should not be risked by a bidding process which would allow unqualified agencies to participate. The tremendous risk of harm which could result from doing so far outweighs any potential financial or procedural considerations.

"Further, the Department of Health should keep in mind the intent of this bill and should therefore be extremely cautious in exercising its discretion with regard to the personnel listing. It should exercise the discretion granted by this bill only in situations in which it is convinced prior to the opening of price bids, that a potential bidder has adequate personnel or personnel commitments.

"My greatest concern is to maintain the quality of this vital service. And the importance of trained, qualified personnel who have experience within the community which is important in rural areas. Many times, those experiences are critical to their service and should be weighed heavily in the qualifying of emergency medical service providers."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1538,

SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," 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. 1227 on S.B. No. 1715, SD 2, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1715, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Shon rose to speak against the bill, stating:

"This is the provider tax come back to revisit us. At the beginning of the session, it was stated very clearly that we would not move a bill until we found a way to return the funds that we were going to tax back to the providers. A way has still not been found.

"I've asked myself how we've come to this point of what may be the unraveling of the soul of the health care system. We've come to tax the sick at a higher tax rather than lowering or eliminating the tax. We've come to punish those who have saved their own funds for a long-term care -- the private-pay patients -- who will not receive even a tax break until late in the year, but be required to provide for increased rates to pay the provider tax at the beginning of the year, and we've come to probably increase the cost of health care. This is in the context of cutting support for working women, preventing HMSA from opening clinics, and now the tax taken collectively this year ... it seems to me that we have lost our way.

"There are many ways in which to balance the budget. It seems to me very inappropriate that we should say .. well, because the Medicaid rolls are increasing and there seems to be a deficit, that it shall be those connected with that department who receive benefits from that department and our long-term care facilities. These are the ones that we will balance our budget with.

"There have, over the last few years, been suggested numerous ways to increase Medicaid reimbursements. We've mentioned earlier, in relating to mental health, that there has not been a concerted effort in the administration to apply for the funds that were due us ... that's okay. But we can tax the sick a little bit more.

"There are at least two hundred individuals who would be normally in long-term care facilities but are now stuck in acute care beds. Each one of these cost the State, with their Medicaid, about one hundred thousand dollars just for our match. We know that many of these have special needs and that's why long-term care facilities and others in the community will not take them because the stubbornness of the Department of Human Services in their reimbursement rates ... no, we will not give you a single penny more than we would give for any other patient. And the result is, rather than paying forty- or fifty- or sixty thousand dollars for their care, we pay a hundred thousand dollars for their care, taking up an acute care bed. That in itself would save several million dollars, Mr. Speaker.

"I am not convinced that this is a wise measure. I am not convinced that the Feds will ever approve it in any case and therefore the amount in which we are counting on from this will never materialize. It is an unnecessary anxiety that we are imposing on our seniors. It is an unnecessary inducement for health care providers, hospitals, et cetera, to increase their rates because come

July 1st, they know that they will be responsible for a tax. Even if the approval does not come many months later, the tax that they are responsible is from July 1st. How can they not increase their rates? I have spoken with the acute care, as well as long-term care administrators, and they tell me they will be very hard-pressed not to increase the cost of health care as a result of this.

"I am still waiting for the pay-back mechanism that will somehow allow them the flexibility, the cash flow, to pay back the residents so that they don't have to increase their rates. It is not here. It is not in this bill. This bill has been tinkered with but its fatal flaw is that it presumes to increase taxes on health care in order to get more funds from the Feds and return only a portion of that. It will increase the cost of health care.

"I hope that if this does go to conference, that the original pledge that we will not pass a bill until the providers have an agreeable pay-back mechanism in place, that that pledge will be honored. It's the pledge I referred to when we passed it on to Finance and it has still not been honored. We still don't have anything in here that can guarantee the return of money. We still haven't committed any of our resources to return money to our institutions. For that reason, I will vote no.

"Thank you, Mr. Speaker."

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

"Senate Bill 1715 is a Waihee/Cayetano administration bill which imposes a tax on the income of nursing facilities and hospitals with the intention of obtaining more federal matching funds. These funds will theoretically be used to increase provider reimbursements and minimize the cost shifting of Medicaid expenses to private-pay patients and third-party payers.

"This bill gives the impression of being a good bill, giving the increase in cost of the Medicaid program and health care. But regardless of the political spin, this is a bad bill which reflects bad public policy.

"Senate Bill 1715 discriminates against private-pay patients who, along with their families, are paying up to fifty or sixty thousand dollars a year for nursing home care. They should be commended for pulling their own way and costing the taxpayers nothing, but instead, we seek to impose an additional burden on them which some family members have testified may force them to enroll their loved ones in the Medicaid program, thereby costing us even more money.

"Supporters of the bill will counter that the tax credit which they propose will eliminate the burden which this tax imposes on private-pay patients. But, Mr. Speaker, there are no guarantees that the tax credit will be accepted by the health care finance administration as a legitimate component of this provider tax proposal. Even if the tax credit survives federal scrutiny, these patients and their families will have to wait one to two years to receive the tax credit -- this relief. I remember when Whitney Anderson used to routinely vote no on all tax credit measures ... his theory was not to impose the tax to begin with, and I am beginning to realize that he had a very good point.

"Generally, the excise tax on all Hawaii goods and services is four percent, and in this measure the amount is 150 percent of that figure, or six percent, and this is not a sin tax, this is not a luxury tax. This is a tax on nursing care which is a dire necessity. What is the rationale for charging more than the usual four percent? In addition, the GET is a tax imposed on business. It is

a tax for the privilege or purpose of doing business in Hawaii.

"However, once and if the six percent tax goes into effect, nursing facilities will pass the burden on to the patients. I do not believe this specified pass-through is in keeping with the purpose of the excise tax. But wait, there's supposed to be a tax credit which will help the patients -- right? Wrong. These people will not be able to derive even the interest on that amount. The State will get the interest so the private patient has lost even more. I don't believe this is fair. This is a convoluted, real Goldberg device to get more federal Medicaid funds. It was concocted by a Doctor Strangelove-type of lawyer who has a warped understanding of the equally warped federal system of disbursing Medicaid money. Maybe it will work, maybe it won't. Nevertheless, it is an unfair, unreasonable onerous tax on private-pays and, most certainly, will meet with a legal challenge before the ink is dry on the Governor's signature.

"For heaven's sake, vote this measure into distinction -- vote no!"

Representative Ward then rose and stated:

"Mr. Speaker, the two previous speakers remind me of the person who slams his fist against the post and still insists he sees the ghost in the provider tax. The ghost arises and we still have them. . .

At this point, Representative Ihara rose and inquired whether the Representative was speaking for or against the measure.

Representative Ward continued:

"I speak against this measure for three reasons.

"First, we shouldn't be passing a tax that targets the sick and the elderly as a source of government revenue. As leaders, you don't target that kind of a population.

"Secondly, we shouldn't be passing a tax that is half-baked, bordering on the illogic, and it's possibly illogical and gets more of a premise on the lottery bill -- something for nothing -- and if we just put up enough, the other guys on the other side are going to put the other amount up. Lest this body forgets, the previous governor of Arkansas is likely to catch on this because he, in Little Rock, had something similar to this and he likely is going to cut it short as soon as he finds out that us, in other states, are probably trying to do this same leverage.

"Lastly, Mr. Speaker, we should be against any provider tax for cash flow reasons which forces the elderly to loan the government three to four to five thousand dollars up front. They then wait for another year or so when they get their tax back and then they have to, in effect, pay it out as a loan to us. There's got to be a better way to do this. There's got to be a better population on which to pick on and to balance the budget on the backs of. We've got to go back to the drawing board and come up with something that's fair and something that's workable.

"Thank you, Mr. Speaker."

Representative Thielen then 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, State Medicaid provider taxes have been controversial since the late 1980's and early 1990's as states sought to keep up with Medicaid costs through the enactment of provider taxes and assessments. The Health Care Finance Administration (HCFA) and the federal Office of Management and Budget (OMB) have publicly called them 'schemes' to cut the State's share of Medicaid. Unfortunately, Senate Bill 1715, SD 2, HD 2, is one of these schemes which is yet another example of the skewed priorities of the present administration.

"How can the administration justify proposing this egregious tax at a time when our State government payroll is the largest that it has ever been in our State's history? Instead of continuing to tax and spend, shouldn't we be looking to cut expenses, trim the fat, and increase efficiency in this bureaucracy which we call State government?"

"Mr. Speaker, Senate Bill 1715 will not solve the Medicaid crisis in our State. My colleague spoke of the lack of assurance that we have with respect to the tax credit portion of this bill. Well, we have no guarantee that the provider tax proposal in toto will be accepted by the Health Care Finance Administration. Even if we miraculously receive matching federal funds in the future, these funds will be deposited into the general fund, with no assurance that they will ever reach our Medicaid program.

"If the intent of this bill is to take a first step in resolving the Medicaid funding shortage in this State, then let's all do the right thing and address the problem of managing and reforming the Medicaid program itself, rather than attacking the symptoms, but please, do not make the private pay patients in our nursing facilities and hospitals suffer even more by taxing them on the care they receive. This is unconscionable since there is so much waste in government today. Government's priorities must ultimately benefit the people, not the government. I firmly oppose Senate Bill 1715, SD 1, HD 2."

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

Representative Isbell's remarks are as follows:

"During the hearings of the Health Committee, I requested that there must be some mechanism to protect the private-pay long-term care patients from paying \$300-\$400 per month in additional taxes over and above the \$1,400 per month they already pay!

"The entire purpose of this tax increase is to leverage more funds from the Federal government. But at what cost? Who pays? The institutionalized frail elderly. The Department of Human Services has been seriously remiss in not pursuing waivers and federal funds under various programs now available. It is very possible we are too late to be included in this scheme for Medicaid funds.

"Taxing the elderly private-pay long-term care patients is not the way to squeeze federal monies out. Unless the concern of the private-pay patients is addressed in Conference Committee, I will be voting no on the final floor action."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1715, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE PROVIDER TAXES," having been read throughout, passed Third Reading by a vote of 38 ayes to 13 noes, with Representatives Amaral, Apo, Beirne, Hagino, Hirono, Marumoto, O'Kieffe,

Shon, Takumi, Tam, Taniguchi, Thielen and Ward voting no.

Stand. Com. Rep. No. 1229 on S.B. No. 1672, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1672, 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.

The Chair directed the Clerk to note that S.B. Nos. 1670, 1564, 1874, 1410, 539, 1538, 1715 and 1672 had passed Third Reading at 12:44 o'clock p.m.

At 12:45 o'clock p.m., Representative Cachola asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives, reconvened at 12:46 o'clock p.m.

Stand. Com. Rep. No. 1230 on S.B. No. 1680, SD 2, HD 3:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1680, SD 2, HD 3, 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. 1233 on S.B. No. 1361, SD 1, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1361, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM-CONTAMINATED SOIL," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1234 on S.B. No. 789, SD 1, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 789, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS FOR AFFORDABLE HOUSING," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1235 on S.B. No. 1744, SD 1, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1744, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Thielen rose to speak in strong support of S.B. No. 1744, SD 1, HD 2, stating:

"This bill creates the Kaho'olawe Island Reserve. I think back to 1978 when I graduated from law school, Mr. Speaker, and was asked by the Protect Kaho'olawe Ohana to help them with their case against the Navy, and be able to get access to the island after being denied the ability to get on to Kaho'olawe since really the early 1940's. I went in to federal court and asked the judge to open up the island to the Protect Kaho'olawe Ohana and the elders so they could go on and document the cultural

history of that island and the archaeological and religious shrines. The judge granted that motion, and for the first time the Ohana was allowed to go on to Kaho'olawe.

"The first accesses were very interesting where we had to rent our own boats to go out there, swim ashore, and of course, carry our own water, because there is no potable water supply out there. We formed human chains to carry the ukana ashore through the ocean, through the waves, being a little bit cautious of the waters, knowing that once you hit that water, you swam for shore pell-mell, because it was murky and shark-infested at times. So it was an experience where people were really committed to get ashore. The Ohana, in their human chains, helped the elders and the youngsters to get ashore also, and we set up camp there, sharing the base camp with the archaeologists who were doing the archaeological survey of the island. The Ohana members volunteered to work for free to continue that archaeological survey of Kaho'olawe, and as a result of over a year's worth of hard dedicated work -- again where they paid for their own private transportation to get out to the islands -- as a result of that dedicated work, the entire island of Kaho'olawe was placed on the National Register of Historic Places.

"At the beginning, as an attorney with the Ohana, my clients were looked at as radicals -- outside the mainstream. What were they doing, rocking the system? Well, what they were doing was speaking out for the cultural significance of that island and the significance to the Hawaiian community. As a result of their efforts, we see before us this legislation today.

"The Ohana fought hard, and I continue to work with them and still do now as a pro bono attorney. They fought hard to make their place as stewards of the aina. They were able to get that language into the Historic Consent Decree by which the lawsuit against the Navy was settled. We were fortunate in having a visiting federal judge who had the wisdom to be able to step back from the politics of the issue and look at it on a broader scope and say ... Why shouldn't they be able to go on to the island? Why shouldn't they be able to help you with the archaeological survey? ... while the Navy attorney sat there in great discomfort, not really having an answer to that question.

"So, as a result of years of dedicated work, you've seen the players -- Dr. Emmett Aluli has been one always at the forefront and he deserves a great deal of credit, not just for his leading the Hawaiian movement, but also for being a Molokai family physician. But the other people who have come forward -- Dr. Haunani K. Trask was a vital participant in the beginning days; Davianna McGregor, a professor at the University of Hawaii, is a leading person in this; Keone Fairbanks from Maui, and I am sure my colleagues from Maui know Keone. We have Bert Sakata from Maui; we have people from every island -- Sol Kahoohalahala from the Majority Leader's island of Lanai; people from over this state who have joined together in strong support of preserving the Hawaiian heritage on that island. We no longer have the nation's only National Register of Historic Places' bombing target. That was really a contrast or a conflict where it was on the National Register of Historic Places but was also a bombing target. That no longer is the case. Mr. Speaker.

"So with all due respect and a great deal of acknowledgement and gratitude to the Protect Kaho'olawe Ohana, not just for their work on the Kaho'olawe island preservation, but also for their work on being a major moving factor in the Hawaiian movement, I really give a great deal of respect to them. I have strong support for this measure which shows that they weren't radicals -- they were just ahead of their time."

Representative Beirne then rose to speak in support of the bill, with reservations, stating:

"That reservation has to do with the decreasing of the three-mile to two-mile on the bill formed by the Finance Committee, and also deleting the appropriation section.

"Mr. Speaker, an ahupuaa starts from the top of the mountain to three miles outside. That is the part that belongs to the native Hawaiian community in their movement towards utilizing that particular area. I feel, Mr. Speaker, that it should be left at three miles and perhaps in conference, we could address this portion. I feel that an appropriation is in order at this time, Mr. Speaker, and that is my reservation.

"Mr. Speaker, I still stand in support of this particular Senate Bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1744, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHOLAWE," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1236 on S.B. No. 1709, SD 2, HD 2:

Representative Say moved that the report of the Committee be adopted and S.B. No. 1709, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Tam rose to speak against the bill, stating:

"Basically, Mr. Speaker, everybody has known me traditionally for standing up for the public hearing process.

"This bill, in regards to public utility regulation, excludes, in some sense, the public hearing process whereby it sets a certain formula whereby utility companies can charge or pass on the fees for consumer protection advocates to the consumers without going through the public hearing process and, therefore, I am against this bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1709, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITY REGULATION," having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Apo, Hagino and Tam voting no.

Stand. Com. Rep. No. 1237 on S.B. No. 1905, SD 1, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1905, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VACCINATION AND IMMUNIZATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1238 on S.B. No. 1529, SD 1, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1529, SD 1, 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.

The Chair directed the Clerk to note that S.B. Nos. 1680, 1361, 789, 1744, 1709, 1905 and 1529 had passed Third Reading at 12:56 o'clock p.m.

At 12:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:47 o'clock p.m.

Stand. Com. Rep. No. 1239 on S.B. No. 1616, SD 2, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1616, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1232 on S.B. No. 871, SD 1, HD 2, and

Stand. Com. Rep. No. 1240 on S.B. No. 1863, SD 2, HD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1863, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR A CONVENTION CENTER," having been read throughout, passed Third Reading by a vote of 51 ayes.

Representative Cachola rose to speak in favor of S.B. Nos. 871, SD 1, HD 2, and 1863, SD 2, HD 2, stating:

"The current economic malaise gripping the State has already demonstrated the great need for a world-class convention center for the State. I said before that with a center, we will surely prosper, without one we will certainly decline.

"Although the initial cost of the project appears daunting, a fully operational center will draw enough conventioners to Hawaii to generate approximately \$336-million in additional State tax revenues, essentially reimbursing the State for its entire construction cost in just a matter of one year.

"The Legislature's work on the convention center, Mr. Speaker, involves two parts:

"One is the selection of a suitable site.

"The second is establishing an adequate method of funding the development and construction of the convention center.

"Both parts involve some very thorny problems. The financing plan in Senate Bill 1863, House Draft 2, funds the convention center with 20 percent of transient accommodations tax revenues, reducing funding for the counties by \$12-million. At TAT increase is no longer under consideration in Senate Bill 1863 because of the weakening effect on an already ailing economy. This, to my mind, Mr. Speaker, is the responsible position to take

for to do otherwise, we will be fooling around or gambling on the future of Hawaii.

"The current plan to allocate 20 percent of TAT revenues at the expense of the counties may endanger legislative approval of the convention center project. Hopefully, these concerns can be addressed in Conference Committee. An ideal solution, to my mind, would involve financing of the center without raising TAT and at the same time without placing a heavy burden on the counties.

"Selection of a site for the project, to my mind, poses a greater problem. Although prospects for the convention center still look good at this time, I must point out that the supporters of both sites are taking increasingly polarized positions. Their increasing inflexibility may preclude a harmonious solution.

"Major concerns have been raised about both sites, and the Tourism Committee recognizes that neither site is perfect. No perfect site exists for anyone with a budget.

"We should continue to consider both sides, and both developers are still revising their proposals as they make their way through the process.

"As Tourism Chairman, I think that the following concerns about the sites need to be addressed before legislative approval can be given:

- (1) The Aloha Motors plans should provide for convention center facilities on the ground floor, rather than on the second and third floors, in order to ensure the competitiveness of the center, as pointed out by convention center managers;
- (2) The Aloha Motors proposal should give the State land interest with a longer term than the 55-year lease offered;
- (3) The Ala Wai Gateway proposal with ground level facilities and a stand-alone center shows great promise, but 64 percent of the land on the site still needs to be acquired, by condemnation or other means;
- (4) Further arrangements need to be made to ensure satisfaction of current occupants or tenants of the Ala Wai Gateway site, in light of the news of numerous owners and tenants expressing unwillingness to relocate;
- (5) The disparity between the costs for the convention center building -- \$298-million for the Aloha Motors site compared to \$215-million for the Ala Wai Gateway, or a difference in construction costs of about \$83-million, and it needs to be reconciled, Mr. Speaker.

"The Legislature needs assurance that legal entanglements will not delay the convention center.

"The House Tourism Committee members and I are determined to select a site that offers the best prospects, or the best package, for the State's convention center.

"I urge my colleagues to vote in favor of these bills.

"Thank you, Mr. Speaker."

Representative Bainum then rose to speak in strong opposition to Senate Bill 871, SD 1, HD 2, stating:

"Yes, Mr. Speaker, there have been some changes proposed for the Gateway project. What has not changed is the fact that our community is worried about congestion -- congestion caused by thousands and thousands of conventioners descending upon a very residential community.

"The community is still concerned about the fact that condemnation will be used to acquire the land, and has not changed in its opposition to this site.

"Thank you very much."

Representative Ward then rose to speak in favor of the bills, with reservations, stating:

"Mr. Speaker, the importance of the convention center is unequivocally the most important economic decision that this body will make this year, perhaps for the decade, perhaps for the century. But it is no secret that I am very frustrated with the convention center selection process and the selection center site process. This body, in its wisdom, a number of years ago, decided that it was the knowledge and expertise, all in one, as an urban geographer, a regional planner, a traffic engineer, an architect, an economist, a hydraulic engineer and the like ... we thought we were all of those things in order to choose the best convention center site and the best convention center design.

"Mr. Speaker, I submit that none of us here are qualified to do this job and put our hard quantitative analysis as to why one site is better than another even though I admit the Chair of the Tourism Committee is doing an excellent job in a very imperfect process. But what has happened then is that this has become a political football instead of a professional judgment call.

"Mr. Speaker, my question is this ... where are all the professionals who can give us their objective analyses? What we see in the hearings are testifiers who, in order to not offend people, will not tell you where the site should be. If we need something from the public at a time, it is now, and we need to know where they cast their judgment. People are being so polite, they won't even tell us ... where did you guys make the decision about that? We don't have anything to say. This, to me, seems to be a strange way to spend three hundred million dollars and have politicians rushing where even the professionals have feared to tread.

"Having said this, Mr. Speaker, I am resigning myself to the fact that the site must be chosen, and it must be chosen this session, and for the sake of the future of our economy, I raise three technical questions to my colleagues:

"Firstly, on what basis has the third site, that is the Ewa side of the Ala Wai Golf Course, been eliminated if we have not all the professional, the technical information on the basis on which to exclude it? Where is the written quantitative objective analysis if that site is out the window?

"Secondly, with lease to fee conversion in the warring struggle that has been going on now, how can the person on the fifth floor of this building say that for a 55-year lease, we can pay three hundred million dollars and then give it back to them 55 years from now -- how can we do that? And I see the Chair of Tourism and his question: How can we not only for 55 years get the building back, but where all the professionals say an exhibition floor should be on one floor and not on a multiple floor?

"Lastly, Mr. Speaker, I ask, if we are so capable and as the professionals we've designated ourselves to be, why

can't we even fill in page 10 where it says how many minimum square feet we're supposed to make this center? The professionals have said that you have to have at least two hundred thousand square feet. We haven't even had the wherewithal to fill in page 10 which is really the basic upstart of what we're looking for.

"My fear, Mr. Speaker, is that we're in this thing over our heads and the time is catching up on us and because of the rush, we may rush in as we did in 1988 and make the wrong decision. What we need to do is better than what we're presently doing, and we need all the citizens and all the professionals and all those who have Waikiki presence, to come forward and tell us what is the best decision because, ultimately, it should be the professionals and not the politicians. It should not be a political decision but a professional decision.

"Having said that, I thank you."

Representative Stegmaier then rose to speak in support of Senate Bill 1863, with reservations, stating:

"My reservations have to do with my abiding concern that in keeping an increase in the transient accommodations tax out of the funding mechanism, we might be forcing an increase in residential property taxes.

"I feel very strongly that we should not build the convention center on the backs of the individual residents of the State.

"Thank you very much."

Representative Tam then rose and requested that his remarks, in favor of Senate Bill No. 871, SD 1, HD 2, 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:

"I find it very inappropriate for new information to be introduced suddenly in the Finance Committee's public hearing. Such action by the Convention Center Authority and its parties is secretive and does not permit the public to comment on. The volume of information did not allow me to be a responsible State representative to review the information before making a responsible decision affecting Hawaii's future."

Representative Tam then stated:

"Mr. Speaker, I wish to register my vote as no on Senate Bill 1863, reflecting in terms of Representative Stegmaier's words."

Representative Lee then rose and stated:

"Mr. Speaker, I would like to speak in support of Senate Bills 871 and 1863.

"Very briefly on Senate Bill 871, it is a question of public policy. A question of public policy demands the politicians or elected officials ascertain the wishes of the public. In this case, it's not simply one of referring to professionals. We need to make the decisions and we cannot pass the buck. We will make the decision when the time comes.

"On Senate Bill 1863, with your permission, Mr. Speaker, I would like to enter into the Journal the words of Mr. Lowell Kalapa in favor of the financing mechanism, from the April issue of the HVB membership publication."

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

***FINANCING A CONVENTION CENTER**

"There now seems to be a general consensus that Hawaii needs a Convention Center. While the continuing debate over the most appropriate site is a complex issue, how the Center should be financed is relatively straightforward.

"The Hawaii State Legislature enacted the Transient Accommodations Tax (or TAT) in 1986 on the premise that it was to finance the construction of a Convention Center.

"What is now history was certainly a disappointment to the industry. When the 1986 legislative session ended, a 5 percent room tax had been levied, but all the proceeds from it were designated for the general fund. It took another two sessions before a Convention Center Authority could be established.

"In the meantime, the Legislature decided to use the proceeds of the TAT for a state revenue sharing program, giving the counties 95 percent of the collections and keeping 5 percent for the trouble of collecting the tax.

"That brings us to the current dilemma of where does the money come from for the Center? If the state takes back the TAT revenues to build it, the counties will have to make up those revenues with increases in the property tax.

"Some in the Legislature say that if the visitor industry wants the Center so badly, an increase in the TAT rate could be justified.

"If the state had kept its word upon enacting the TAT, there would be more than enough money to pay for a Center now. In fact, the general fund has enjoyed three and one-half years of more than \$250-million in additional revenues.

"A novel approach to this financing dilemma has been offered by the Chairman of the House Tourism Committee. He has proposed that both the state and the counties sacrifice something in order to pay for the Center. The proposal would freeze the amount that the counties receive from the TAT to the dollar amount they received during the 1992 fiscal year. It would also freeze the amount the state receives in 4 percent general excise taxes on the rental of hotel rooms to 1992 levels. Any increased revenues would be designated for the Center.

"Concurrently, bonds would be sold to raise the working capital to build the Center. The incremental revenues in the TAT and GET would then be used to pay the debt service on those bonds.

"It is a novel idea that deserves serious consideration."

Representative Ward then rose and stated:

"Mr. Speaker, when I say professionalism, I'm saying that the way the Aloha Stadium, the way the airport, the way the major entities, including our State Capitol, were chosen by the professionals. They didn't put it in the political ring and say ... what do you people think about it? They did a very systematic, deductive process by which they said ... this is the best way, this is the way you should go and then my colleague correctly says, we should not have a lack of political will to cast the final judgment."

"My position in stating what I stated was that we should not be the first one to cast the political judgment on basically what is a professional decision and, quite frankly, will have far-reaching, hundreds of years' impact on the economy of this State. We're not playing with pogs here -- we're playing with three hundred million bucks. That should be the attention of the professionals first and the politicians second.

"Thank you."

Representative Lee, in rebuttal, stated:

"Oftentimes, we have no choice. The site for the Capitol was selected when the monarchy built the Iolani Palace, so there's no choice. The airport is where it is today because John Rodgers, you know, came to Hawaii and that's where John Rodgers Airport was. The only place we had a choice was the Aloha Stadium.

"The site is not the question ... the question is really in the design and the capacity, the architecture, and all that sort of stuff. That, the professionals can do. We are only asked to choose the site and the financial mechanism.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the reports of the Committee were adopted and **S.B. No. 871, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONVENTION CENTER,"** having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Bainum voting no, and **S.B. No. 1863, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR A CONVENTION CENTER,"** having been read throughout, passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Hagino, Hirono, Shon, Takumi, Tam and Taniguchi voting no.

The Chair directed the Clerk to note that S.B. Nos. 1616, 871 and 1863 had passed Third Reading at 2:04 o'clock p.m.

Stand. Com. Rep. No. 1241 on S.B. No. 831:

Representative Tom moved that the report of the Committee be adopted and S.B. No. 831, having been read throughout, pass Third Reading, seconded by Representative Menor.

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

"Mr. Speaker, the purpose of this bill is to prohibit smoking in all group child care homes, group child care centers, and family child care homes during their hours of operation. Tobacco continues to generate controversy and continues to generate legislation controlling or prohibiting its use.

"Mr. Speaker, I'm a non-smoker. I don't care for smoking, frankly, and yet it appears that some would tell you that whenever a smoking bill hits the committees, it's dead. Mr. Speaker, the measure before you is proof enough that such assertions are nonsense, and the product of those who refuse to look at the public record.

"When a bill, more in particular this kind of bill to regulate smoking, is referred to the House Judiciary Committee, I carefully review the pluses and minuses of the bill as it affects both smokers and non-smokers. In applying that standard to the measure before us, it was clear to me that the inconvenience to the adult smoker of a complete ban on smoking in child care centers was heavily outweighed by the fact that the focus of a child

care center is, of course, on the child being cared for. There is no reason why these children, many of whose parents don't smoke, should find themselves exposed to tobacco smoke in a child care facility like some other states.

"Mr. Speaker, unlike adults, children have no say in where they spend their day, and they have no method to exercise control over their environment. In such circumstances, government should and must intervene on behalf of the children.

"I fully support Senate Bill 831 and urge my colleagues to do likewise.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 831, entitled: **"A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES,"** having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1242 on S.B. No. 476, SD 2:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 476, SD 2, entitled: **"A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS,"** having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 831 and 476 had passed Third Reading at 2:08 o'clock p.m.

THIRD READING

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

S.B. No. 1531, SD 1, HD 1:

Representative Say moved that S.B. No. 1531, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Ward rose to speak against the bill, stating:

"Mr. Speaker, I rise to speak against this bill because I consider it, in my favorite terms, myopic and economic xenophobia, and it's going to cost us five to ten million dollars if we implement it. I begin by saying that we all know it's hard times financially and anything that would cause us to lose five or ten million dollars, we should be very wary of.

"The problem is, we are entering a protectionist era. The economic paranoia that this bill is going to begin with is a bad purveyor of what may be in the future, in the same way that what preceded the world wars were a number of trade barriers and walls that were erected. As I reminded this body before, one of the second laws of thermodynamics is -- for each action there is an equal and opposite reaction -- so as soon as we put up a trade barrier, we're giving five percent to our contractors. Those of ours who go down to Guam or Saipan, they may get a ten percent barrier, or they may get a fifteen percent one, if there is no end to it.

"The problem is, this is not a competitive measure -- it's anti-competitive, it's protectionist, and it's going to cost us, in the long run, a lot of money. In the short run,

it looks like we may gain something, but in the long run protectionism doesn't work. Protectionism is not something that this country was built on nor should the State be built on.

"Lastly, when revenues are down, this bill is going to cost us a lot of money when all of you know that we should be saving money and not spending it.

"In the final analysis, Mr. Speaker, this bill will not do the constitutional muster that we think it is. If you saw this morning's paper on the illustrious representative from the Senate, he said, 'clearly, it's unconstitutional,' and clearly it's not going to go and cut the mustard.

"Thank you."

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

"Mr. Speaker, when questions are raised about whether a measure is constitutional or not, I do not believe that we should defer to the opinion of a newspaper or even to a member of the distinguished body that meets on the floor below. I believe the measure is constitutional, as many other states have similar 'local' preference provisions in public works and contracting statutes and rules. These provisions were put into place in order to do what this bill attempts to do, and that is to level the playing field and ensure that companies here can compete on an equal basis with companies elsewhere.

"I do believe this bill has merit; I do believe the bill should move forward, and I urge my colleagues' support.

"Thank you."

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

"This is not a protectionist measure. It is an equivalent to the Federal government's 'Buy America' policy. There is nothing wrong for the purchaser to set the conditions under which he would accept or not accept the purchases of any services or goods. It is the purchaser's right to do so and this has been upheld in many other countries and also international law, so there is nothing wrong with or unconstitutional about this measure. We'll let the courts decide, but I'm quite confident that we'll come out on top.

"Now, as to the public policy of the issue before us, it is indeed the public policy of any body, any organized political body, to further the well-being and welfare of its own citizens. And if you live in Hawaii, you ought to stick up for Hawaii. That's all we should ask.

"Thank you."

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

"I understand the desire to take care of Hawaii's businesses, but this bill discriminates against other U.S. businesses within our union of 50 states. Hawaii is a state of the union.

"I recall, Mr. Speaker, years ago when former Governor Ariyoshi wanted to ban other American citizens from coming to Hawaii to live here. He found it unconstitutional and so, Mr. Speaker, the question enters my mind of the constitutionality of this bill.

"I rather not see us waste our money in the courts trying to defend a bill when it is questionable.

"Thank you."

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

"I generally don't support protectionist legislation, but I had a first-hand example with a problem that arose on the Capitol renovation where a contract was let by DAGS to a West Coast corporation that then flew in a bunch of employees -- laborers and carpenters -- did not pay them the prevailing wage of carpenters for doing carpentry work on the State Capitol renovation project, but yet undercut our local companies with their bid.

"I think that we need to take a strong look at that kind of a situation. I don't think that would have occurred if this law had been on the books, so we really do have violations, Mr. Speaker, that occur on the flipside where our local companies are getting underbid because those mainland companies believe that they can fly in -- I think in this case it was 70 percent of the labor force -- stack them up in hotels in my colleague's district, ten to a room, fly them back out after a three or four months' stay, and think that they can beat the system on our wage and our requirements. So if we have a playing field which says we want our local people to be employed, and we want our local companies to have a fair shake when they are competing against someone on the mainland that is looking at using the system in a different way, then I think that we should look more favorably upon this legislation.

"Because of that first-hand experience, Mr. Speaker, I am supporting this bill."

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

"Mr. Speaker, I think the previous situation outlined by my colleague is an aberration in unusual circumstances.

"In the Finance Committee, we did have the opportunity to ask the question whether many jobs would be lost if mainland people did come in and underbid our local contractors by less than five percent, and for the most part, contractors do not bring in employees with them except for a few management people. For the most part, they do hire local people.

"I do believe that if all things being equal, we should consider our local firms first, but to give them a five percent edge on cost when costs are a considerable factor these days, I think it is wrong.

"So thank you for letting me express my opposition."

The motion was put by the Chair and carried, and S.B. No. 1531, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS AND CONTRACTS," having been read throughout, passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Amaral, Marumoto, O'Kieffe, Tam and Ward voting no.

The Chair directed the Clerk to note that S.B. No. 1531 had passed Third Reading at 2:17 o'clock p.m.

S.B. No. 192, SD 1, HD 1:

On motion by Representative Bunda, seconded by Representative Tom and carried, S.B. No. 192, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 192 had passed Third Reading at 2:18 o'clock p.m.

S.B. No. 1619, SD 1, HD 1:

Representative Bunda moved that S.B. No. 1619, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Ishii-Morikami.

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

"I'm not sure if my colleagues have had an opportunity to read the April 3rd edition of **The Economist**, published in London, England, and available on our local newsstands. They are talking about the sad state of affairs in Hawaii, that the State's oldest industry -- agriculture -- is in even worst shape than tourism. Many of the old sugar plantations have gone bust and some locals favor legalizing marijuana which is a measure that will be before us later, arguing that hemp can be used to make rope, fuel, and medicine as well as reefers. 'That sounds desperate,' states **The Economist**, but they note, 'modern communications have already made it possible for film agents, architects and financiers to work from the islands.'

"There was a bill before the House, passed over from the Senate, that would have established a digital network trade-free zone and, unfortunately, it did not come out of committee on the House side. What did come out of our Consumer Protection and Commerce Committee, on which I serve under the direction of the Chair, was this bill relating to the Public Utilities Commission, and I applaud our Chair of the CPC Committee for his far-sightedness in seeing that this measure would move forward.

"This is going to allow the Public Utilities Commission to establish a docket to review Hawaii's telecommunication infrastructure, to look at what is going to be possible in this burgeoning field so Hawaii won't be left as a small island in the middle of the Pacific, and left out of this whole telecommunication network. It's a clean industry and it's one that is moving fast. If we don't move fast with it, we'll be left behind. On this point, I believe that the Senate is further ahead than this body is except that, again, I recognize the good work of our CPC Chair in making sure that the House keeps up and moves forward in attracting this clean industry to Hawaii. They are not going to sit and wait for us, Mr. Speaker, and unless we take some strong steps to move forward and open our shores to them, we will be overshot by the digital network, and we will just not be a part of that whole process.

"So in recognition of **The Economist** stating the sad state of affairs in our islands, I would like to say that if we move forward in this way, that maybe next year this time, we will have a more positive article from London, England, and it will come to us through a digital network.

"Thank you, Mr. Speaker."

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

"I just want to point out to the Minority Floor Leader that this measure does exactly what was the concern of the Economic Development Committee about the free-trade zone bill. Had we passed that bill, the regulators would have had nothing to say about it.

"This bill involves the regulator in coming up with that infrastructure docket, and allowing us to look at the future of telecommunications as a regulated industry in this State. Every other state that has pursued telecommunications and is looking at the future involves

the regulatory agency. This bill does, and the bill that was mentioned by the Minority Floor Leader would not have, so I support this bill and I did not support the earlier measure.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 1619, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading by a vote of 51 ayes.

S.B. No. 819, SD 1, HD 1:

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, S.B. No. 819, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALES TO OWNER-OCCUPANTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 127, SD 1, HD 1:

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, S.B. No. 127, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRY," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1619, 819 and 127 had passed Third Reading at 2:23 o'clock p.m.

S.B. No. 1473, SD 1, HD 1:

On motion by Representative M. Ige, seconded by Representative Nekoba and carried, S.B. No. 1473, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1453:

On motion by Representative Menor, seconded by Representative Tom and carried, S.B. No. 1453, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," 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 S.B. Nos. 1473 and 1453 had passed Third Reading at 2:24 o'clock p.m.

At 2:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:26 o'clock p.m.

S.B. No. 1393, HD 1:

On motion by Representative Menor, seconded by Representative Ishii-Morikami and carried, S.B. No. 1393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," passed Third Reading by a vote of 51 ayes.

S.B. No. 1451, SD 1, HD 1:

On motion by Representative Menor, seconded by Representative Ishii-Morikami and carried, S.B. No. 1451, SD 1, 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 S.B. Nos. 1393 and 1451 had passed Third Reading at 2:26 o'clock p.m.

S.B. No. 833, SD 2, HD 1:

On motion by Representative Menor, seconded by Representative Ishii-Morikami and carried, S.B. No. 833, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," was recommitted to the Committee on Public Safety and Corrections.

S.B. No. 1454, SD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 1454, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1454 had passed Third Reading at 2:27 o'clock p.m.

S.B. No. 1726, SD 1, HD 1:

Representative Say moved that S.B. No. 1726, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Isbell rose to speak in favor of the bill, "with some concerns," stating:

"The conveyance tax is being raised as a means of providing some funding for some of the items that are required. Twenty-five percent of the conveyance tax will go into the rental housing trust fund, and that's the portion that I would like to address.

"This means that there will be a dedicated source of funding which will be a pittance. It will be less than one million dollars a year. If it's a good year, possibly a little more. This would probably build about ten apartments.

"The purpose of this rental housing trust fund to which this is supposed to go was developed last year as a means of concentrating our efforts on building rentals. This year, we tried to come up with a more definitive source of funding so that there would be an on-going opportunity for the rental housing trust fund to gain funds through the interest earned on security deposits. I would like to bring this to the attention of all of the members of this House, especially those who did not support any other means of providing funds for the rental housing trust fund, this is not the way to go. It is simply not enough, and it is not a commitment from the Legislature to build apartments for our people.

"If we do not start concentrating on building rentals, I can assure you the homeless situation is going to grow even larger. The problems that we're facing now with the decrease of income for the people of the State is going to be even worse, and we're going to have more of a problem with housing than we've ever had in the history of this State. It would seem to me that the most appropriate, with those people who would like to see more housing built, come up with a better alternative because, obviously, we do not have cash in the general fund and we cannot just put continual bond money out to build these apartments.

"So I would like to express to you, Mr. Speaker, my other dismay at the fact that we worked very hard this year to come up with some kind of dedicated source of funding for apartments, for rentals, for the people of this State, and the most we've come up with is this small little

bit that's going to be used by raising our conveyance tax which, in fact, will probably raise the cost of housing.

"So I thank you, Mr. Speaker."

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

"Essentially for two reasons, Mr. Speaker. One, is the concern for the consumer. Hawaii is a very expensive place to live now.

"Secondly, with this conveyance tax, what's going to happen is the consumer will have to pay for escalating price of real estate which makes it more unaffordable for the young ones to buy. Fortunately, about four years ago, I was able to buy. I put 20 percent down, which was my life savings which amounted to about \$60,000. But imagine today -- today, nobody can afford it, and we're going to jeopardize this in the future for the young ones.

"Thank you."

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

"A number of years ago I stood on this floor, expounding upon the inadequacy, if you will, of our conveyance tax system, and that it overlooked the very important transactions. Those transactions were being initiated by some rather unscrupulous lawyers in their attempt to prevent their clients who were lessees of single-family housing from showing that they own property elsewhere. As you know, our current law does not force landowners to sell to lessees who own property elsewhere.

"Well, the trust companies and lawyers came up with this mechanism that is called the land trust. To hide those real property items, they simply put it under a land trust and as a consequence, all of those transactions now become personal property, and personal property, if you will, is not a requirement to pay conveyance tax on its disposition.

"So I hope that as the Chairman of Finance and the subject matter committees deliberate over this matter further in conference, that they will hopefully make those adjustments to again establish a mechanism that is fair and everybody pays as they go.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 1726, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Chang, Herkes and Tam voting no.

The Chair directed the Clerk to note that S.B. No. 1726 had passed Third Reading at 2:34 o'clock p.m.

S.B. No. 1143, SD 2, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 1143, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 536, HD 1:

On motion by Representative Oshiro, seconded by Representative Nakasone and carried, S.B. No. 536, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

REBUILT VEHICLES." passed Third Reading by a vote of 51 ayes.

S.B. No. 1128, SD 1:

On motion by Representative Bunda, seconded by Representative Tom and carried, S.B. No. 1128, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE PRESCRIPTIONS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1143, 536 and 1128 had passed Third Reading at 2:35 o'clock p.m.

S.B. No. 35:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 35, entitled: "A BILL FOR AN ACT RELATING TO LOYALTY OATHS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1214, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 1214, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SIMULTANEOUS DEATH ACT," passed Third Reading by a vote of 51 ayes.

S.B. No. 812, SD 1, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 812, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL SENTENCING," passed Third Reading by a vote of 51 ayes.

S.B. No. 689, SD 1, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 689, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 35, 1214, 812 and 689 had passed Third Reading at 2:36 o'clock p.m.

S.B. No. 741, SD 1, HD 1:

Representative Tom moved that S.B. No. 741, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Menor.

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

"Mr. Speaker, I am rising to speak in favor of Senate Bill 741, relating to vehicular manslaughter, but with a kind of a query to the Chair. I am wondering if there's a little hand of Edgar Allan Poe and the Telltale Heart in the committee report. I note on page 2 of the statement: '...your Committee recognizes that the current three-year limitation period may be too short in some instances, because in a manslaughter, unlike most other felonies, there may be no report of the crime by the victim.'

"I was a little bit puzzled by that statement and just thought that Edgar Allan Poe maybe had a hand in this measure.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 741, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE." passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 741 had passed Third Reading at 2:37 o'clock p.m.

S.B. No. 886, SD 2, HD 1:

On motion by Representative Menor, seconded by Representative Tom and carried, S.B. No. 886, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 886 had passed Third Reading at 2:38 o'clock p.m.

S.B. No. 1216:

Representative Tom moved that S.B. No. 1216, having been read throughout, pass Third Reading, seconded by Representative Menor.

Representative Marumoto 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 Marumoto's remarks are as follows:

"I rise to speak in favor of Senate Bill 1216 that will finally eliminate an archaic law that dates back to 1888. It has taken too many years for our State to recognize the injustice and discrimination we have put on the 'sanctity of marriage.'

"About ten years ago, the plaintiff attorneys suggested that interspousal tort immunity be eliminated. I introduced a resolution in 1989 calling for a study to repeal the law. In 1990, the House Women's Caucus and I each introduced bills calling for repeal. It's about time we remove this 'legal' idea that a husband and wife are one entity in each and every case. The adoption of this legislation is long overdue!"

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

"Because this is such a historic measure, I feel that I should say my remarks on the floor. This is a very simple but far-reaching bill.

"The bill repeals something called interspousal tort immunity, a law that has been hanging around on our books for over one hundred years. Quoting Professor Richard Miller's study which was done on the issue of interspousal tort immunity, quoting that study: 'Interspousal tort immunity is based on an ancient and outmoded and often bizarre concept, and that concept is, upon marriage, a wife's legal identity was merged with her husband. Therefore, to allow a spouse to sue the other would have been tantamount to allowing a person to sue oneself. In a marriage, the husband and wife were deemed to be one, and that one was usually the husband. The unfairness and adverse effect of denying Hawaii's spouses the right to sue each other where others in virtually similar situations of intimacy, for example, couples who live together; and relatedness, for example, children may sue, demands that interspousal immunity be abolished in Hawaii.'

"Mr. Speaker, Hawaii stands alone among fifty states to continue to have such a law on our books. This bill will have impacted many areas -- two in particular.

"One, spouse abuse. With the abolition of interspousal tort immunity, for example, a wife who is abused by her husband can sue him for damages, something she cannot now do.

"The second area is in the area of negligence. For example, if a wife is severely injured in a car accident where her husband was negligent, she should be able to sue under their insurance coverage. Right now, all other family members, except the spouse, would be able to seek such recovery.

"Opponents of this measure cite to the possibility of collusion between spouses. No support of data on this point has been presented to substantiate this fear. After all, forty-nine other states already allow spouses to sue each other to one degree or another so one would think that if the issue of collusion were really a serious one, there should be data readily available from these other jurisdictions. The mere possibility of collusion has rightly been rejected by our Hawaii Supreme Court, as well as the courts of virtually all other states, as not a reason for denying recovery.

"This bill's time has definitely come, to say the least. I urge my colleagues to vote in favor of this measure.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 1216, entitled: "A BILL FOR AN ACT RELATING TO SPOUSES," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Cachola voting no.

S.B. No. 1486, SD 1, HD 1:

On motion by Representative Bunda, seconded by Representative Ishii-Morikami and carried, S.B. No. 1486, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DURATION OF LICENSE SANCTION," passed Third Reading by a vote of 51 ayes.

S.B. No. 14, SD 1, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 14, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1216, 1486 and 14 had passed Third Reading at 2:42 o'clock p.m.

S.B. No. 525, SD 1, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 525, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND DANGEROUS WEAPONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 555, SD 1, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 555, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MURDER," passed Third Reading by a vote of 51 ayes.

S.B. No. 205, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 205, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1172, SD 1, HD 1:

On motion by Representative Tom, seconded by Representative Menor and carried, S.B. No. 1172, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Apo, Arakaki, Hagino, D. Ige, Lee, Pepper and Shon voting no.

The Chair directed the Clerk to note that S.B. Nos. 525, 555, 205 and 1172 had passed Third Reading at 2:43 o'clock p.m.

S.B. No. 1819, SD 1, HD 1:

Representative Tom moved that S.B. No. 1819, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Menor.

Representative Amaral rose to speak "in vehement opposition to Senate Bill 1819," stating:

"This is a bill that has come to be known as 'expedited sentencing' for intra-family sex offenders. This bill has surfaced in the Legislature over the past five years with varying names, but it always has the same purpose -- to change the way the justice system deals with the abhorrent crime of sexual abuse against children, specifically, giving preferential sentencing options to sex offenders who commit incest and admit to it early in their case.

"The purpose of this bill is to permit an intra-familial sex offender to limit his/her prison sentence to no more than one year in prison on a sentence that can be served in such a manner as to permit the offender to keep a job and a possible twenty year probation instead of the maximum possible under the current law, which is up to twenty years in prison on a first degree sex assault conviction.

"Though there are many qualifying factors built into the bill that make the offender admit to his/her commission of the sexual assault and to cooperate with the prosecuting authority, and allow the prosecutors and the child guardian ad litem having to agree prior to the offenders placement in the program, there are just too many hanging variables that make passage of this bill impossible -- impossible in its present form -- and impossible at all.

"To begin with, let's look at what we are really talking about here. This is incest. This is a father, or father figure, or some other 'trusted' family member, committing an act of sexual assault upon a helpless child victim. This is rape. It is not a 'family-dysfunction,' it is rape by extortion. It is a situation whereby the 'trusted' family member violates all levels of responsibility as a caretaker to the child and steps into the role of perpetrator, pedophile, and rapist.

"This is what makes the crime, a Class 'A' felony, so much more unacceptable. To rob a child of their baby years, their trusting childhood, and their love for 'Daddy,' even worse, to warp the idea of what love is in the eyes of an impressionable child is inexcusable and unworthy of lesser penalty consequences.

"Most of us spend our entire adult lives on a quest to understand what love is and how it functions in our lives and we, for the most part, had a choice. These child victims, innocent and unsure, are stripped of their choice at a very early age -- some as young as six months, two years, six years, or ten years of age -- and are never

permitted the opportunity to experience the 'pure' love and security of a safe childhood.

"Let us not lose sight of what we are talking about here. This is sexual molestation in the home. The place where the child should feel the safest literally becomes the very breeding ground of their worst nightmares.

"Disturbing statistics from recent studies show that pedophiles do not regret their actions -- they revel in them. They are not solely pedophiles, but may host a gambit of other crimes including robbery, assault, and drug use; have committed an alarming number of undetected sexual assaults against other victims to which they are willing to admit; and have addictive personalities, much like alcoholics or drug abusers.

"This very body commissioned a study through the Legislative Reference Bureau in 1988 and, at that time, the LRB researchers were asked to review: (1) preventing revictimization of the child or other children; (2) rehabilitating the offender and the offender's family; and (3) punishing the offender.

"The prioritization occurred in that order. Therefore the safety and the emotional and mental well-being of the child was and continues to be at the forefront of the issue. In the hours of lengthy and sometimes wrenching public testimony, I never once doubted that the intentions of the various agencies involved were to protect the child victim and that this truly was a priority.

"This bill suggests the treatment, as opposed to incarceration, as a way that we deal with offenders. I am not real sure how long-term treatment is going to be keeping the child safe if the offender is back at home. I'm not real sure that we have enough treatment people to be able to work and turn around this behavior, but rather, I am afraid the tale of abuse will continue over and over again with that child who has returned to the caregivers and the offenders.

"I ask all of you to reconsider your thinking on this measure. I ask you what the rush is to push this bill forward. I ask you to put aside the questions of whose side you are on because I believe the children of Hawaii think that you are actually on their side. Use your best thinking, use the wisdom that each of you, I know, have. Remember back why it was you chose to run for office, who it is you represent, and please vote against this measure.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, rarely do we take up a subject more filled with emotion, more offensive to our sense of decency, and more opposed to our vision for the families than the issue of sexual abuse of children by their parents. We cannot turn away from our responsibilities as legislators to face this issue, to expose its ugliness, and to promote and propose solutions. If the words I speak today have any power to persuade this honorable body to pass this bill, and I do speak in favor of the bill, it is because they draw their strength from the courage of those who are willing to stand witness to the trauma inflicted upon them by family members.

"Mr. Speaker, we were privileged last week to learn first-hand of such courage and what must surely be the most compelling, painful, honest and moving address ever made to this chamber. I speak, of course, of the remarks made by the Republican member from the Kohala Coast. Let us not dishonor the courage of his life and decency

into rancor among ourselves. Let us instead debate the merits of this bill before us in a frank and forthright manner.

"This measure is not in any way an attempt to weaken the laws against the sexual abuse of children. It is instead another weapon -- another weapon -- to be placed into the hands of the prosecutors of this State. It is the prosecutors of the neighbor islands who have called for this weapon, and it is the chief law enforcement officer of this State who believes that it is in the best interest of victims of abuse that we pass this measure. Let us not turn a dead ear to their arguments and to their experiences. We must remember that our job is not to pontificate about how horrible this crime is, but instead to adopt legislation which will help prevent further injuries to the innocent children.

"This bill is a supplement -- a supplement -- my friends, not a replacement as the opponents tried to tell you. It is not a replacement to the present law. Undoubtedly, when the prosecutor has a strong witness and a strong case, there will be no need for the prosecutor to take the option to proceed in accordance with expediting sentencing. The option belongs to the prosecutor and only to the prosecutor. However, in certain cases, use of the procedures contained in this bill of expediting sentencing will bring swift and sure justice, for within seven days -- seven days -- after a suspect has been notified by the prosecutor that the prosecutor has elected to allow the suspect to participate in the program, the suspect must move out of the family home, admit to the commission of the sexual assault, waive indictment of the charges, and enter a plea of guilty as charged.

"Contrast these procedures with those of the current law, Mr. Speaker. One-half of all cases brought in 1991 -- that's two years ago -- are still pending in the courts today. The child victim knows only that the abuser has denied any wrongdoing. The child victim is told that his or her testimony will send a parent to prison for twenty years. The case weakens due to the passage of time, and justice too often is not served. No counseling or treatment to prevent further abuse is given to the perpetrator. Such a system needs improvement.

"The measure before you is the result of five years of work by those who are charged with the duty to protect child victims and who are dedicated to making such an improvement in the system. Mr. Speaker, we have been elected as the voice of our constituents, but today we speak and vote on behalf of our children.

"Mr. Speaker, we heard this bill in the Judiciary Committee twice this year -- yes, twice. The first time, I held the bill. The second time, we passed it out, and this is the product before you. You know why we heard it twice? Because it wasn't an easy decision to make because those supporting the bill and those opposing the bill, many of whom work with children and work with the abusers, were awed and continued to be genuinely concerned about what's in the best interest of the children. Believe me, my heart goes out to both sides of this issue.

"To all of you sitting out there, in the name of children, all I ask is that we give it a chance -- two years to look at it. We give this law a chance to stand side by side with our current law that has been so clearly explained by Representative Amaral. Let us be an innovator. Let us be caring individuals, and let us forge ahead in the name of children -- in the name of children.

"Thank you, Mr. Speaker."

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

"In all due respect to the eloquence, passion, and articulateness of the previous speaker, I think this bill, as he states with good intentions, that which would seemingly be correct, but would be misguided.

"What is before us is very difficult for everybody. Who can best look into the criminal mind and prescribe public policy? I'm siding with those against the bill. I'm siding with those who, as one of our medical colleagues told us, there is not a consensus in the medical community. There is divisiveness, and if there's anything that you should be careful of when you proceed into new areas is that there is not divisiveness but some merging consensus. We have not even a merging consensus. When I was on the Judiciary Committee three years ago, we wrestled with this bill. We still haven't come to a consensus. It has good intentions. We're all for children. We all took the oath of office for every age.

"For the bill that allows a family to go through counseling and mandates some jail as the way of solving the problem is not the way to go. We obviously want some incentives to fade out or smoke out those who are the perpetrators. But quite frankly, the bill hinges on some uncertain structure of incentives of which I am not convinced we really know all about. What are the incentives for somebody to say or not to say something? I think we're playing in very dangerous territory without certain facts.

"But let's look at something that's straight. One thing that my previous colleague did cite was that the Honolulu prosecutor who prosecutes most of these cases is adamantly against this bill, and he is the chief law enforcement officer of the City and County where the vast majority and the bulk of the cases are heard. He believes that this bill will, at best, cause a major legal hassle and let molesters off the hook through legal loopholes.

"And the worst. This bill sends a message to the child that says ... your molester doesn't deserve to go to jail. For this heinous crime, he deserves only treatment and probation. Is that the message we want to send to our kids?

"What's more, there were two standards for punishment for child abusers. The strangers who molest children, the same stiff penalties are going to fly, but a zero to one year with twenty-five years probation is given to family members who molest children under this bill. What could be more outrageous than breaking the bond of trust between the adult family member and the child than sexual molestation? What is the message that the child is going to hear ... child abuse is bad and incest is not? I know that that message is not the intent of the authors, but that's the message that's being heard and that's what will happen in the real life courts. The children are going to suffer ... the very people that we want to protect! Children desperately need us to change the system, and dramatically from within. Some people would submit, without having to go and end run the way this bill attempts to run, there are a number of things that very simply and very adequately we can do now.

"For example, we can give less probation and more time to offenders. We can allow closed circuit TV for children to testify so that they don't have to face the abuser eyeball to eyeball. We can place child rape cases, whether for incest or not, first on the dockets rather than standing in line for years and months. We can also allow hearsay testimony when the child's age prevents him or her from giving testimony, and lastly, we should treat abusers the same way, across the board, so that some

people are not more equal than others and some abusers less punished than others.

"Only a measure such as this will put the victim first. Senate Bill 1819 presumes that molesters need counseling and help, and all the victims want is justice.

"Thank you, Mr. Speaker."

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

"You'll see people standing on both sides of the auditorium here or the chambers, holding signs up, and if you look at the faces of these people, many of them you know and respect; many of them come from your districts; many of them have been here testifying at the Legislature and have earned our respect for doing that. They're standing there in silent vigil, holding up these placards saying 'Just Say No' to this legislation.

"The community is deeply, deeply divided on this issue -- deeply divided -- and it is creating wounds that may take years to heal, and these are the very people that we need to be working together to really focus on the true problem which is healing children who have suffered this abuse.

"I don't see the need to rush through a measure this session, expediting sentencing for predators who have sexually abused children. I could see our rushing through a measure, saying we're going to expedite the jury trials for the perpetrators of sexual abuse crimes that involve minor children, and I could see our having every justification for rushing that through the system to say, those jury trials are going to go first. They are going to be the ones that are going to have a speedy trial, and we will use every creative legal method that we can that will allow the testimony of the children to be admissible for the judge and the jury to be able to weigh the facts and come up with a conclusion. But I don't see expediting a way to let these predators of intra-familial sex assaults off the hook lightly while those very same people most often are the ones that are out there also molesting neighbor's children.

"You have fact sheets attached to your 'Just Say No' posters that were circulated to all of your offices, and you know that the Honolulu Police Department, the Honolulu Prosecutor's Office, a large number of the service agencies, are very opposed to this measure. I don't think we, in good conscience, should move forward and pass this out. I think what we're doing is dividing the very community that we need the most in these kinds of instances, and that's not the way that we should act as legislators. I think what we should do, Mr. Speaker, again, is focus on making the court system be responsive quickly when it involves sex assaults on minor children.

"You take a look at this fact sheet, but there are no facts to support the notion that the physical safety of our children in our communities, in each of our communities, in our neighborhoods, and each child victim's physical safety and emotional well-being will be enhanced by this option. There is no evidence that that would happen. It won't increase convictions for the sexual assault of children under age five when the available evidence is marginal. There is no reasonable response to the teenager in your district who says ... why is it that when my stepfather raped me, his punishment was counseling, and when my friend was raped by a neighbor, his punishment was counseling and going to jail? How do you respond to that to a young woman -- a young teenager -- in your district, to say that, sorry, justice isn't always equal?

"There's a great deal of content in this, and I would ask each of you to look at it. I frankly don't have a response to be able to make to those holding the placards in silent vigil, and I'm deeply sorry to all of you -- to anyone of you, I'm deeply sorry.

"Thank you, Mr. Speaker."

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

"This bill is a heartrending bill because it has sharply divided the very people who are most aware and knowledgeable about the heartbreak of sexual assault and abuse of children. As you can see, Mr. Speaker, this is a very emotional issue.

"There is no consensus among these individuals and groups on this bill even though everyone, including of course the Chair of the Committee ... it's coming at it from the standpoint of what is best for the child. It is such a divided environment among knowledgeable professionals. It is very difficult for me to support a bill which gives the option of expediting sentencing, which translates into a lighter sentence only to those committing incest. This still makes a disturbing distinction between incest perpetrators and non-incest sexual abusers, a distinction not substantiated convincingly by any research that I have seen.

"The Senate Committee Report notes: 'The Committee recognizes that the child victim, especially in cases involving family members, is best served if the offender admits guilt and is swiftly sentenced. The victims of all crimes will be better served if the offender admits guilt.'

"Does this mean we should have expedited sentences for other crimes involving victims? Perhaps. I am not trying to be facetious by asking this question, Mr. Speaker. I ask this because this bill raises serious philosophical and legal issues which I believe warrant further thought and discussion.

"I commend the people who have worked very, very hard in support of this measure. I also commend all those who have come forward in opposition. If nothing else, this debate has focused our attention on the fact that there are some very woeful lax in our judicial system and the way we deal with these kinds of crimes, and I believe that this entire discussion will result in a renewed effort among the divided groups, including the members of the Committee and the House, to work together to address the various serious shortcomings in our judicial system, and it is my hope that that will be the positive outcome of this debate.

"Thank you."

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

"First of all, I would like to commend the Chairman of the Judiciary Committee for having the courage, and I mean the courage, to do what he believes is right, and for those in the community who came forth and testified about this bill. I am not going to try to discuss or debate the reasons why some of my colleagues are against this measure, but I want to speak to the members as to why I support this measure.

"First of all, I see this as a tool -- as a simple option -- that we provide to the prosecutor at their discretion. It's a pilot project for two years. If it works, we will look at it. If it doesn't, we won't.

"When we talk about the safety of the family home, let me speak from a little bit of experience. Many things have been said about the system right now as to how ineffective it is. Yes, it is an ineffective system. And many times, when I heard the testimony about how horrible this crime is, it is the most horrible crime I have ever come across, and I don't think anyone of us who are speaking in favor of this bill are trying to speak in support of or trying to defend a perpetrator of a crime. But I've got to tell you what's even worse. After that victimization happens, and then for a year or two that the case is pending, to see that little child having to hold firm with as much support as the social worker can give her, only to be having oftentimes a parent at home asking that little girl ... 'Recant your story so Daddy can come home, and I'll protect you.' That victim becomes a victim all over again.

"If we're going to talk about improving the system, then I challenge every member in this body right here. I fully support that. Get the cases going early, get it tried early. But short of that, provide an opportunity for that child to be spared. It is almost impossible for a little girl to testify against her own father. When we talk about the inequities, they say ... 'How come, if you're going to rape your daughter, you're going to get off with a lighter penalty?' The therapist that comes forward says ... 'You know, it's therapeutic for a child to go in front of the court and testify because it begins the process of healing.' That's oftentimes quite true. I've seen this happen. A child will go in front and testify, oftentimes against a stranger who may have raped her, and it is very therapeutic, and in some cases it does help. But I've also seen little baby girls who find it very difficult to testify against their fathers. And all this bill is saying, and the reason that that was put in, and I believe during the five years that people were working on this bill, some of the very people who are opposing this, were the ones who asked that this be put in because of those very reasons that how difficult it is for a child to testify against her own father.

"Now, should an individual ask to be allowed to enter a plea of guilty? The assumption that this individual is going home is quite erroneous. This individual is out of the home. He is going to have a therapist, the child is going to have a therapist, the family should have a therapist because the Mom is going to need to understand what incest is all about and what she needs to do to protect her own baby. There's going to be probably a CPS worker involved. There'll be a guardian ad litem involved, and before that individual is even considered to be allowed to go next to or close to that child, all of these individuals will have to say, 'Yes, he's ready.'

"When I heard the testimony, the Judiciary came forward. Judge Francis Wong came forward and said, 'This is even a tougher penalty' because what you have right now. . . look at the papers today, we have someone who was tried on a sex abuse charge. He pleaded guilty to a lesser charge. He's going to serve a maximum ten. He'll probably be out in three or four. Now, when we talk about the information that's going out there that this is being less, you're going to have a guy on twenty years' probation. If he misses one of his classes or whatever, he's going to be in violation of probation.

"Now, when the Judiciary person who comes in and tries these cases can come forth and say, 'This is actually something I prefer and would be tougher,' I listen to that individual. I don't just talk the tough talk. I want us to walk it, and if guys are willing to walk it, then we have to improve the Judiciary system. We have to improve how many probation officers and CPS workers, because I'll tell you, 250 cases were confirmed by CPS. Of those cases, less than half were actually taken and looked at by the

Prosecutor's Office. Now those cases, almost half of those, were never brought up for charges, so there's a lot of this stuff going on out there, and we're not simply talking about putting these guys away because they're not going away. And when they do go to jail and have them plead guilty and they haven't really had the therapy, you know what happens? They come out and they do it again.

"I would prefer to see somebody getting some help and if he breaks it, you put that guy in jail. And those people who believe that therapy doesn't work, treatment doesn't work, then I want to see a bill here next year and every single person who believes that, supporting it, that calls for a mandatory death penalty to these individuals because that's what you're going to need, or put them away for life with absolutely no ability for parole. Short of that, I think this bill accomplishes a little bit, provides us with an option, and I think the safeguards that are put into it satisfy, at least for me, that this is a good bill.

"I commend the Chair, and I commend those of you who have the courage to do what you believe is right on this particular bill.

"Thank you."

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

"As everyone knows, this bill has been strenuously debated between the proponents and the opponents. The valid arguments for and against this bill have been put forth. Organizations that normally work and cooperate together have found themselves diametrically opposed. For example, the Sex Abuse Treatment Center, the Honolulu Police Department, the Honolulu Prosecutor's Office, the State Department of Human Services, and various community and service organizations have all testified against the bill's passage. The Attorney General's Office, the Judiciary, the Children's Advocacy Center, and other groups have testified in favor of this bill. Victims of sex abuse have testified for and against this bill.

"Obviously, this bill has raised strong emotions on both sides, and the contention and dissension caused by this bill threatens to undermine all the relationships and cooperative efforts between these groups which has been painstakingly built through the years. For this reason, I have serious concerns about passing Senate Bill 1819, SD 1, HD 1.

"I believe the more prudent course may be to hold this bill and study the issue for a year to see if some kind of a consensus or a more palatable solution can be obtained. Moreover, I feel that a study of the issue during the interim may also clarify whether this bill will have any fiscal impact. If the program proposed in this bill will be used in any significant degree, the issue then becomes whether or not we have sufficient resources for treating and monitoring offenders. It has been suggested that implementation of this bill could cost the State over three million dollars in staffing costs, purchase of service costs, correctional costs, and victim services. Surely, we must have these services in place before the program can ever be implemented.

"For these reasons, I strongly urge my colleagues to vote against this bill until we can all have a chance to more thoroughly discuss and study the issue.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, over the past few days, all of us have heard the emotional arguments about this bill. All of us have heard intellectual arguments relating to matters about this bill. Some of the intellectual arguments were made by people who I suspect have not read the bill. The concerns that this bill would allow the perpetrator of the terrible crime of inter-familial sex assaults to get off easy have been voiced.

"Let's look at the bill. Line 17, page 1: 'If the prosecuting authority determines that it would be appropriate to provide notice of the expedited sentencing program...' incidentally, after conferring with the Police Department, you shall do so, nor does providing this notice in any manner 'commit a prosecuting authority to issuing a final statement of no objection to the alleged offender being considered for the expedited sentencing program.'

"Further on, 'A defendant shall not be considered by the court for the expedited sentencing program unless the defendant's legal counsel receives a written statement from the appropriate prosecuting authority stating that office has no objection to the defendant being considered for the expedited sentencing program.'

"There is complete control of the situation by the appropriate prosecuting authority and if the defendant has met criteria including moving and remaining out of the family home until otherwise ordered by the court. Also, the defendant has not received a prior sentence under sections of the law which deal with rape and inter-familial sex assaults. If he has done so, he will not be considered for this program.

"Further, a guardian ad litem or person assigned has agreed that it would be in the best interest of the child for the alleged offender to be considered for the expedited sentencing program. Otherwise, the offender will not be considered. The prosecuting authority may oppose, at sentencing, the defendant's participation in the expedited sentencing program unless the offender has agreed to remain out of the home until otherwise ordered by the court, has admitted guilt, has continued to participate in treatment.

"The bill also indicates that lack of assessment and treatment resources shall result in the defendant not being considered for the program. If the assessment and treatment resources are not there, the defendant, I repeat, will not be considered for the program. The defendant must waive any confidentiality toward which the defendant might normally have with respect to those people who are treating him. This means that if the defendant tells the treating people anything which would endanger anyone, the treating people will be free to report to the probation officials. Any other condition deemed necessary by the court shall be imposed upon the defendant prior to being allowed to enter this program. A sentence of one year of imprisonment is possible under this program prior to ten to twenty years of supervised probation.

"Mr. Speaker, the controls are in place. The controls are in the hands of the prosecutors. Give the community this additional tool for dealing with this awful crime in a way humane for the victim.

"I ask my colleagues to support this measure.

"Thank you, Mr. Speaker."

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

"Think of the children. That's what I've been hearing for the last two weeks on this bill. It's from what I have been hearing from people who are on both sides of this bill, and I thought about that and I said, you're right. I am going to think about the children. I'm going to think of a little girl or a little boy coming up to me and I have to tell this little boy and this little girl, I'll tell you what, we're going to try and put your father or your mother in jail for sexually molesting you. But you know what? We can't guarantee you that they're going to be in for the whole twenty years. They may come out in four, they may come out in five, and they're going to come out and they may do to you again and there's nothing I can do that's going to help you right now. Or I can walk up to this child and say, look, yes, your father is going to be or your mother is going to be in jail for a year, but if they come anywhere -- anywhere -- near you in twenty years, he or she is going to jail for twenty years, and that's the end of story. And I thought about that and I put myself in the place of a child and I said, if this had happened to me, what would I do? What will be my response? I couldn't go on a stand and testify against my parents and I know if I tried, I'll get pressure from my family to tell me, 'no, you can't testify against your father; you can't testify against your mother; you can't put them in jail. It's you, you're going to break up our family.' I could not, in good conscience, put a child through that.

"I spoke to a woman yesterday for 45 minutes who was a survivor, and we disagreed. She said, 'I don't like this bill,' and I explained my position, and I said, 'Ma'am, I admire your position and I've listened to your arguments and after speaking with me for 45 minutes, all I want to hear from you is that if I make a decision, that you will respect my decision and you will respect me,' and she said, 'Sir, thank you very much. I respect you and I respect whatever decision you make because I know that you're thinking of the children first. You're not putting yourself, you're not putting anybody else before you -- you're putting the children first.' And that is why I am making this decision.

"I also find it hard to believe that everyone in this gallery today, on both sides of this issue, will be so divided by this issue, that should this issue rise or fall, that these people will not be able to get together and work towards the betterment of the children. That's why we are all here today -- for the children.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I bring to your attention and also my colleagues that I've been looking over my mail and I received a letter from our prosecutor, Keith Kaneshiro, and it is dated April 12, 1993. In essence, what he is saying is that this bill would be ineffective because he wouldn't use it and he's opposed to the bill.

"Let me read a sentence to you: 'I would like to clarify that I am still adamantly opposed to the bill and will not use the program proposed in it.'

"Therefore, I have to be against the bill because it would mean that nothing would come out of it.

"Thank you."

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

"I would like to share with you and my colleagues the problems that I have with this measure. Obviously, this is a very emotional issue and when faced with such an

emotional issue, I tend to look at the scientific literature and look for guidance. I have done so, and I would direct your attention to a study by Dr. Abel, entitled: 'Multiple Paraphrastic Diagnosis Among Sex Offenders,' and basically concludes that it is customary to believe that in cases of incest, simply result from distorted family dynamics and the individuals involved in incest were unlikely to be involved in other types of paraphernalias. This conclusion tells us it is inconsistent with the findings described in this issue.

"My concerns are also that other studies point out some problems with the treatment program. I received a letter from the National Center for Protective Parents in this packet that you all received. In there, we are told about how in Minnesota a much appraised treatment program that closed down after nine years. This program was designed to try and keep parents out of jail if they pleaded guilty. And they found, over the nine years' study, nearly one quarter of the rapists were rearrested for other sex crimes. An Ontario, Canada, study shows that treated offenders committed more violent crimes than those who went untreated.

"Mr. Speaker, my concerns are that the scientific literature that I've seen does not bare out that this is necessarily the best thing for the children. For those who say, well, we have statistics on both sides ... I say, 'show me your statistics.' I haven't seen any in this regard.

"My concern, Mr. Speaker, is that I'm not sure this bill is worth the division that it has caused. You've been read a list of the various people who are opposed to this bill but when I see people from the Sex Abuse Treatment Center who I respect very much, when I see people from the Child Advocacy Center who I also respect very much so divided on such a measure, it tells me something's wrong because usually groups like these service providers can come to consensus one way or the other, and this has not been achieved in this matter and that concerns me.

"It also concerns me that Mrs. Rubin of the Department of Human Services, in her testimony and in her own words on April 5th, testified that they had some concerns about passage of this bill at this time, and she suggested that in the interim, between this and next year, existing agencies can still make agency policy changes. They can refine working arrangements, provide for cross training, collaborate some maximizing resources, and take other appropriate actions guided by accelerated means of aforementioned multiple agency groups.

"This bill appropriately amended next year and/or other measures introduced, based upon the collaborative efforts of the existing entities, will serve the interest of our child victim well.

"Mr. Speaker, I'm not convinced that this bill will do all that we've been told that it was and that it will do. I know it may be another option and another tool but I, for one, am not willing to take the chance if it doesn't work.

"For that reason, Mr. Speaker, I'll vote no.

"Thank you."

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

"It is a very tough issue for me as someone who has advocated a very hard-line position on so-called law and order issues but I see that there's something here, especially after having heard from the proponents of the bill, their arguments being that many perpetrators are not being tried presently, that when tried, they are pleading to lesser offenses such as one year incarceration, five year

probation, for this heinous crime. Recently, within the past week or so, I've heard from friends who are opposing the bill and they refer to the LRB's study. Among the arguments that they make is that there is no proven treatment, that some perpetrators are not treatable at all and that for some victims, being able to publicly accuse at trial their perpetrators, psychologically, is very important and meaningful for them.

"In response to Representative Bainum's reference to treatment, I would like to refer to another study on perpetrator treatment, and if I could quote a Dr. Judith Becker and Dr. John Hunter: 'We are beyond the point of asking whether treatment for child molesters works. Data indicate that it worked for some in the short run and for others in the long run. The questions that require further empirical inquiry pertain to determining which therapeutic approaches are most applicatious, given various client characteristics and conditions of treatment. A continuum of care is needed, including follow-up services to already treated clients and long-term legal monitoring to ensure their compliance with therapeutic directives. Children in our society will be best served if those individuals who have a proclivity to molest children are identified and treated. Data are now available and should be presented to legislators to inform them that not only is it applicatious to provide treatment to men who molest children, but it is also cost effective.'

"The LRB, unfortunately, took no position on any of the questions asked. In this murky environment that we are left with, situation of unclarity, there are several things that we can be assured of with the passage of this bill. There will be more convictions, less perpetrators in the homes, less trauma to victims, and perhaps most importantly, a stronger governmental commitment to treatment. These alternate sentences cannot be made without proper monitoring and treatment and that is part of the bill. Among those who proposed this bill is the chief judge of the Family Court of the State of Hawaii. It's a two-year pilot project, and I would say that the onus is on the Judiciary to show that this is a good law.

"Mr. Speaker, even if I and others who support this bill are misguided, there are safeguards. Even as a pilot project, this alternative will only be available if perpetrators are out of the house and follow other requirements of probation. The prosecutor supports the sentence, the judge supports the sentence, the guardian ad litem supports the sentence; treatment and monitoring are in place and will be sufficient throughout the probationary period.

"In conclusion, I view this bill as adding another tool in the prosecutor's arsenal. When in the interest of the child, it is the judgment of the prosecutors, the guardian ad litem, and the Family Court judge that this is the appropriate method. This prosecutorial tool should be available.

"Thank you."

Representative Santiago then rose and stated:

"I did want to just clarify one remark that was made by Representative Bainum earlier.

"Last night, I received a telephone call from the Director of the Department of Human Services, Winona Rubin. I think we clarified her position in support of the measure. I also had been in contact with the line level workers within the Department, as well as some of the intermediate people in management, and they are in support of the measure. I want to make sure it's clear because the people who work primarily with this, of the 597 cases reported, 414 were disposed of by the police,

and 244 were confirmed by DHS. I do think that's somewhat credible as I had previously worked in the field.

"Thank you, Mr. Speaker."

Representative Bainum, in rebuttal, stated:

"I spoke with Ms. Rubin this morning and indeed she is in support of the measure but not at this time, and I think that's an important distinction. If we are going to talk about the ability to speak to this issue, I would point out that I work at the Sex Abuse Treatment Center as a physician.

"Thank you."

Representative Pepper then rose and stated:

"A previous speaker, in opposition to this measure, directed our attention to a letter from the Prosecutor of the City and County of Honolulu who said that he would not use this expedited sentencing if it became law. That was precisely the point of my speech.

"The control is in his hands. I think he is wrong in taking the stand he does, but for those who will find it helpful to victims, who are willing to ask what is best for the child in this particular case, let it be in their hands to do so.

"Thank you, Mr. Speaker."

Representative Amaral then rose and stated:

"Mr. Speaker, I need to reiterate or clarify expedited sentencing program is an untested legal concept. Sexually abused children should not be used as guinea pigs in this legal experiment. My sense of justice tells me that this is unacceptable. I'm thinking that if the problem is in fact in the criminal justice system, then the work that we have before us is to work on restoring the balance in the criminal justice system.

"I am disgusted that our system seems so out of whack, that a child can't even take a stuffed bear into the courtroom, and how pitiful and ineffectual that our only response to this outrage is to ask the child rapist for help in prosecuting them.

"These are all the wrong reasons to pass this measure. The system is messed up and let's all fix it. Let's not let rapists of children go free.

"Thank you."

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

"We need to listen to the children. I have friends on both sides of this issue -- victims, professionals, parents and other family members. Children, like adults, react differently to given situations, to traumatic situations. Child victims are supportive and are opposed to this particular measure. I believe not having consensus on this very sensitive issue is reflective of the differences in how children and families deal with child sex abuse.

"This bill acknowledges children's individual needs. I know that everyone here cares very much about children and their needs, whether they are supportive of this bill or not. For children and families who are able to successfully endure the present court system and become empowered through this process, I am absolutely supportive of what they are doing.

"For people who serve on juries on child sex abuse, I urge them to listen and believe the children. That doesn't happen enough. Children have so much to share with us.

"Senate Bill 1819 listens to another group of children who want their family member (1) to acknowledge what they did was wrong -- very wrong; (2) feel sorry for what they have done; (3) to stop what they are doing; and (4) to actively seek help. This bill listens to these children and provides a new tool to the court system to use in appropriate cases.

"I have listened to children who are survivors of intra-familial sex abuse who feel that the present court system provides the opportunity to be empowered. This bill will not take away this option for them.

"I strongly feel our present court system is far from perfect as many other speakers have said. Along with expedited sentencing and options available presently in our court system, we need to put our wholehearted effort in making the court system more child friendly and fair. I believe proponents and opponents of this measure agree with this, and I look forward to putting our energy and attention toward this end for the sake of our children.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 1819, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading by a vote of 38 ayes to 13 noes, with Representatives Alcon, Amaral, Bainum, Beirne, Herkes, Hirono, Marumoto, Shon, Takumi, Tam, Taniguchi, Thielen and Ward voting no.

The Chair directed the Clerk to note that S.B. No. 1819 had passed Third Reading at 3:44 o'clock p.m.

At 3:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:51 o'clock p.m.

S.B. No. 413, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 413, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII TO REQUIRE SENATE CONFIRMATION OF DISTRICT COURT JUDGES," passed Third Reading by a vote of 51 ayes.

S.B. No. 492, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 492, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT JUDGES," passed Third Reading by a vote of 51 ayes.

S.B. No. 1624, SD 1, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 1624, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Third Reading by a vote of 51 ayes.

S.B. No. 1584, SD 1, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 1584, SD 1,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEXATIOUS LITIGANTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1724, SD 2, HD 1:

Representative Ihara moved that S.B. No. 1724, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose stated:

"I would like to ask for a clarification, if I may, please, and that's specifically on page 8, Mr. Speaker, line 11 and line 19. If I am correct, Mr. Speaker, it should read: 'Provided that this paragraph shall not apply to...' and add the word or clarification 'rental income.'

"Is that the intent of the measure, Mr. Speaker?"

At 3:53 o'clock p.m., Representative Say asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 3:54 o'clock p.m., Representative Thielen stated:

"I spoke with the Chair of the Finance Committee and the words 'rental' can be added in the two appropriate places on page 8.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 1724, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAXATION OF EMPLOYEE BENEFIT PLANS," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 413, 492, 1624, 1584 and 1724 had passed Third Reading at 3:55 o'clock p.m.

S.B. No. 802, SD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 802, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCOUNTANTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1381, SD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 1381, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESMEN," passed Third Reading by a vote of 51 ayes.

S.B. No. 122, SD 1, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 122, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OSTEOPATHY," passed Third Reading by a vote of 51 ayes.

S.B. No. 130, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," passed Third Reading by a vote of 51 ayes.

S.B. No. 1664, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 1664, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," passed Third Reading by a vote of 51 ayes.

S.B. No. 1489, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 1489, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM LAND SALES PRACTICES ACT." passed Third Reading by a vote of 51 ayes.

S.B. No. 191, SD 1, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 191, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER FIREFIGHTERS," passed Third Reading by a vote of 51 ayes.

S.B. No. 125, SD 1, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 125, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL BOND AGENTS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 802, 1381, 122, 130, 1664, 1489, 191 and 125 had passed Third Reading at 3:57 o'clock p.m.

S.B. No. 124, SD 1, HD 1:

Representative Ihara moved that S.B. No. 124, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose to speak in support of the bill, with reservations, stating:

"Mr. Speaker, I would like to assist the CPC Committee Chair on the Conference Committee, so I will be voting in support of this measure but with reservations. That way, we can have a House team going into conference."

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

"This bill will extend for another year the moratorium on the opening of service stations or retail fuel outlets by refiners and distributors of petroleum products. Additionally, this bill adds 'teeth' to the moratorium by authorizing the Attorney General to seek injunctive relief against violators, and permitting injured parties to sue for damages. The bill further mandates that after the moratorium ends, there shall be two distributor or dealer-operated service stations opened for every refiner-operated service station opened.

"Some may try to portray the bill as an anti-competitive measure designed to protect dealers and independent operators at the expense of consumers. By accepting this characterization of the bill would be taking a narrow, and in Representative Ward's view, a myopic view, of its objectives, and would overlook the larger issue facing this State which is a lack of competition and a lack of alternatives in the importation, the manufacture, and the supply of petroleum products in this State.

"The supply of motor fuel in this State is controlled by only two companies. Without access to alternative, less

expensive sources of fuel which would allow them to be price competitive, dealers must compete by developing a niche in the market, for example, by offering customers who buy gasoline a car wash, full service, or convenience shopping. They compete for customers in these niche markets with refiners and wholesalers who operate retail stations.

"While consumers stand to benefit from greater choices in the way they buy gasoline and lower prices, these benefits may be short-lived if the State does not restrict the role of refiners and wholesalers in the retail market. If dealers are driven out of the marketplace because they are unable to compete with the retail operations of refiners and distributors, the retail market will eventually be left in the stronghold of a minority who will then be free to set fuel prices without competition.

"Extending the moratorium is admittedly a temporary, stopgap measure which does not address the larger problem of the lack of competition in this State in the manufacture and supply of petroleum products. A September 1990 report, prepared by the Attorney General's Office relating to gasoline prices, has documented that an oligopoly exists in the State's gasoline market which has resulted in less competition and higher prices for consumers. While the report acknowledges that an economic analysis of the oil industry's profitability goes beyond the scope of its initial investigation of the gasoline market, it surmised that the same situation probably exists for other petroleum products manufactured by refiners.

"Ultimately, the long term effects of this imbalance at the supply level need to be considered. These effects include not only those felt by the various parties involved in the distribution chain, such as wholesalers, retailers, and gasoline consumers, but also those affecting our State as a whole.

"The manner in which those who control the importation, manufacture, and supply of petroleum products conduct business in this State affects not only the price of gasoline, but also impacts the future and welfare of our families, friends, and neighbors employed throughout the industry. Therefore, the effects of decisions made at the manufacture and supply level are far-reaching, and go beyond what our citizens will pay at the gas pump.

"Besides looking at the long range effects of this situation, we need to consider the long range solutions. This bill is not offered as a long-term solution to the underlying problem. However, continuing the moratorium for another year would provide the State with the time to address and work towards resolving the larger issue of the lack of competition at the supply level, while at the same time, preserving the viability of independent dealers and service station operators whose continued existence is threatened daily.

"For these reasons, Mr. Speaker, I ask for your support of this bill.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I appreciate the remarks of the Chair of the Committee because those remarks lead me to conclude that perhaps the ultimate bill that will come back to us on this will reflect concerns about the petroleum marketplace and a desire on our part to really understand what is going on with this industry, and I say that because while

his remarks go to those kinds of concerns, the provisions of this bill do not reflect those kinds of issues.

"So it is because of the provisions of the bill, I must vote against it. However, I certainly hope that I am not misinterpreting the Chair's remarks and that we will be seeing a measure for final passage with a much more global look at the entire industry.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 124, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR FUEL," having been read throughout, passed Third Reading by a vote of 39 ayes to 12 noes, with Representatives Amaral, Arakaki, Beirne, Chun, Hagino, Hiraki, Hirono, D. Ige, Lee, Marumoto, Shon and Takumi voting no.

S.B. No. 1665, SD 1:

Representative Ihara moved that S.B. No. 1665, SD 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 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 S.B. No. 1665, SD 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.

The Chair directed the Clerk to note that S.B. Nos. 124 and 1665 had passed Third Reading at 4:05 o'clock p.m.

S.B. No. 1708, SD 1, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 1708, SD 1, 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.

S.B. No. 495, SD 1, HD 1:

Representative Ihara moved that S.B. No. 495, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose to speak against the bill, stating:

"What this will do is allow the court to grant probation to repeat offenders in Class A felony drug offenses, and I would just like to paraphrase the words that were stated by the prosecutor from the County of Maui. A drug dealer can cause a greater amount of destruction and misery in our community than the most accomplished killer.

"For that reason, Mr. Speaker, I am voting no on this measure. I don't believe we should be soft on those criminals."

The motion was put by the Chair and carried, and S.B. No. 495, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Amaral, Menor, Pepper, Stegmaier, Tam and Thielen voting no.

S.B. No. 405, SD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 405, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAY WATERS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1488, SD 1, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 1488, SD 1, HD 1, 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 S.B. Nos. 1708, 495, 405 and 1488 had passed Third Reading at 4:07 o'clock p.m.

S.B. No. 937, SD 1, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 937, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS FRAUD," passed Third Reading by a vote of 51 ayes.

S.B. No. 235, SD 1, HD 1:

Representative Ihara moved that S.B. No. 235, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose to speak against the bill, stating:

"I mentioned this earlier to colleagues that this bill signifies a significant social policy change in the Legislature. I think it's unfortunate that we're doing it by a bill without first conducting a study to see what alleged abuses they really are. We have a lot of unsubstantiated data but nothing that really shows that its joint and several liability deserves to be overhauled so dramatically without having a foundation for doing this overhaul and social policy change.

"There are a couple of situations that I would like the members to be aware of. Assume that you have a plaintiff that's a worker at Pearl Harbor who dies because of the use of asbestos at the base and her estate sues to recover. There are twenty to twenty-five companies that have supplied asbestos to Pearl Harbor over the years and so all are sued. Even if all are not sued and the plaintiff sues three major companies, these companies will bring in others as defendants. So assume that she, the plaintiff, that she smoked in the past and the companies would allege therefore she's contributorily negligent. Let's assume that the jury ultimately finds the plaintiff ten percent negligent. The twenty-five defendants -- the companies -- 90 percent negligent. Let's assume that the allocated fault has been spread out among twenty of the twenty-five companies, and this will amount to only 4.5 percent each. Let's assume that only four of those companies are still solvent ... each would pay only 4.5 percent, and the plaintiff would recover only 18 percent of the verdict, minus the ten percent that she was negligent. As an example, let's assume that plaintiff's estate recovers three hundred thousand from the jury. Only four defendants are solvent at 4.5 percent each. So plaintiff's estate recovers 18 percent, or fifty-four thousand out of that total recovery. So although plaintiff is only ten percent at fault and all of the defendants 90 percent at fault, she recovers only fifty-four thousand out of a three hundred thousand jury verdict. That's the impact of this bill.

"We have another impact if we involve the City and County for a design defect, and I can go through the same scenario, Mr. Speaker, but I think it suffices to say that the same thing will happen where you end up with a plaintiff who was involved in an automobile accident which involves the City and a couple of uninsured drivers. That plaintiff ends up, maybe severely disabled, maybe being a single parent no longer able to work, and what will happen is that she will only be able to recover a very small fraction of the damages.

"This is the social policy impact. This doesn't mean that the State will not, or the government will not, need to step forward then and pay for the social services to that injured plaintiff. But what it does mean is that our system which we established -- the joint and several liability -- no longer will cover and protect people so they will be able to recover, be rehabilitated, and be able to live as whole a life as they are able to after a severe automobile accident.

"I think it's a major change. Government ultimately is going to have to pay it doesn't mean that we're avoiding that, but what we are saying is ... we're going to not allow the joint and several liability to step in and the insurance to step in, or the self-insurance for the City and County to step in and cover those people who are injured and only marginally responsible themselves, but allow them to recover from someone that does have the financial resources to pay.

"Again, Mr. Speaker, ultimately this may be the way that we should go, but I think we are doing it without the foundation for taking this major step.

"For that reason, I am voting no on this measure."

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

"I cannot just sit here and see misinformation here being stated. I just want to point out to the members that in the case of the City and County and the State, when you are talking about design defects on the roadway, that is not where this bill will apply because you have a 25 percent threshold, so if the State or City was 25 percent or less liable on a design, that they would merely pay their share of it. So, please, let's not get design cases mixed up with the bill at hand.

"The second thing is ... we're just being cited one example of an asbestos case which is a very small example of civil law, so I just want to point out that the previous speaker does not state to you the other example where you have an asbestos case where the person does not smoke and is found faultless. I don't care how many defendants you pull into the case, that asbestos plaintiff will recover what this bill seeks to do, and only seeks to do is to clear up this inherent deep pocket problem where you have a tortfeasor who is minimally at fault, as opposed to the plaintiff or other tortfeasors, and may be forced to pay the entire thing, and that's what we're talking about, and I just merely rise to make these corrections.

"Thank you, Mr. Speaker."

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

"I believe that a large corporation such as the tobacco company will love this bill, and for that reason, I will be voting no."

Representative Thielen, in response to the Judiciary Chair's comments, rose and stated:

"I wasn't going to go through the whole scenario because I was trying to save time but it now appears I should do that.

"Assume that the plaintiff is involved in an automobile accident involving the City, a design defect and another driver. The jury awards a hundred thousand dollars. The plaintiff is found one-third at fault, the City is found one-third at fault, and the uninsured driver is found one-third at fault. Under the old law, the plaintiff would collect two-thirds because of joint and several liability. Under the proposed law, the plaintiff will only collect one-third of the damages. The old law applies only to non-economic damages. Under the proposed law, the abolition applies to both economic and non-economic damages.

"So what we have, Mr. Speaker, is the burden shifting to the injured party -- the plaintiff -- because of the change in joint and several liability, and this shift even occurs when defendants are collectively more at fault than the plaintiff.

"It is a social policy change. I think it should be studied first, and then we should decide which way we should deal with this.

"Thank you."

Representative Hirono then rose and stated:

"I would like to have my remarks against House Bill 1088, House Draft 1, which contains the same provisions on joint and several liability incorporated into today's Journal," and the Chair "so ordered."

Representative Hirono's remarks are hereby inserted:

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."

The motion was put by the Chair and carried, and S.B. No. 235, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT REFORM," having been read throughout, passed Third Reading by a vote of 39 ayes to 12 noes, with Representatives Amaral, Apo, Chumbley, Hagino, Hiraki, Hirono, Menor, Shon, Takumi, Tam, Taniguchi and Thielen voting no.

S.B. No. 1632, SD 1, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 1632, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION AND PRELICENSING REQUIREMENTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1666, HD 1:

On motion by Representative Ihara, seconded by Representative Thielen and carried, S.B. No. 1666, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY PERSONNEL," passed Third Reading by a vote of 51 ayes.

S.B. No. 1126, SD 2, HD 1:

Representative Ihara moved that S.B. No. 1126, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Ward rose to speak against the bill, stating:

"After talking about family incest, this is a bill about economic incest.

"Mr. Speaker, I speak against this bill because it enforces an old and a bad way of doing business. If enacted, this measure will be another wedge in the door we continue to hold open for abuse and favoritism in public procurement. It doesn't mean you're going to agree with me -- no, it doesn't, Mr. Speaker.

"Last year we tried to close that door, but as you all know, it got vetoed. We, as elected officials, speak often as a dissatisfied and disheartened group because of the public's disheartened moves on supposedly what we take. As we seek to appease the public by attempting to remedy the obvious link between campaign contributions and awarding of non-bid contracts, some of us say, well, that's a perception, it's not a reality. The Governor would like us to believe that the link is a public perception as opposed to a reality, but indeed it is a reality. The **Hawaii Monitor**, I would bring to mind again, in December of 1992, said that as much as 70 percent of the funds raised by the party in power during the 1992 election came from architects and engineers and a full 90 percent of those people had non-bid contracts. What is the perception and the reality of those numbers? We can no longer claim that we, as a legislative body, are not responsible because we do not award non-bid contracts.

"Mr. Speaker, none other than our loose law allows this, and who's responsible for passing the laws around here? The buck stops here and the procurement buck specifically stops here. There's a saying that says it's not only what we do but also what we do not do for which we will be accountable. Therefore, if we are to address the myriad of loopholes and manipulations, the freedom the current process grants to individuals and departments to procure as they see fit are blatant abuses, Mr. Speaker. To prevent those, we've got to tighten the process. We've got to centralize the process. We must define the lines of authority very clearly. We must establish clear and practical guidelines. We must stipulate limited exceptions, and we must support competitive bidding between architects and engineers. And finally, we must make clear and comprehensive appeals process as we also bring stiff penalties for violators and for those who have not been caught.

"When this bill came to us before, it offered strong alternatives to an otherwise weak, helter-skelter approach in public contracting. When it came to us, it was the real Senate Bill 1196. That bill established the Chief Procurement Officer with limited delegated authority. Now, under this bill, the delegated authority is unlimited. It allowed the Chief Procurement Officer, along with the Policy Committee, to determine guidelines. It made competitive bidding fundamental and authorized few exceptions. It established the program to aid small businesses in working for the State. And finally, it articulated stiff penalties and clear guidelines on the appeal.

"This bill, however, metamorphosed from S.B. 1126 to H.B. 2000 of which basically, Mr. Speaker, we have before us today.

"Hawaii is the only state in the nation that does not have centralized procurement. We, however, pride ourselves that we have centralized DOE's, we have centralized everything else, but when it comes to cutting the procurement process, we are the exception to that. The fact of the matter is that centralized procurement process translates into two key words that begin with A -- accountability and accessibility -- whereas the decentralized approach of which we are doing now continues a diffusion of responsibility and the impossibility of oversight of which, if we had time, we could cite from the Aloha Stadium to the non-bid contracts at the airport, and so on and so on. We need well-defined, clear rules and regulations.

"This bill is a bad bill because it's loose, and loose is never good, Mr. Speaker, unless you're a goose. And that's dangerous when you're in charge of the pork.

"I urge each of you to seriously consider the outcome of passing this bill. It sends an ironic message to the public. First, business as usual is okay, that is, in the non-bid area. It will just put new hats on old faces.

"Secondly, and very importantly, Mr. Speaker, this bill gives the impression to the public that we deserve to be exempted in this body from receiving campaign funds from non-bid contractors. We'll say it's okay for the Mayor and the Governor to be excluded, but we don't want to be excluded.

"These are two messages that the public will definitely hear. It's the reality, it's not the perception. It's the unfortunate reality when the world of procurement and the world of pork are involved.

"Thank you."

Representative Thielen then rose and requested that her remarks, in favor of the bill "with very serious reservations," 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 most concerned about the measure's failure to provide fair and open access to the State's entire business community in selling products and services and insuring appropriate price competition.

"The process by which the State awards contracts to architects and engineers is of particular interest and concern.

"This bill refuses to make competition fundamental. In doing so, it refuses to adopt a reasonably fool-proof system of awarding contracts for professional services such as architecture and engineering. Rather than the 'list' process called for in the bill, we should award these contracts through public notice, sealed competitive proposals, mandatory review by a technical screening committee, and final negotiation based on qualification and price.

"A method similar to this occurs at the county level, and should be coupled with an initiative calling on the Department of Accounting and General Services to annually publicize a list of State non-bid contracts. By directly confronting the process by which the State awards non-bid contracts, this Legislature would be much closer to preventing future abuses.

"We would be closer to reform if we passed legislation that clearly defined the process by which an aggrieved bidder could appeal. Is it right that we make the comptroller the appeals process? And if the aggrieved bidder disagrees, the matter goes directly to the Supreme Court.

"Weak penalties, Mr. Speaker -- this too is a problem. If we are to leave a flexible system in place, then we must provide for other checks and balances. I have two suggestions: Establish stiff penalties for violators and mandate periodic compliance audits performed by the Legislative Auditor.

"In its present form, the measure before us does little to prevent more abuse; it does little to regain the public trust; and it does little to ensure that a dollar's value is received for every tax dollar spent ... which brings me to something concrete that this measure does do.

"The Democratic Party's campaign fundraising during the 1992 elections relied heavily on architects and engineers receiving non-bid contracts from State government' as disclosed in the **Hawaii Monitor**, December 1992 issue, following its analysis of campaign records.

"At the request of the Waihee/Cayetano administration, this bill has been amended to prohibit political contributions from those doing non-bid business with the State, but limits itself to gubernatorial and mayoral candidates only.

"Mr. Speaker, I feel I must address this issue even though I strongly believe it has been inserted to throw both procurement reformers and a disgruntled public off track. It is not the answer to non-bid contract abuse, but I will support the effort provided that it is enforceable. With so many procuring agencies, such an amendment would require frequent and available public information on entities receiving non-bid contracts from the State.

"My last comment on this amendment deals with the return of unauthorized contributions to the contributor rather than the Campaign Election Fund. It is my belief that contributors should view contributions as donations to a democratic process rather than to an individual.

"I feel strongly that we endorse the negative side of politics when we allow contributors to believe that a donation implies a payback. Rather, Mr. Speaker, a donation to a candidate implies support for that candidate's efforts on behalf of a shared vision for Hawaii. When we return money to the Campaign Election Fund, we allow more people to promote and work toward a better Hawaii."

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

"Look upon the doughnut and not upon the hole." That was the end of a poem. In safe procurement, that means watch how architects and engineers -- the A and E -- receive contracts. Technically, A and E contracts include other professionals and is properly referred to as aesthetic professional or advisory services. Though definitely needed, there are very few A and E changes to the procurement law offered in this bill.

"Overall, however, this is a great measure. It addresses the dire need to (1) overhaul our antiquated procurement system; and (2) make procurement requirements the same for all State agencies.

"The good part of this doughnut include the creation of uniform contract procedures for all branches and departments of the State; raising the ceiling of bid for non-bid contracts; violations and penalties are drawn much clearer; the creation of an internal post audit program. I can't believe that we really didn't have a post audit program earlier. It institutes a grievance procedure. For the most part, you have to appeal to the same entity who granted you the contract, so lots of luck. And then you have to go to court. It authorizes the comptroller to suspend the company for cause. It contains training for employees in the procurement process. It establishes a temporary committee to draw up the rules, or I'm not sure whether it's quite temporary -- I don't know whether it's the same committee that's supposed to meet every four years to re-evaluate the rules.

"What is not so good in this bill are the A and E provisions. It's pretty much business as usual in that respect, whereas there will be committees to annually review the individual companies that can be on the list. The ultimate selection of the contract award from the list is still controlled by the head of each purchasing agency, and in the case of A and E construction projects, it is solely in the hands of the comptroller.

"What we need to see is a procedure which is not so closely held. A technical review committee, assisting the comptroller in the selection of bids and proposals submitted, would go a long way in dispelling skepticism and restoring much of the public confidence lost over the past few years. We understand some of the counties follow this procedure and it appears to work quite well.

"The Minority introduced legislation this year to publish the list of non-bid contracts. This would also throw more sunshine on the process rather than merely handing the list over to the Legislature that's called for in this measure.

"That is the substance of the doughnut -- the good and the bad part. Examine it carefully, but don't fall into the hole. The hole is the prohibition on gubernatorial and mayoral candidates to receive contributions from non-

bidders. It is a red herring. It is drawing attention away from the meat of the purchasing bill. It is one of those untried brainstorm that would probably die in Conference Committee when it comes under close scrutiny. Despite its attention-getting properties, I will agree to this provision provided that gubernatorial and mayoral candidates are given timely updates on exactly who is doing non-bid business with all the State departments -- UH, the DOE, the Legislature and the Judiciary. Otherwise, how are the candidates to know whom not to solicit or whom to accept contributions from? Yes, I realize that this prohibition will most hurt those who are running for executive positions in 1994 because the advantage goes to those potential candidates who have already done quite a bit of fundraising. But this next election for Governor can't be bought. It will be a contest for good, clean government and for a leader who inspires honesty, concern, and confidence.

"I urge all of you to keep your eye on the substance of this bill to improve the procurement process. This bill and the Senate measures still require a lot of work before we adjourn sine die. It is a most important bill, one by which we legislators and this legislative session will be measured.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 1126, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ward voting no.

The Chair directed the Clerk to note that S.B. Nos. 937, 235, 1632, 1666 and 1126 had passed Third Reading at 4:29 o'clock p.m.

S.B. No. 1063, SD 2, HD 1:

Representative Ihara moved that S.B. No. 1063, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"This bill proposes to ensure replanning and renewal in the Hamakua region by developing a Community Development Authority. There are some real problems with this bill.

"The Hawaii Community Development Authority -- HCDA as we all know it -- is the lead designation in charge of redevelopment, renewal, and replanning in Hamakua under this legislation. HCDA has worked only with urban redevelopment. This leaves it little experience with diversified agriculture which preserves the lifestyle and resources of the Hamakua region. Instead, it has more emphasis on urban development which offers little peace of mind to that community which does not desire urban growth.

"HCDA is another arm of the State which really does not encourage private investment, and I think we all know that to solve the long-term employment problems and short-term stability concerns, the private sector must be included in any redevelopment. The private sector is not a dirty word ... they are a very essential factor for this whole redevelopment of Hamakua.

"This cannot be a solely governmental project, and yet this bill would ensure that the burden would fall on the State. Both the Department of Business and Economic Development and Tourism, and the Hawaii Island Economic Development Board want a separate entity to

be in charge of renewal in this region so that private sector projects can be implemented immediately, leaving the State to market this region as the agricultural paradise that it is.

"Already, private companies are ready to invest in the region; for example, cattle industries and agricultural industries that could employ people tomorrow and secure their future for years to come. However, the private sector is being left out of the redevelopment discussions. Again I say, the 'private sector' are not dirty words.

"HCDA, unfortunately, will continue this fatal trend, and for that reason, I am speaking with reservations, but will be voting in favor of it, Mr. Speaker, because at least it is something.

"Thank you."

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

"First, I would like to take this opportunity, as the Representative of the Hamakua community, to thank you, to thank the Finance Chairman and his Committee members, and many of my colleagues on this floor for their strong support regarding the Hamakua Sugar situation. As a result of this support, a number of measures have passed this body and have been positioned for assistance to the Hamakua community.

"House Bill 1975 was part of a safety net that allows us to deal with the real priority of housing, continued medical services, and harvest of the existing crop.

"The budget bill, Mr. Speaker, also provides the means to develop alternative economic potentials and employment opportunities.

"Senate Bill 1063 is yet another piece of that safety net that creates a mechanism for all of the parties to work together in addressing community needs.

"HCDA is an entity already in existence. We know time is of the essence. It seems to make logical sense to begin there rather than starting from scratch.

"Mr. Speaker, there have been other sugar companies that have shut down in the past, but this particular closedown has been complicated by the fact that it is also in federal bankruptcy court. This fact has limited what options are and are not available, and despite these difficulties, Mr. Speaker, the community has really pulled together. During the past several months, task forces and work groups have been tackling problems, ranging from continuing medical services to dealing with additional stress on the family, from obtaining resources for employment and training opportunities to developing diversified agriculture options for the district and even working together to establish a community resource center that is made up primarily of volunteer help. And all of these efforts have been coordinated by the Hamakua Employee Assistance Steering Committee. Mr. Speaker, people are truly helping one another and the feeling of kokua is very strong.

"I also appreciate your consideration, Mr. Speaker, for allowing me the many return trips to the Big Island during this legislative session, but I also find it unfortunate that some of us have decided to use this painful situation for political gain. Some of us, without having attended a single community meeting in Hamakua, without having attended any of the bankruptcy proceedings, have professed to know better, and to spell out the answer to the Hamakua Sugar ills.

"Mr. Speaker, what bothers me is not the effort to make suggestions about what can be done. That kind of dialogue is always healthy. My concern rests with what I've learned in my brief tenure as a member of this body and that is, when you really care, you don't prove it by giving a floor speech.

"Thank you for allowing me these comments, Mr. Speaker."

Representative Thielen then rose to a point of personal privilege and stated:

"My point of personal privilege is to respond at the not-too-thinly veiled. . .

The Chair interrupted and called Representative Thielen out of order, stating:

"That's not a point of personal privilege."

At 4:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:37 o'clock p.m., Representative Thielen rose and stated:

"I would like to respond to the Hamakua region's representative about the allegation that some people are using the Hamakua region for political gain. I'm not sure if he was referring to the Governor's stew and rice dinner on the Big Island."

At 4:38 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:39 o'clock p.m., Representative Thielen continued her remarks, stating:

"I have been requested by leadership to confine my remarks to the bill alone. I will do so and in doing so, I believe it will respond to my colleague's allegations.

"I have spent a bit of time on the floor, talking about problems with the Hamakua region and being very deeply concerned about the problems faced by those people over there. Not only have I dealt with this in speeches on the floor, I have spent a great deal of time talking with some of the people that are involved with that. I have not had the luxury, Mr. Speaker, of being flown over to the Big Island to meet first-hand with the people. I'm sorry that I was not able to do that. But I have talked with State people on several areas.

"One is the implementation of that regional development plan and how it could help to make that whole region survive long-range by allowing the private sector to come in. I've had agreement from the government official. I also spoke with other government officials on the agricultural use of the district, and again had agreement that sugar could be viable, sugar could also have other uses such as with ethanol production. I have met with colleagues in this body to talk about the frustration of why weren't we using leadership in this body? I will not name those people, but I think that we were both on the same wave length, feeling that more leadership should be exerted by this body. I have not stood up to make empty political speeches. I have stood up to say we should exert leadership in this State. We shouldn't go to stew and rice dinners and pat people on the head.

"We should exert leadership and this bill, unfortunately, Mr. Speaker, does not go far enough. We should have implemented a development plan that already has been accepted by the community. We could have

saved a portion of the sugar operation and could have had the private sector in there providing jobs today -- not down the road.

"Being a land use attorney, Mr. Speaker, I know darn well what I am talking about. We could have created value in that land. We could have brought in the private sector, and we would not have had to just hand out welfare benefits to those people. I deeply regret that we did not act with leadership on this issue, Mr. Speaker, and this measure does not go far enough.

"Thank you."

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

"The purpose of the bill is to designate the Hamakua planning region as described in that regional plan as a community development district within Chapter 206E.

"The purpose of the HCDA is to join the strengths of private enterprise, public development and regulation into a new form capable of long-range planning and implementation of improved community development.

"The bill gives certain guidelines, and among them is that development should seek to promote economic stability and employment opportunities, for fostering diversified land uses, in addition to continuing agricultural practices. Urban and rural design policy should be established to provide guidelines for ensuring that the nature and pattern of public and private development is in keeping with the existing sense of community and the rural character and quality of life of the Hamakua Coast.

"With the generous investment of the House in economic stimulation, the prospects that have been uncovered by the State departments for diversified economic activity and the desire to work collaboratively among all government bodies, the communities of Hamakua and private sector prospects, Mr. Speaker, this bill gives hope of tremendous progress being made within the kind of environment and maintaining the traditions of the people of the Hamakua region.

"Thank you very much."

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

"Having represented an area that had perhaps not as large a trauma from a plantation closing, but one that closed nevertheless, I can share some of the concerns and perhaps even the helplessness that the Representative from Hamakua must have felt when it became very apparent that Hamakua Sugar Plantation was going to go down. It's not a very pleasant feeling, knowing that there are some circumstances beyond your control, some circumstances that cannot be righted with the wave of a legislative wand; knowing, too, that the end of an era has come and everything will not be as before and that your constituents must find new jobs in different industries.

"But I must commend the Representative from that region for his perseverance and his doggedness in working with his other colleagues, working with the county government, working with the administration and others, to come up with measures such as the one that we have before us which provides, not only a ray of hope, but a plan with which that region can get on with its life and look to other forms of economic development. I think we should be commending the Representative, as well as the committees involved in this particular measure, for the work that they have done, and I stand to do so.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 1063, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1063 had passed Third Reading at 4:46 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Hiraki, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1243) recommending that H.C.R. No. 430, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 430, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A COMPREHENSIVE STUDY ON THE REVENUE AND SERVICE OPERATIONS OF ALL STATE-RUN SMALL BOAT HARBORS AND BOAT RAMPS," was referred to the Committee on Finance.

Representative Takamine, for the Committee on Water and Land Use Planning, presented a report (Stand. Com. Rep. No. 1244) recommending that H.C.R. No. 9, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 9, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF ESTABLISHING A KUPUNA HALE IN KAHANA VALLEY STATE PARK FOR RESIDENTS QUALIFIED TO PARTICIPATE IN THE PARK'S INTERPRETIVE PROGRAM," was referred to the Committee on Finance.

Representatives Takamine and M. Ige, for the Committees on Water and Land Use Planning and Agriculture, presented a joint report (Stand. Com. Rep. No. 1245) recommending that H.C.R. No. 452 be referred to the Committee on Legislative Management.

Representative Ihara moved that the joint report of the Committees be adopted and H.C.R. No. 452 be referred to the Committee on Legislative Management, seconded by Representative Thielen.

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

"On page 2 of the resolution, it states that the Speaker of the House is requested to appoint a joint interim committee to examine issues relating to the protection of important agricultural lands within the State, and I assume, Mr. Speaker, that would be a bi-partisan committee?"

The Chair answered:

"If it's from the House, it would be."

Representative Thielen then thanked the Chair.

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and H.C.R. No. 452, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A JOINT INTERIM COMMITTEE TO EXAMINE ISSUES RELATING TO THE PROTECTION OF IMPORTANT AGRICULTURAL LANDS WITHIN THE STATE," was referred to the Committee on Legislative Management.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1246) recommending that H.C.R. No. 114 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and 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 referred to the Committee on Finance.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1247) recommending that H.R. No. 111 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 111, entitled: "HOUSE RESOLUTION REQUESTING A RESPONSE AS TO THE EFFECTIVENESS OF THE HAWAII INSURANCE BUREAU'S FIRE RATING PROGRAM," was referred to the Committee on Finance.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1248) recommending that H.C.R. No. 361, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 361, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO EXAMINE THE DELIVERY OF TELECOMMUNICATION SERVICES TO THE PUBLIC," was referred to the Committee on Finance.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1249) recommending that H.R. No. 334, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 334, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO EXAMINE THE DELIVERY OF TELECOMMUNICATION SERVICES TO THE PUBLIC," was referred to the Committee on Finance.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1250) recommending that H.R. No. 369, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 369, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE

CAR AND TRUCK RENTING AND LEASING ASSOCIATION OF HAWAII (CATRALA) TO SUBMIT INFORMATION TO THE LEGISLATURE REGARDING THE CAR RENTAL INDUSTRY," was referred to the Committee on Legislative Management.

Representative Taniguchi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1251) recommending that H.R. No. 262, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 262, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY ON TRANSFERRING THE DISPOSITION OF PARKING VIOLATIONS FROM THE JUDICIARY TO THE VARIOUS COUNTIES," was referred to the Committee on Finance.

Representative Taniguchi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1252) recommending that H.C.R. No. 266, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 266, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON TRANSFERRING THE DISPOSITION OF PARKING VIOLATIONS FROM THE JUDICIARY TO THE VARIOUS COUNTIES," was referred to the Committee on Finance.

Representatives Duldulao, Bunda and Tom, for the Committees on Health; Consumer Protection and Commerce; and Judiciary, presented a joint report (Stand. Com. Rep. No. 1253) recommending that H.R. No. 223, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 223, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII STATE JUDICIARY TO MEDIATE DISCUSSIONS ON THE ISSUE OF PRESCRIPTIVE AUTHORITY FOR NURSES," was referred to the Committee on Finance.

Representatives Duldulao, Bunda and Tom, for the Committees on Health; Consumer Protection and Commerce; and Judiciary, presented a joint report (Stand. Com. Rep. No. 1254) recommending that H.C.R. No. 226, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 226, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE JUDICIARY TO FACILITATE DISCUSSIONS AND CONVENE A FACILITATED POLICY ROUNDTABLE ON THE ISSUE OF PRESCRIPTIVE AUTHORITY FOR NURSES," was referred to the Committee on Finance.

Representatives Duldulao and Yonamine, for the Committees on Health and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 1255) recommending that H.C.R. No. 449, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 449, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO EXAMINE THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF HEALTH," was referred to the Committee on Legislative Management.

Representatives Duldulao and Yonamine, for the Committees on Health and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 1256) recommending that H.R. No. 401, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 401, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO EXAMINE THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF HEALTH," was referred to the Committee on Legislative Management.

Representative Duldulao, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1257) recommending that H.C.R. No. 448 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 448, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE NUMBER OF VOLUNTEER ADVISORY BOARDS THAT ARE ADMINISTRATIVELY ATTACHED TO THE DEPARTMENT OF HEALTH," was referred to the Committee on Finance.

Representative Duldulao, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1258) recommending that H.R. No. 400 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 400, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE NUMBER OF VOLUNTEER ADVISORY BOARDS THAT ARE ADMINISTRATIVELY ATTACHED TO THE DEPARTMENT OF HEALTH," was referred to the Committee on Finance.

Representative Isbell, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1259) recommending that H.C.R. No. 477, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 477, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT AN INTERIM STUDY OF THE HOUSING FINANCE AND DEVELOPMENT MECHANISMS AND PROGRAMS OF OTHER STATES," was referred to the Committee on Legislative Management.

Representative Isbell, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1260) recommending that H.R. No. 418, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 418, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT AN INTERIM STUDY OF THE HOUSING FINANCE AND DEVELOPMENT MECHANISMS AND PROGRAMS OF OTHER STATES," was referred to the Committee on Legislative Management.

Representative Isbell, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1261) recommending that H.C.R. No. 476, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 476, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU IN CONJUNCTION WITH THE HAWAII REAL ESTATE RESEARCH AND EDUCATION CENTER TO CONDUCT A STUDY ON THE ROLE OF NON-PROFIT ORGANIZATIONS IN THE DEVELOPMENT OF HOUSING IN THE STATE OF HAWAII," was referred to the Committee on Legislative Management.

Representative Isbell, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1262) recommending that H.R. No. 419, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 419, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU IN CONJUNCTION WITH THE HAWAII REAL ESTATE RESEARCH AND EDUCATION CENTER TO CONDUCT A STUDY ON THE ROLE OF NON-PROFIT ORGANIZATIONS IN THE DEVELOPMENT OF HOUSING IN THE STATE OF HAWAII," was referred to the Committee on Legislative Management.

Representatives Isbell, Duldulao and Chun, for the Committees on Housing; Health; and Human Services, presented a joint report (Stand. Com. Rep. No. 1263) recommending that H.C.R. No. 305, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 305, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENT OF HEALTH TO WORK WITH THE HAWAII HOUSING AUTHORITY AND OTHERS TO DEVELOP A COMPREHENSIVE BROAD SPECTRUM PLAN TO PROVIDE HOUSING WITH APPROPRIATE SERVICES FOR HOMELESS MENTALLY ILL PERSONS," was referred to the Committee on Finance.

Representatives Isbell, Duldulao and Chun, for the Committees on Housing; Health; and Human Services, presented a joint report (Stand. Com. Rep. No. 1264) recommending that H.R. No. 295, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 295, HD 1, entitled: "HOUSE RESOLUTION URGING THE STATE DEPARTMENT OF HEALTH TO WORK WITH THE HAWAII HOUSING AUTHORITY AND OTHERS TO

DEVELOP A COMPREHENSIVE BROAD SPECTRUM PLAN TO PROVIDE HOUSING WITH APPROPRIATE SERVICES FOR HOMELESS MENTALLY ILL PERSONS," was referred to the Committee on Finance.

Representatives Isbell and Kanoho, for the Committees on Housing and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1265) recommending that H.C.R. No. 399, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 399, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," was referred to the Committee on Finance.

Representative Okamura, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1266) recommending that H.C.R. No. 272, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 272, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO FORMALLY RECOGNIZE THE SPECIAL POLITICAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE HAWAIIAN PEOPLE," was referred to the Committee on Judiciary.

Representatives Okamura and Lee, for the Committees on Hawaiian Affairs and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 1267) recommending that H.R. No. 163, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 163, HD 1, entitled: "HOUSE RESOLUTION URGING THE ESTABLISHMENT OF A TASK FORCE TO IDENTIFY WAYS TO INCREASE THE NUMBER OF QUALIFIED TEACHERS AND EXPAND THE AMOUNT OF CURRICULUM MATERIAL FOR THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," was referred to the Committee on Finance.

Representatives Okamura and Lee, for the Committees on Hawaiian Affairs and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 1268) recommending that H.C.R. No. 167, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 167, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A TASK FORCE TO IDENTIFY WAYS TO INCREASE THE NUMBER OF QUALIFIED TEACHERS AND EXPAND THE AMOUNT OF CURRICULUM MATERIAL FOR THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," was referred to the Committee on Finance.

Representative Okamura, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1269) recommending that H.R. No. 270, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 270, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO FORMALLY RECOGNIZE THE SPECIAL POLITICAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE HAWAIIAN PEOPLE," was referred to the Committee on Judiciary.

Representative Okamura, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1270) recommending that H.C.R. No. 375 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 375, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO DEVELOP A PLAN AND A PROPOSED BUDGET TO ACCELERATE THE AWARD OF HAWAIIAN HOME LANDS," was referred to the Committee on Finance.

Representative Okamura, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1271) recommending that H.R. No. 342 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 342, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO DEVELOP A PLAN AND A PROPOSED BUDGET TO ACCELERATE THE AWARD OF HAWAIIAN HOME LANDS," was referred to the Committee on Finance.

Representatives Okamura and Takamine, for the Committees on Hawaiian Affairs and Water and Land Use Planning, presented a joint report (Stand. Com. Rep. No. 1272) recommending that H.C.R. No. 161 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and 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 referred to the Committee on Finance.

Representatives Okamura and Takamine, for the Committees on Hawaiian Affairs and Water and Land Use Planning, presented a joint report (Stand. Com. Rep. No. 1273) recommending that H.R. No. 159 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and 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 referred to the Committee on Finance.

Representatives Okamura and Takamine, for the Committees on Hawaiian Affairs and Water and Land Use Planning, presented a joint report (Stand. Com. Rep. No. 1274) recommending that H.R. No. 394 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 394, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO AUDIT SUGARCANE LEASE ENTITLEMENTS TO HAWAIIAN HOME LANDS," was referred to the Committee on Finance.

Representatives Okamura and Takamine, for the Committees on Hawaiian Affairs and Water and Land Use Planning, presented a joint report (Stand. Com. Rep. No. 1275) recommending that H.C.R. No. 442 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 442, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO AUDIT SUGARCANE LEASE ENTITLEMENTS TO HAWAIIAN HOME LANDS," was referred to the Committee on Finance.

Representatives Okamura and Takamine, for the Committees on Hawaiian Affairs and Water and Land Use Planning, presented a joint report (Stand. Com. Rep. No. 1276) recommending that H.R. No. 87 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 87, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII HISTORIC PLACES REVIEW BOARD TO ENTER AHUENA HEIAU INTO THE HAWAII REGISTER OF HISTORIC PLACES," was referred to the Committee on Finance.

Representatives Okamura and Takamine, for the Committees on Hawaiian Affairs and Water and Land Use Planning, presented a joint report (Stand. Com. Rep. No. 1277) recommending that H.C.R. No. 89 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HISTORIC PLACES REVIEW BOARD TO ENTER AHUENA HEIAU INTO THE HAWAII REGISTER OF HISTORIC PLACES," was referred to the Committee on Finance.

Representatives Cachola and Stegmaier, for the Committees on Tourism and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 1278) recommending that H.C.R. No. 231, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 231, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE VISITOR INDUSTRY ACTIVITIES AND PROMOTIONS WITH THE STATE INFORMATION NETWORK," was referred to the Committee on Finance.

Representatives Cachola and Kanoho, for the Committees on Tourism and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1279) recommending that H.R. No. 256, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 256, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A PROMOTIONAL CAMPAIGN TO PROMOTE HAWAII'S VISITOR INDUSTRY AND AGRICULTURAL PRODUCTS," was referred to the Committee on Finance.

Representatives Cachola and Kanoho, for the Committees on Tourism and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1280) recommending that H.C.R. No. 260, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 260, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A PROMOTIONAL CAMPAIGN TO PROMOTE HAWAII'S VISITOR INDUSTRY AND AGRICULTURAL PRODUCTS," was referred to the Committee on Finance.

Representatives Cachola and Kanoho, for the Committees on Tourism and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1281) recommending that H.R. No. 281, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 281, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII VISITORS BUREAU," was referred to the Committee on Finance.

Representatives Cachola and Kanoho, for the Committees on Tourism and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1282) recommending that H.C.R. No. 284, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 284, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII VISITORS BUREAU," was referred to the Committee on Finance.

Representatives Cachola and Stegmaier, for the Committees on Tourism and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 1283) recommending that H.R. No. 228, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 228, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE VISITOR INDUSTRY ACTIVITIES AND PROMOTIONS WITH THE STATE INFORMATION NETWORK," was referred to the Committee on Finance.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1284) recommending that H.R. No. 380, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 380, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO REPORT ON THE PROPORTION OF LOCAL RESIDENTS IN HOTEL MANAGEMENT POSITIONS AND TO FORM A TASK FORCE TO RECOMMEND POSSIBLE MEASURES TO INCREASE THIS PROPORTION," was referred to the Committee on Legislative Management.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1285) recommending that H.C.R. No. 420, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 420, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO REPORT ON THE PROPORTION OF LOCAL RESIDENTS IN HOTEL MANAGEMENT POSITIONS AND TO FORM A TASK FORCE TO RECOMMEND POSSIBLE MEASURES TO INCREASE THIS PROPORTION," was referred to the Committee on Legislative Management.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1286) recommending that H.C.R. No. 404, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 404, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PREFERENCE ON STATE PRINTING, BINDING, AND STATIONERY CONTRACTS TO LOCAL BUSINESSES THAT PAY THE PREVAILING WAGE," was referred to the Committee on Finance.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1287) recommending that H.R. No. 365, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 365, HD 1, entitled: "HOUSE RESOLUTION REQUESTING PREFERENCE ON STATE PRINTING, BINDING, AND STATIONERY CONTRACTS TO LOCAL BUSINESSES THAT PAY THE PREVAILING WAGE," was referred to the Committee on Finance.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1288) recommending that H.C.R. No. 209 be referred to the Committee on Judiciary.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 209, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING EMPLOYERS TO RESPECT THE LEGAL LIFESTYLE ACTIVITIES OF THEIR EMPLOYEES," was referred to the Committee on Judiciary.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com.

Rep. No. 1289) recommending that H.R. No. 206 be referred to the Committee on Judiciary.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 206, entitled: "HOUSE RESOLUTION REQUESTING EMPLOYERS TO RESPECT THE LEGAL LIFESTYLE ACTIVITIES OF THEIR EMPLOYEES," was referred to the Committee on Judiciary.

Representatives Yonamine and Kanoho, for the Committees on Labor and Public Employment and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1290) recommending that H.C.R. No. 409 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 409, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PLAN FOR ACHIEVING FULL FUNDING STATUS FOR THE HAWAII EMPLOYEES' RETIREMENT SYSTEM," was referred to the Committee on Finance.

Representatives Yonamine and Kanoho, for the Committees on Labor and Public Employment and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1291) recommending that H.R. No. 370 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 370, entitled: "HOUSE RESOLUTION REQUESTING A PLAN FOR ACHIEVING FULL FUNDING STATUS FOR THE HAWAII EMPLOYEES' RETIREMENT SYSTEM," was referred to the Committee on Finance.

Representatives Yonamine and Chun, for the Committees on Labor and Public Employment and Human Services, presented a joint report (Stand. Com. Rep. No. 1292) recommending that H.R. No. 245, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 245, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE ASSIGNMENT OF VENDING FACILITIES," was referred to the Committee on Finance.

Representatives Yonamine and Chun, for the Committees on Labor and Public Employment and Human Services, presented a joint report (Stand. Com. Rep. No. 1293) recommending that H.C.R. No. 250, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 250, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ASSIGNMENT OF VENDING FACILITIES," was referred to the Committee on Finance.

Representatives Yonamine and Chun, for the Committees on Labor and Public Employment and Human Services, presented a joint report (Stand. Com. Rep. No. 1294) recommending that H.R. No. 423, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 423, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT ALL STATE AGENCIES WHICH PROVIDE SERVICES TO THE PUBLIC REVIEW THEIR SERVICE DELIVERY PROGRAMS TO ENSURE THE INCLUSION OF ALL QUALIFIED LIMITED ENGLISH AND NON-ENGLISH SPEAKING CLIENTS IN THEIR SERVICE PROGRAMS AND TO DEVELOP PLANS TO ADDRESS ANY DEFICIENCIES IDENTIFIED," was referred to the Committee on Finance.

Representatives Yonamine and Chun, for the Committees on Labor and Public Employment and Human Services, presented a joint report (Stand. Com. Rep. No. 1295) recommending that H.C.R. No. 472, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 472, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT ALL STATE AGENCIES WHICH PROVIDE SERVICES TO THE PUBLIC REVIEW THEIR SERVICE DELIVERY PROGRAMS TO ENSURE THE INCLUSION OF ALL QUALIFIED LIMITED ENGLISH AND NON-ENGLISH SPEAKING CLIENTS IN THEIR SERVICE PROGRAMS AND TO DEVELOP PLANS TO ADDRESS ANY DEFICIENCIES IDENTIFIED," was referred to the Committee on Finance.

Representatives Yonamine and Kanoho, for the Committees on Labor and Public Employment and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1296) recommending that H.C.R. No. 315 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 315, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE AUDITOR INVESTIGATE AND DEVELOP CORRECTIVE MEASURES TO ELIMINATE WAGE INEQUITIES AMONG SPECIFIC PUBLIC EMPLOYEE JOB CLASSES," was referred to the Committee on Finance.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1297) recommending that H.C.R. No. 367 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 367, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO REPORT TO THE LEGISLATURE ON THE NEED FOR AND COST OF ESTABLISHING AN OCCUPATIONAL SAFETY AND HEALTH EDUCATION FUND TO PROVIDE OCCUPATIONAL SAFETY AND HEALTH TRAINING TO BUSINESSES IN HAWAII," was referred to the Committee on Finance.

Representatives Tom and Kanoho, for the Committees on Judiciary and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1298) recommending that H.R. No. 434, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 434, HD 1, entitled: "HOUSE RESOLUTION RELATING TO

TRAFFIC VIOLATIONS," was referred to the Committee on Finance.

Representatives Tom and Kanoho, for the Committees on Judiciary and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1299) recommending that H.C.R. No. 489, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 489, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO TRAFFIC VIOLATIONS," was referred to the Committee on Finance.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1300) recommending that H.R. No. 25 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 25, entitled: "HOUSE RESOLUTION SUPPORTING THE DEVELOPMENT OF NEW ROLES FOR THE MILITARY IN HAWAII," was referred to the Committee on Finance.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1301) recommending that H.C.R. No. 30 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF NEW ROLES FOR THE MILITARY IN HAWAII," was referred to the Committee on Finance.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1302) recommending that H.R. No. 22 be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 22, entitled: "HOUSE RESOLUTION SUPPORTING THE ON-GOING MISSION OF THE PACIFIC MISSILE RANGE FACILITY AT MANA, ON THE ISLAND OF KAUAI, IN THE STATE OF HAWAII, TO MAINTAIN THE CAPABILITY TO STRENGTHEN OUR NATION'S DEFENSES THROUGH EFFECTIVE TRAINING, TESTING AND EVALUATION, AND TO MAKE THE STATE OF HAWAII A MORE VIABLE LOCATION FOR OUR ARMED FORCES," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1303) recommending that H.R. No. 40, as amended in HD 1, be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 40, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING LEGISLATION THAT ADDRESSES THE ESCALATING PROBLEM OF VIOLENCE AGAINST WOMEN," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1304) recommending that H.C.R. No. 8, as amended in HD 1, be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 8, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING LEGISLATION THAT ADDRESSES THE ESCALATING PROBLEM OF VIOLENCE AGAINST WOMEN," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1305) recommending that H.R. No. 102, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 102, HD 1, entitled: "HOUSE RESOLUTION URGING THAT ACTION BE TAKEN TO PROVIDE NATURALIZED FILIPINO WORLD WAR II VETERANS WITH ALL RIGHTS AND BENEFITS TO WHICH UNITED STATES VETERANS ARE ENTITLED," was referred to the Committee on Finance.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1306) recommending that H.C.R. No. 105, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 105, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THAT ACTION BE TAKEN TO PROVIDE NATURALIZED FILIPINO WORLD WAR II VETERANS WITH ALL RIGHTS AND BENEFITS TO WHICH UNITED STATES VETERANS ARE ENTITLED," was referred to the Committee on Finance.

Representatives Tom and Menor, for the Committees on Judiciary and Public Safety and Corrections, presented a joint report (Stand. Com. Rep. No. 1307) recommending that H.C.R. No. 86, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 86, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE PROVISION OF UPDATED PHOTOS TO THE VICTIMS OF OFFENDERS WHO ARE ABOUT TO BE RELEASED FROM INCARCERATION," was referred to the Committee on Finance.

Representatives Tom and Menor, for the Committees on Judiciary and Public Safety and Corrections, presented a joint report (Stand. Com. Rep. No. 1308) recommending that H.R. No. 84, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 84, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE PROVISION OF UPDATED PHOTOS TO THE VICTIMS OF OFFENDERS WHO ARE ABOUT TO BE RELEASED FROM INCARCERATION," was referred to the Committee on Finance.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1309) recommending that H.C.R. No. 470, as amended in HD 1, be referred to the Committee on Finance.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1310)

recommending that H.R.No. 425, as amended in HD 1, be referred to the Committee on Finance.

Representative Ihara moved that the reports of the Committee be adopted and H.C.R. No. 470, as amended in HD 1, and H.R. No. 425, as amended in HD 1, be referred to the Committee on Finance, seconded by Representative Thielen.

Representative Thielen rose to speak against the resolutions, stating:

"Mr. Speaker, one of the strongest things that we have that supports democracy in our nation is the freedom of the press. I look at these measures that are saying to the media people, to the news reporters, to people on the firing line, that you have to disclose any interest or involvement that you may have -- any stock, any savings account, anything that you may have -- we want to have full disclosure of your assets. I look at that, Mr. Speaker, as a way of getting to that media person.

"I know that there are some members, or a member in this body, that would like to see the media squirm. Maybe we should say, let the owners of the newspapers squirm a bit, maybe let's even let the editors of the newspapers squirm a bit, but don't, don't do anything to the firing line news people. Those people are protecting our freedom to know -- our freedom of the press -- and don't do anything to them, Mr. Speaker, that could impact upon that and these measures do. Therefore, I am voting in favor of the First Amendment and against these measures, Mr. Speaker."

Representative O'Kieffe then rose to speak against the resolutions, stating:

"The local media organization in essence, through these resolutions, are being chastised for doing the very job the public expects from them; that is, uncovering truths of which potential conflicts of interest are a part.

"Although the media is clearly protected from this type of request by the U.S. Constitution and the First Amendment -- Right of Free Press -- we must not buckle in to power politics and allow the basic freedoms and rights of one of our most revered institutions to be compromised by measures such as these.

"Thank you, Mr. Speaker."

Representative Marumoto then rose to speak against the resolutions, stating:

"Like my colleagues, I believe that the First Amendment of the U.S. Constitution is vital to the good of our people. There is a potential for a dangerous precedence to be set in this situation. If we agree that the financial assets and revenue sources of media personnel impact upon the objectivity and fairness of reporting, then what is to stop us from declaring that the disclosure of one's religious background, sexual orientation, or age, is indeed equally critical in the name of fair and unbiased reporting.

"Surely, our country's forefathers did not intend us when they crafted the Constitution and the First Amendment. The freedom of the press is a right that cannot be denied and should not be attacked, either directly or indirectly. We need to vigorously protect that right and not chip away at it with measures aimed at undermining its intents and purposes.

"Thank you very much."

Representative Amaral then rose to speak in favor of the resolutions, stating:

"Actually I should disclose that I have a BA in journalism from the University of Dayton so it was supposedly my true vocation. I meandered off that path but I still have a great love for writing and a deep respect for the press.

"I see these measures actually as only a kind of policy statement coming from this body. The disclosure is voluntary in nature. There is no force of law with respect to resolutions, as we all know.

"In the discussion of these measures, one of the things that we brought up to those members of the media that came to testify against them was that this is the only business enterprise that carries with it the full weight and protection of the Constitution and the First Amendment -- the Freedom of Speech. There is no other business in a comparable position. And if, in fact, disclosure is requested from those of us that run for elective office, those of us that hold appointed positions, those of us with a special trust, why then should not the media be held to that standard as well because we entrust them also with the trust that they will tell us their story in as objective a way as possible?

"We ask the question also as to how disclosure of assets is going to interfere with their ability to write or to report a story accurately, and no good answer was ever given to the Committee.

"I believe this is healthy. I believe that it's an interesting venture in disclosure and with respect to some of the concerns that have been brought up today about ... well, if we disclose what your assets are, what about those other things such as sexual orientation, or religion, or race? All I can respond is that we already have protections in the law for these classes -- race, age, color, national origin, and religion -- and so I think we have already touched on that. I see this as kind of interesting.

"Thank you, Mr. Speaker."

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

"Having lived in the Third World, not only as a Peace Corps volunteer and a United Nations advisor, I've seen what the opposite side do in these resolutions do in practice. Intellectually and conceptually, we say ... well, it's no big deal, just tell us what the cameraman is making who is shooting right now.

"In practice, when you muzzle the media, you have effectively given the official voice to those who sit in this building, from the Governor down to you the legislators, more power and control over the people. If you give a little bit with these measures, you're giving the slippery slope the slide to say, carte blanche, the media what the forefathers said didn't mean anything and what is now titillating and intellectually stimulating, we will put aside.

"Mr. Speaker, these resolutions don't really belong in this body. It is unfortunate that today's Thomas Jefferson's birthday and we have resolutions like these before us. We shouldn't even entertain them with dignity of speaking to it.

"However, we all respect the author who introduced these. Unfortunately, that Chair is empty right now, but I say this ... 'Let us respect him but let us respect the media more and what our forefathers fought with blood, sweat and tears to put as a precedence of which now the

world sees as a shining light of beacon of truth because of a free media.' So, let's not sligh that.

"Thank you, Mr. Speaker."

Representative Hirono then rose to cast her no vote on H.C.R. No. 470, HD 1, and H.R. No. 425, HD 1, stating:

"I would just like to note that I would much rather the media spend their time making sure that we are doing the peoples' work rather than spending their time trying to comply with this type of disclosure requirements."

The motion was put by the Chair and carried, and the reports of the Committee were adopted and **H.C.R. No. 470, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRINT AND BROADCAST MEDIA PERSONNEL TO VOLUNTARILY DISCLOSE ASSETS AND REVENUE SOURCES,"** and **H.R. No. 425, HD 1, entitled: "HOUSE RESOLUTION URGING PRINT AND BROADCAST MEDIA PERSONNEL TO VOLUNTARILY DISCLOSE ASSETS AND REVENUE SOURCES,"** were referred to the Committee on Finance, with Representatives Chun, Hirono, Marumoto, O'Kieffe, Stegmaier, Thielen voting no.

Representatives Chun, Duldulao and Kanoho, for the Committees on Human Services; Health; and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1311) recommending that H.C.R. No. 317 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 317, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT ON THE MAXIMIZATION OF FEDERAL FUNDING FOR SOCIAL SERVICE PROGRAMS UNDER THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES," was referred to the Committee on Finance.

Representatives Tom and Chun, for the Committees on Judiciary and Human Services, presented a joint report (Stand. Com. Rep. No. 1312) recommending that H.C.R. No. 439, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 439, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE CHILD WELFARE SYSTEM OF THE DEPARTMENT OF HUMAN SERVICES, CHILD PROTECTIVE SERVICES AGENCY REGARDING EFFECTIVENESS OF SERVICES FOR CHILD ABUSE AND NEGLECT," was referred to the Committee on Legislative Management.

Representatives Tom and Chun, for the Committees on Judiciary and Human Services, presented a joint report (Stand. Com. Rep. No. 1313) recommending that H.C.R. No. 459, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 459, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A DOMESTIC VIOLENCE COORDINATING COUNCIL TO ADDRESS THE ISSUE OF FAMILY COURT JURY TRIAL BACKLOG AND ITS ADVERSE CONSEQUENCES ON VICTIMS OF DOMESTIC VIOLENCE," was referred to the Committee on Finance.

Representatives Tom and Chun, for the Committees on Judiciary and Human Services, presented a joint report (Stand. Com. Rep. No. 1314) recommending that H.R. No. 410, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 410, HD 1, entitled: "HOUSE RESOLUTION ESTABLISHING A DOMESTIC VIOLENCE COORDINATING COUNCIL TO ADDRESS THE ISSUE OF FAMILY COURT JURY TRIAL BACKLOG AND ITS ADVERSE CONSEQUENCES ON VICTIMS OF DOMESTIC VIOLENCE," was referred to the Committee on Finance.

Representatives Chun and Duldulao, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1315) recommending that H.C.R. No. 303, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 303, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO PREPARE AN IMPLEMENTATION PLAN AND STATUS REPORT ON EFFORTS TO INCREASE UTILIZATION OF THE EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT (EPSDT) PROGRAM," was referred to the Committee on Finance.

Representatives Chun and Duldulao, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1316) recommending that H.R. No. 293, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 293, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO PREPARE AN IMPLEMENTATION PLAN AND STATUS REPORT ON EFFORTS TO INCREASE UTILIZATION OF THE EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT (EPSDT) PROGRAM," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1317) recommending that H.C.R. No. 378, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 378, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF THE STRATEGIC PLAN FOR ADULT DAY CENTERS IN HAWAII," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1318) recommending that H.R. No. 345, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 345, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE IMPLEMENTATION OF THE STRATEGIC PLAN FOR

ADULT DAY CENTERS IN HAWAII," was referred to the Committee on Finance.

Representatives Chun and Duldulao, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1319) recommending that H.C.R. No. 123, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 123, HD 1, 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 referred to the Committee on Finance.

Representatives Chun and Duldulao, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1320) recommending that H.R. No. 120, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 120, HD 1, 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 referred to the Committee on Finance.

Representatives Chun and Duldulao, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1321) recommending that H.C.R. No. 144 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and 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 referred to the Committee on Finance.

Representatives Chun and Duldulao, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1322) recommending that H.R. No. 137 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and 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 referred to the Committee on Finance.

Representatives Chun and Duldulao, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1323) recommending that H.R. No. 285 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 285, entitled: "HOUSE RESOLUTION REQUESTING THE FAMILY SUPPORT ACTION COMMITTEE IN COOPERATION WITH THE STATE PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES TO SUBMIT AN IMPLEMENTATION PLAN TO ENHANCE AND EXPAND FAMILY SUPPORT SERVICES TO FAMILIES OF PERSONS WITH DISABILITIES," was referred to the Committee on Finance.

Representatives Chun and Duldulao, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1324) recommending that H.C.R. No. 289 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 289, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FAMILY SUPPORT ACTION COMMITTEE IN COOPERATION WITH THE STATE PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES TO SUBMIT AN IMPLEMENTATION PLAN TO ENHANCE AND EXPAND FAMILY SUPPORT SERVICES TO FAMILIES OF PERSONS WITH DISABILITIES," was referred to the Committee on Finance.

Representatives Chun, Duldulao and Bunda, for the Committees on Human Services; Health; and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1325) recommending that H.R. No. 430, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 430, HD 1, entitled: "HOUSE RESOLUTION URGING THE FORMATION OF AN INTERIM COMMITTEE TO ADDRESS THE PROBLEM OF LONG TERM CARE FINANCING," was referred to the Committee on Finance.

Representatives Chun, Duldulao and Bunda, for the Committees on Human Services; Health; and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1326) recommending that H.C.R. No. 485, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 485, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FORMATION OF AN INTERIM WORK GROUP TO ADDRESS THE PROBLEM OF LONG-TERM CARE FINANCING," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1327) recommending that H.R. No. 99 be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 99, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF THE STATE PROVIDING LIABILITY INSURANCE RELIEF TO ADULT RESIDENTIAL CARE HOME OPERATORS," was referred to the Committee on Legislative Management.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1328) recommending that H.C.R. No. 101 be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF THE STATE PROVIDING LIABILITY INSURANCE RELIEF TO ADULT RESIDENTIAL CARE HOME OPERATORS," was referred to the Committee on Legislative Management.

Representatives Chun, Duldulao and Kanoho, for the Committees on Human Services; Health; and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1329) recommending that H.C.R. No. 441 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 441, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT INTERIM LEGISLATIVE TASK FORCE ON MEDICAID," was referred to the Committee on Finance.

Representatives Chun, Duldulao and Kanoho, for the Committees on Human Services; Health; and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1330) recommending that H.R. No. 393 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 393, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERIM LEGISLATIVE TASK FORCE ON MEDICAID," was referred to the Committee on Finance.

Representative Chun, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1331) recommending that H.C.R. No. 368, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 368, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO REPORT ON EFFORTS TO RESTRUCTURE THE PUBLIC ASSISTANCE SYSTEM AND REQUESTING THE AUDITOR TO EVALUATE THE DETECTION SYSTEM FOR WELFARE FRAUD," was referred to the Committee on Finance.

Representatives Chun and Duldulao, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1332) recommending that H.C.R. No. 360, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 360, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF PUBLICLY-FUNDED HOME CARE SERVICES FOR OLDER ADULTS IN THE STATE OF HAWAII," was referred to the Committee on Legislative Management.

Representatives Chun and Taniguchi, for the Committees on Human Services and Intergovernmental

Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1333) recommending that H.C.R. No. 379, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committee was adopted and H.C.R. No. 379, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR'S FAMILY POLICY ACADEMY TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE SEVENTEENTH LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 1994," was referred to the Committee on Finance.

Representatives Chun and D. Ige, for the Committees on Human Services and Education, presented a joint report (Stand. Com. Rep. No. 1334) recommending that H.C.R. No. 380, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 380, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE EARLY CHILDHOOD EDUCATION AND CARE FINANCE IMPLEMENTATION INITIATIVE," was referred to the Committee on Finance.

Representatives Chun and Duldulao, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1335) recommending that H.C.R. No. 373 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 373, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONTINUATION OF THE TASK FORCE FOR CHILDREN WHO ARE MEDICALLY FRAGILE TO ASSIST STATE AGENCIES TO COORDINATE AND IMPLEMENT THE TASK FORCE'S RECOMMENDATIONS," was referred to the Committee on Finance.

Representatives Chun and Duldulao, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1336) recommending that H.R. No. 340 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 340, entitled: "HOUSE RESOLUTION REQUESTING THE CONTINUATION OF THE TASK FORCE FOR CHILDREN WHO ARE MEDICALLY FRAGILE TO ASSIST STATE AGENCIES TO COORDINATE AND IMPLEMENT THE TASK FORCE'S RECOMMENDATIONS," was referred to the Committee on Finance.

Representatives Bainum and Taniguchi, for the Committees on Energy and Environmental Protection and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1337) recommending that H.R. No. 36, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 36, HD 1, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO PROPOSE AND ENACT CONSTITUTIONAL REGULATIONS ON THE

USE OF POLITICAL SIGNS," was referred to the Committee on Judiciary.

Representatives Bainum and Taniguchi, for the Committees on Energy and Environmental Protection and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1338) recommending that H.C.R. No. 41, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 41, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO PROPOSE AND ENACT CONSTITUTIONAL REGULATIONS ON THE USE OF POLITICAL SIGNS," was referred to the Committee on Judiciary.

Representative Bainum, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1339) recommending that H.C.R. No. 177 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and 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 referred to the Committee on Finance.

Representative Bainum, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1340) recommending that H.R. No. 173 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and 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 referred to the Committee on Finance.

Representatives Bainum, Hiraki and Taniguchi, for the Committees on Energy and Environmental Protection; Ocean Recreation and Marine Resources; and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1341) recommending that H.R. No. 366 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 366, entitled: "HOUSE RESOLUTION URGING THE COUNTY OF MAUI, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE DEPARTMENT OF HEALTH TO DEVELOP A JOINT PLAN FOR THE REMOVAL OF ALGAE FROM THE BEACHES AND NEARSHORE WATERS OF MAUI COUNTY," was referred to the Committee on Finance.

Representatives Bainum, Hiraki and Taniguchi, for the Committees on Energy and Environmental Protection; Ocean Recreation and Marine Resources; and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1342) recommending that H.C.R. No. 405 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the

Committees was adopted and H.C.R. No. 405, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTY OF MAUI, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE DEPARTMENT OF HEALTH TO DEVELOP A JOINT PLAN FOR THE REMOVAL OF ALGAE FROM THE BEACHES AND NEARSHORE WATERS OF MAUI COUNTY," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1343) recommending that H.C.R. No. 27 be referred to the Committee on Judiciary.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ON-GOING MISSION OF THE PACIFIC MISSILE RANGE FACILITY AT MANA, ON THE ISLAND OF KAUAI, IN THE STATE OF HAWAII, TO MAINTAIN THE CAPABILITY TO STRENGTHEN OUR NATION'S DEFENSES THROUGH EFFECTIVE TRAINING, TESTING AND EVALUATION, AND TO MAKE THE STATE OF HAWAII A MORE VIABLE LOCATION FOR OUR ARMED FORCES," was referred to the Committee on Judiciary.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1344) recommending that H.C.R. No. 56 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION DELETING THE WORD 'PRIVILEGE' FROM THE GENERAL EXCISE TAX LICENSE," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1345) recommending that H.R. No. 135, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 135, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A PROGRESS REPORT ON THE STATE PLAN," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1346) recommending that H.C.R. No. 141, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 141, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROGRESS REPORT ON THE STATE PLAN," was referred to the Committee on Finance.

Representatives Stegmaier and Taniguchi, for the Committees on Economic Development and Business Concerns and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1347) recommending that H.C.R. No. 281, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 281, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A PRE-COMMERCIAL BIOPRODUCTS DEMONSTRATION CENTER AT HILO-HAMAKUA," was referred to the Committee on Finance.

Representatives Stegmaier and Taniguchi, for the Committees on Economic Development and Business Concerns and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1348) recommending that H.R. No. 278, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 278, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE DEVELOPMENT OF A PRE-COMMERCIAL BIOPRODUCTS DEMONSTRATION CENTER AT HILO-HAMAKUA," was referred to the Committee on Finance.

Representatives Stegmaier and Taniguchi, for the Committees on Economic Development and Business Concerns and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1349) recommending that H.R. No. 302, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 302, HD 1, entitled: "HOUSE RESOLUTION CONVENING A TASK FORCE TO STUDY THE MAJOR PROBLEMS FACING COMMERCIAL LAND LESSEES," was referred to the Committee on Legislative Management.

Representatives Stegmaier and Taniguchi, for the Committees on Economic Development and Business Concerns and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1350) recommending that H.C.R. No. 312, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 312, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO STUDY THE MAJOR PROBLEMS FACING COMMERCIAL LAND LESSEES," was referred to the Committee on Legislative Management.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1351) recommending that H.C.R. No. 308, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 308, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TAXATION TO STUDY ALTERNATIVE WAYS TO PROVIDE EXEMPTIONS FROM THE GENERAL EXCISE TAX LAW FOR ALL SERVICES RENDERED OUT-OF-STATE TO ENCOURAGE HAWAII BUSINESSES TO

PURSUE THE EXPORT MARKET," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1352) recommending that H.R. No. 298, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 298, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF TAXATION TO STUDY ALTERNATIVE WAYS TO PROVIDE EXEMPTIONS FROM THE GENERAL EXCISE TAX LAW FOR ALL SERVICES RENDERED OUT-OF-STATE TO ENCOURAGE HAWAII BUSINESSES TO PURSUE THE EXPORT MARKET," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1353) recommending that H.R. No. 318, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 318, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO REPORT ON THE PROGRESS MADE ON THE IMPLEMENTATION OF THE STATE'S INFORMATION NETWORK, THE HAWAII INFORMATION NETWORK CORPORATION (HAWAII INC), BY ACT 1, SESSION LAWS OF HAWAII 1988, SPECIAL SESSION," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1354) recommending that H.C.R. No. 336, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 336, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO REPORT ON THE PROGRESS MADE ON THE IMPLEMENTATION OF THE STATE'S INFORMATION NETWORK, THE HAWAII INFORMATION NETWORK CORPORATION (HAWAII INC), BY ACT 1, SESSION LAWS OF HAWAII 1988, SPECIAL SESSION," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1355) recommending that H.C.R. No. 263, as amended in HD 1, be referred to the Committee on Intergovernmental Relations and International Affairs.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1356) recommending that H.R. No. 259, as amended in HD 1, be referred to the Committee on Intergovernmental Relations and International Affairs.

Representative Ihara moved that the reports of the Committee be adopted and H.C.R. No. 263, as amended in HD 1, and H.R. No. 259, as amended in HD 1, be referred to the Committee on Intergovernmental Relations

and International Affairs, seconded by Representative Thielen.

Representative Thielen rose to speak in strong support of the measures, stating:

"What this measure will do is it's a resolution urging the United States President and Congress to permit the United States Agency for International Development to provide the federated states of Micronesia and the Republic of the Marshall Islands with technical assistance and economic development programs.

"When my oldest son was in seventh grade, Mr. Speaker, he spent a summer on Ebeye in the Marshall Islands -- it's on the Kwajalein Atoll -- and he lived with the De Brum family, a local family that, at that point, had twelve children. He became really a very close member of the family. The situation for the Ebeye people was really deplorable. They were living in crowded conditions on the Kwajalein atoll. Some of them were allowed to go over to the main base if they had passes to do work there for the military. But it was really a deplorable situation. That has gone on far too long, Mr. Speaker, and it's something that he came back significantly affected by that experience and concerned about the international needs in our world, and as I said to my colleague, and also committed to help where he could.

"Mr. Speaker, I think that this is something that we should press forward and send a strong message to the new President and to the new Congress that ... let's get the show on the road; let's give help to the Micronesia Federated States and the Marshall Islands.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the reports of the Committee were adopted and H.C.R. No. 263, HD 1, entitled: **"HOUSE CONCURRENT RESOLUTION REQUESTING PRESIDENT CLINTON AND THE UNITED STATES CONGRESS TO REINTERPRET SECTION 226 OF THE COMPACT OF FREE ASSOCIATION TO ALLOW THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT TO PROVIDE TECHNICAL ASSISTANCE TO THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS,"** and H.R. No. 259, HD 1, entitled: **"HOUSE RESOLUTION REQUESTING PRESIDENT CLINTON AND THE UNITED STATES CONGRESS TO REINTERPRET SECTION 226 OF THE COMPACT OF FREE ASSOCIATION TO ALLOW THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT TO PROVIDE TECHNICAL ASSISTANCE TO THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS,"** were referred to the Committee on Intergovernmental Relations and International Affairs.

Representatives Stegmaier and Bunda, for the Committees on Economic Development and Business Concerns and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1357) recommending that H.C.R. No. 427, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 427, HD 1, entitled: **"HOUSE CONCURRENT RESOLUTION URGING THE ADOPTION OF PROCEDURES AND POLICIES THAT PROMOTE COMPETITION IN TELECOMMUNICATIONS SERVICES,"** was referred to the Committee on Finance.

Representatives Stegmaier and Bunda, for the Committees on Economic Development and Business Concerns and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1358) recommending that H.R. No. 387, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 387, HD 1, entitled: **"HOUSE RESOLUTION URGING THE ADOPTION OF PROCEDURES AND POLICIES THAT PROMOTE COMPETITION IN TELECOMMUNICATIONS SERVICES,"** was referred to the Committee on Finance.

Representatives Stegmaier and Taniguchi, for the Committees on Economic Development and Business Concerns and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1359) recommending that H.R. No. 272, as amended in HD 1, be referred to the Committee on Finance.

Representatives Stegmaier and Taniguchi, for the Committees on Economic Development and Business Concerns and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1360) recommending that H.C.R. No. 274, as amended in HD 1, be referred to the Committee on Finance.

Representative Ihara moved that the joint reports of the Committees be adopted and H.R. No. 272, HD 1, and H.C.R. No. 274, HD 1, be referred to the Committee on Finance, seconded by Representative Thielen.

Representative Ward rose to speak against the resolutions, stating:

"Mr. Speaker, what you see is what you get. The best example of this is when two of us are walking through the jungle and one sees ghosts, goblins, ghouls and is spooked by fear, and the other sees lumber and timber and bird nest soup and all kinds of economic opportunities.

"What I am afraid, Mr. Speaker, is this economic conversion task force is seeing the ghouls, the goblins, the fears, and all that which otherwise from a free world and from a place that's safer for democracy, these resolutions seem to see a negative of Hawaii which, case in point for the last two to three hundred years, its strategic military importance has not dwindled one iota. One could argue that we could stress the exact equal opposite and say that we can expand our military presence in the world. One could argue we should enlarge the Seventh Fleet.

"What I am afraid, Mr. Speaker, is that this perception is that the military is going to wind down and we got to start pounding those tanks in the plowshares, and before it is going to become a self-fulfilling prophecy in that we're expecting bases to close, and instead of being aggressively out there getting more military impetus from Washington, we are going to say ... well, you know, we're just trying to close our bases down, and we're really just trying to be humble and kind of adjust and roll with the punches versus what for the last two hundred years we have been the leading military power in the Pacific, and because of the pullback in the Philippines, we are now even the more powerful because of that.

"This task force turns around and says ... Hawaii, you're wimpy, you're weak and it looks at the negative, the involuted, and the reactionary. We can be more positive as economic leaders in this body, we can be more forward looking, and we don't have to look convoluted in

conversion, but we can look for expansion, and we can look for positive economic growth on what's going on now in a freer and a better world.

"Thank you, Mr. Speaker."

Representative Stegmaier then rose to speak in favor of the resolutions, stating:

"I don't have it before me but what basically it calls for is the task force to develop the contingency plan in case there are reductions in the military activity and military presence, the defense related jobs of our citizens. This is only a reasonable thing to do, especially since we've gotten clear indications from Washington that all states will be impacted, and the Clinton Administration and the Department of Defense have encouraged every state to develop the kind of contingency plan that will be the product of the deliberations of this economic conversion task force.

"The Department of Business and Economic Development emphasized once again the fact that even if we remain very significant strategically, there will be reductions that we will need to take into consideration. These contingency plans will allow for us to look for alternative kinds of employment for those who will be laid off as a result of the reductions that will take place.

"Thank you very much."

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

"I support these resolutions, and I think the Chairman of the Economic Development Committee has succinctly explained that this is a contingency plan that we should be prepared for. It's only prudent that we do so. I say it's prudent because although we may live in a freer and better world today, we are much poorer in the sense that we have misallocated so much of our resources to a dead-end.

"There are those who claim that we won the arms race against Russia or the Soviet Union at that time, but I submit to you we were indeed in that arms race but the Soviet Union won that race. They went bankrupt first and we came in second, and that is the problem.

"We need economic conversion and it is only prudent that we plan for it. Let's be very realistic. We, that is the United States, is now beginning a downsizing. It will take a long time and we, in Hawaii, will have to face the reality that we will be included in that downsizing. Therefore, it is prudent that we plan for any eventuality, and I support these measures for that very reason.

"Thank you, Mr. Speaker."

Representative Takumi then rose to speak in support of the resolutions, stating:

"In reference to the first speaker, I think the buzz word today is myopic. I think he is guilty of that in the sense that the one example I can use is not to deal with downsizing of the military in our country is sort of like if you have an adolescent daughter and you don't want to talk about birth control because if you feel you talk about birth control, the first thing she's going to do is go out and fool around and so what you do is avoid it, you don't mention it, and then one day she comes home pregnant.

"I think what we have to do is prepare for this. It's clear that we are going to have a downsizing of the military, and ignoring the reality of the situation is clearly short-sighted.

"Thank you, Mr. Speaker."

Representative Ward, in response, stated:

"Unless we reinterpret or rewrite history, we have to be very clear that any of us here, five or even six years ago, if we could say ... give me \$25,000 and we will clear the world of the threat of you and your children blowing up in one big boom. All of us would certainly have chosen that.

"And the resources that my colleague said were misallocated were for a strong defense build up which called the bluff of the Soviet Union which, mind you, was so busy making guns and butter, they couldn't make bullets at the same time and when they knew that the U.S. was at the strongest it was, that bluff was called and the peace was declared because with the lack of butter, the people decided that that wasn't the society that they wanted to live in.

"Having said that, Mr. Speaker, we must also note that the new President that sits in Washington is also wise to know that the things in the Soviet Union which, mind you, were so quieted down entirely. We also know that what is the self-fulfilling prophecy of base closings are not going to be everywhere all the time. He realizes the strategic importance of Hawaii.

"My point simply is to stress our assets. Don't look in the face and look at all the warts and pimples -- look in the mirror and look at the beauty. Stress what is positive about Hawaii, not what is negative.

"My fear was that these resolutions stress what is negative about us and we are going to be contracting, inward looking, rather than outward and expansionary. That's the whole point. How you think about it is how you're going to treat it.

"I would be very happy, Mr. Speaker, if there was at least one optimistic, one positive economic factor in those resolutions, but I can't find one. Whereas that says ... in the event that this task force finds something positive, that they may stress it or refer it to the Governor or to the Director of the Department of Economic Development and Tourism and, therefore, leverage it. But there is nothing positive about it whatsoever. It's convoluted and it's inward looking, and I fear that's not what economic leadership is about. That's one not this body is about. We can be more positive and forward looking, and that's why my remarks were as they were.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the joint reports of the Committees were adopted and **H.R. No. 272, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF AN ECONOMIC CONVERSION TASK FORCE,"** and **H.C.R. No. 274, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF AN ECONOMIC CONVERSION TASK FORCE,"** were referred to the Committee on Finance, with Representative Ward voting no.

Representatives Stegmaier and Bunda, for the Committees on Economic Development and Business Concerns and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1361) recommending that H.C.R. No. 480 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the

Committees was adopted and H.C.R. No. 480, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY AND POTENTIAL IMPACT OF ESTABLISHING STATEWIDE TELECOMMUNICATIONS (TELECOM) FREE-TRADE ZONES IN WHICH DIGITAL TELECOMMUNICATIONS SERVICE PROVIDERS ARE EXEMPT FROM REGULATION BY THE PUBLIC UTILITIES COMMISSION," was referred to the Committee on Finance.

Representatives Bainum and Taniguchi, for the Committees on Energy and Environmental Protection and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1362) recommending that H.R. No. 51 be adopted.

Representatives Bainum and Taniguchi, for the Committees on Energy and Environmental Protection and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1363) recommending that H.C.R. No. 58 be adopted.

Representative Ihara moved that the joint reports of the Committees be adopted and H.R. No. 51 and H.C.R. No. 58 be adopted, seconded by Representative Thielen.

Representative Bainum rose to speak in favor of the resolutions, stating:

"Waikiki has many beautiful and wonderful things to do and see. Unfortunately, we have a problem with pestiferous birds, and pestiferous birds in this case are pigeons. Pigeons not only carry diseases -- they are a real pain. So these resolutions are offered to encourage the City Council to continue its efforts to discourage people from feeding pigeons.

"I would appreciate everyone's support."

The motion was put by the Chair and carried, and the joint reports of the Committees were adopted and **H.R. No. 51, entitled: "HOUSE RESOLUTION DISCOURAGING THE FEEDING OF PESTIFEROUS BIRDS,"** and **H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION DISCOURAGING THE FEEDING OF PESTIFEROUS BIRDS,"** were adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1364) recommending that H.C.R. No. 118, HD 1, be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 118, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION PROVIDING WRITTEN CERTIFICATION TO THE FEDERAL GOVERNMENT THAT THE STATE LEGISLATURE UPHOLDS THE PHILOSOPHY OF STATES' RIGHTS AND OPPOSES ANY COERCIVE FEDERAL LAW WHICH ATTEMPTS TO REGULATE STATE BEHAVIOR BY THREATENING THE WITHHOLDING OF FEDERAL FUNDS," was adopted.

Representatives D. Ige and Taniguchi, for the Committees on Education and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1365) recommending that H.R. No. 328, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 328, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE HOUSE OF REPRESENTATIVES, THE DEPARTMENT

OF EDUCATION, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, THE STATE FIRE COUNCIL, AND THE COUNTY FIRE DEPARTMENTS TO CONDUCT ON-SITE INSPECTIONS AND COORDINATE EFFORTS TO RESOLVE FIRE SAFETY PROBLEMS IN PUBLIC SCHOOLS," was referred to the Committee on Finance.

Representatives D. Ige and Taniguchi, for the Committees on Education and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1366) recommending that H.C.R. No. 353, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 353, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE HOUSE OF REPRESENTATIVES, THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, THE STATE FIRE COUNCIL, AND THE COUNTY FIRE DEPARTMENTS TO CONDUCT ON-SITE INSPECTIONS AND COORDINATE EFFORTS TO RESOLVE FIRE SAFETY PROBLEMS IN PUBLIC SCHOOLS," was referred to the Committee on Finance.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1367) recommending that H.C.R. No. 320, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 320, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN FOR AFTER-SCHOOL PROGRAMS FOR INTERMEDIATE STUDENTS," was referred to the Committee on Finance.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1368) recommending that H.R. No. 431, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 431, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE DEPARTMENT OF EDUCATION'S ARTMOBILE," was referred to the Committee on Legislative Management.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1369) recommending that H.C.R. No. 486, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 486, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE DEPARTMENT OF EDUCATION'S ARTMOBILE," was referred to the Committee on Legislative Management.

Representatives Bunda and Cachola, for the Committees on Consumer Protection and Commerce and Tourism, presented a joint report (Stand. Com. Rep. No. 1370) recommending that H.R. No. 429, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 429, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A DETERMINATION OF WHETHER TIME SHARE INTERESTS SHOULD BE CONSIDERED TRANSIENT ACCOMMODATIONS AND AS SUCH BE TREATED THE SAME AS OTHER TOURIST ACCOMMODATIONS IN HAWAII," was referred to the Committee on Finance.

Representatives Bunda and Cachola, for the Committees on Consumer Protection and Commerce and Tourism, presented a joint report (Stand. Com. Rep. No. 1371) recommending that H.C.R. No. 466, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 466, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A DETERMINATION OF WHETHER TIME SHARE INTERESTS SHOULD BE CONSIDERED TRANSIENT ACCOMMODATIONS AND AS SUCH BE TREATED THE SAME AS OTHER TOURIST ACCOMMODATIONS IN HAWAII," was referred to the Committee on Finance.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1372) recommending that H.R. No. 319, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 319, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO IDENTIFY ELECTRONIC DATABASES FOR PUBLIC ACCESS ON THE STATE INFORMATION NETWORK," was referred to the Committee on Finance.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1373) recommending that H.C.R. No. 337, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 337, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO IDENTIFY ELECTRONIC DATABASES FOR PUBLIC ACCESS ON THE STATE INFORMATION NETWORK," was referred to the Committee on Finance.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1374) recommending that H.R. No. 311, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 311, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY AND BENEFITS OF CREATING A CITIZENS' UTILITY OR CITIZENS' UTILITY ADVISORY BOARD," was referred to the Committee on Legislative Management.

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

Com. Rep. No. 1375) recommending that H.C.R. No. 329, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 329, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY AND BENEFITS OF CREATING A CITIZENS' UTILITY OR CITIZENS' UTILITY ADVISORY BOARD," was referred to the Committee on Legislative Management.

Representatives Duldulao, Bunda and Kanoho, for the Committees on Health; Consumer Protection and Commerce; and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1376) recommending that H.C.R. No. 163, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 163, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY FROM THE LEGISLATIVE AUDITOR ON MUTUAL BENEFIT SOCIETIES AND OTHER HEALTH CARE INSURER-PROVIDERS," was referred to the Committee on Finance.

Representatives Duldulao and Kanoho, for the Committees on Health and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1377) recommending that H.R. No. 257, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 257, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF THE COMMUNITY HOSPITAL INFORMATION PROCESSING SYSTEM," was referred to the Committee on Finance.

Representatives Duldulao and Kanoho, for the Committees on Health and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1378) recommending that H.C.R. No. 261, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 261, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE COMMUNITY HOSPITAL INFORMATION PROCESSING SYSTEM," was referred to the Committee on Finance.

Representatives Duldulao and Tom, for the Committees on Health and Judiciary, presented a joint report (Stand. Com. Rep. No. 1379) recommending that H.R. No. 169, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 169, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A SEPARATE ALCOHOL ABUSE PROGRAM FOR DRUNK DRIVERS," was referred to the Committee on Finance.

Representatives Duldulao and Tom, for the Committees on Health and Judiciary, presented a joint report (Stand. Com. Rep. No. 1380) recommending that H.C.R. No.

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

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 173, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SEPARATE ALCOHOL ABUSE PROGRAM FOR DRUNK DRIVERS," was referred to the Committee on Finance.

Representatives Duldulao and Tom, for the Committees on Health and Judiciary, presented a joint report (Stand. Com. Rep. No. 1381) recommending that H.R. No. 386 be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 386, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF USING MARIJUANA DERIVATIVES FOR MEDICAL RESEARCH IN HAWAII," was referred to the Committee on Legislative Management.

Representatives Duldulao and Tom, for the Committees on Health and Judiciary, presented a joint report (Stand. Com. Rep. No. 1382) recommending that H.C.R. No. 426 be referred to the Committee on Legislative Management.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 426, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF USING MARIJUANA DERIVATIVES FOR MEDICAL RESEARCH IN HAWAII," was referred to the Committee on Legislative Management.

Representatives Chun and Taniguchi, for the Committees on Human Services and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1383) recommending that H.R. No. 346, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 346, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR'S FAMILY POLICY ACADEMY TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE SEVENTEENTH LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 1994," was referred to the Committee on Finance.

Representatives Chun and Taniguchi, for the Committees on Human Services and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1384) recommending that H.R. No. 195, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 195, HD 1, entitled: "HOUSE RESOLUTION URGING THE HONOLULU POLICE DEPARTMENT TO REVIEW ITS POLICIES REGARDING MISSING PERSONS INVESTIGATIONS," was referred to the Committee on Finance.

Representatives Chun and D. Ige, for the Committees on Human Services and Education, presented a joint report (Stand. Com. Rep. No. 1385) recommending that

H.R. No. 347, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 347, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE EARLY CHILDHOOD EDUCATION AND CARE FINANCE IMPLEMENTATION INITIATIVE," was referred to the Committee on Finance.

Representatives M. Ige and Duldulao, for the Committees on Agriculture and Health, presented a joint report (Stand. Com. Rep. No. 1386) recommending that H.C.R. No. 359, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 359, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JOHN A. BURNS SCHOOL OF MEDICINE OF THE UNIVERSITY OF HAWAII TO EXAMINE THE MEDICINAL CHARACTERISTICS AND BENEFITS OF THE MORINDA CITRIFOLIA, OR NONI PLANT," was referred to the Committee on Finance.

Representative M. Ige, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1387) recommending that H.R. No. 390, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 390, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO AGGRESSIVELY PROMOTE THE PURCHASE BY STATE RESIDENTS OF AT LEAST ONE HAWAII-GROWN AGRICULTURAL PRODUCT EACH WEEK," was referred to the Committee on Finance.

Representative M. Ige, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1388) recommending that H.C.R. No. 351, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 351, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE CONSTRAINTS TO A MORE RAPID EXPANSION OF HAWAII'S AQUACULTURE INDUSTRY AND RECOMMENDATIONS FOR SOLUTIONS," was referred to the Committee on Finance.

Representatives D. Ige and Duldulao, for the Committees on Education and Health, presented a joint report (Stand. Com. Rep. No. 1389) recommending that H.R. No. 265, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 265, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF EDUCATION AND HEALTH TO REACH ACCORD ON A NEW MEMORANDUM OF AGREEMENT PERTAINING TO THE PROVISION OF MENTAL HEALTH SERVICES TO CHILDREN AND YOUTHS," was referred to the Committee on Finance.

Representatives D. Ige and Duldulao, for the Committees on Education and Health, presented a joint report (Stand. Com. Rep. No. 1390) recommending that

H.C.R. No. 268, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 268, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF EDUCATION AND HEALTH TO REACH ACCORD ON A NEW MEMORANDUM OF AGREEMENT PERTAINING TO THE PROVISION OF MENTAL HEALTH SERVICES TO CHILDREN AND YOUTHS," was referred to the Committee on Finance.

Representatives D. Ige and Duldulao, for the Committees on Education and Health, presented a joint report (Stand. Com. Rep. No. 1391) recommending that H.C.R. No. 264 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 264, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO INCORPORATE ABSTINENCE TEACHING INTO ITS PEER EDUCATION PROGRAM," was referred to the Committee on Finance.

Representatives D. Ige and Duldulao, for the Committees on Education and Health, presented a joint report (Stand. Com. Rep. No. 1392) recommending that H.C.R. No. 267 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 267, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO INCORPORATE ABSTINENCE TEACHING INTO ITS PEER EDUCATION PROGRAM," was referred to the Committee on Finance.

Representatives D. Ige and Yonamine, for the Committees on Education and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 1393) recommending that H.C.R. No. 343 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 343, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION ENSURE THAT EVERY SCHOOL HAS A MINIMUM OF ONE FULL-TIME CLERICAL POSITION IN ADDITION TO THE SCHOOL ADMINISTRATIVE SERVICES ASSISTANT," was referred to the Committee on Finance.

Representatives D. Ige and Yonamine, for the Committees on Education and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 1394) recommending that H.C.R. No. 376 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 376, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION ENSURE THAT EVERY SCHOOL HAS A MINIMUM OF ONE FULL-TIME CLERICAL POSITION IN ADDITION TO THE SCHOOL ADMINISTRATIVE SERVICES ASSISTANT," was referred to the Committee on Finance.

Representatives D. Ige and Okamura, for the Committees on Education and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1395)

recommending that H.R. No. 331, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 331, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REPORT TO DETERMINE THE FEASIBILITY AND COSTS OF PROVIDING BUS TRANSPORTATION FOR STUDENTS OF THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," was referred to the Committee on Finance.

Representatives D. Ige and Okamura, for the Committees on Education and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1396) recommending that H.C.R. No. 356, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 356, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT TO DETERMINE THE FEASIBILITY AND COSTS OF PROVIDING BUS TRANSPORTATION FOR STUDENTS OF THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," was referred to the Committee on Finance.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1397) recommending that H.C.R. No. 89 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 89, entitled: "HOUSE RESOLUTION REQUESTING THE DOE TO CONDUCT A STUDY TO DETERMINE THE AVAILABILITY, SCOPE OF SERVICE, AND COST INVOLVED IN THE OPERATION OF EARLY MORNING CHILD CARE PROGRAMS IN SUBURBAN AND RURAL OAHU," was referred to the Committee on Finance.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1398) recommending that H.C.R. No. 90 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DOE TO CONDUCT A STUDY TO DETERMINE THE AVAILABILITY, SCOPE OF SERVICE, AND COST INVOLVED IN THE OPERATION OF EARLY MORNING CHILD CARE PROGRAMS IN SUBURBAN AND RURAL OAHU," was referred to the Committee on Finance.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1399) recommending that H.C.R. No. 361, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 361, HD 1, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION TO CONTINUE THE PILOT PROJECT AT THE WAIHEE SCHOOL," was referred to the Committee on Finance.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1400)

recommending that H.C.R. No. 400, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 400, HD 1, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION TO CONTINUE THE PILOT PROJECT AT THE WAIHEE SCHOOL," was referred to the Committee on Finance.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1401) recommending that H.R. No. 238, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 238, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ASSESS THE CURRENT PROGRAMS AND DEVELOP A MORE COMPREHENSIVE PLAN TO MEET THE NEEDS OF ALIENATED AND AT-RISK STUDENTS STATEWIDE," was referred to the Committee on Finance.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1402) recommending that H.C.R. No. 243, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 243, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ASSESS THE CURRENT PROGRAMS AND DEVELOP A MORE COMPREHENSIVE PLAN TO MEET THE NEEDS OF ALIENATED AND AT-RISK STUDENTS STATEWIDE," was referred to the Committee on Finance.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1403) recommending that H.C.R. No. 365, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 365, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A PUBLIC INFORMATION PROGRAM PROMOTING THE ACTIVE PARTICIPATION OF PARENTS AND COMMUNITY MEMBERS IN PUBLIC SCHOOLS AS A CRUCIAL STEP IN REFORMING THE STATE'S PUBLIC EDUCATION SYSTEM," was referred to the Committee on Finance.

Representatives M. Ige and Takamine, for the Committees on Agriculture and Water and Land Use Planning, presented a joint report (Stand. Com. Rep. No. 1404) recommending that H.C.R. No. 484 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committee was adopted and H.C.R. No. 484, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ACQUIRE A PORTION OF THE BARBERS POINT NAVAL AIR STATION LANDS TO ESTABLISH A LIVESTOCK AGRICULTURAL PARK," was referred to the Committee on Finance.

Representatives M. Ige and Oshiro, for the Committees on Agriculture and Transportation, presented a joint report (Stand. Com. Rep. No. 1405) recommending that H.C.R. No. 197, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 197, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL COMMERCIAL AIRLINES DISEMBARKING PASSENGERS IN HAWAII TO SHOW THE IN-FLIGHT, HAWAII AGRICULTURAL VIDEOTAPE ON THEIR HAWAII ROUTES, OR TO DEVELOP HAWAII ARRIVAL VIDEOTAPES INCORPORATING THE IMPORTANT POINTS OF THE AGRICULTURAL VIDEOTAPE," was referred to the Committee on Judiciary.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1406) recommending that H.C.R. No. 423 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 423, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF EMERGENCY AND BUDGET STABILIZATION OR 'RAINY DAY' FUNDS," was referred to the Committee on Finance.

Representative Takamine, for the Committee on Water and Land Use Planning, presented a report (Stand. Com. Rep. No. 1407) recommending that H.R. No. 428 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 428, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO TRANSFER THE FEE SIMPLE TITLE OF LAND AFFECTED BY THE CLOSURE OF MILITARY BASES TO THE STATE WHERE THE BASES ARE LOCATED," was referred to the Committee on Finance.

Representative Takamine, for the Committee on Water and Land Use Planning, presented a report (Stand. Com. Rep. No. 1408) recommending that H.C.R. No. 467 be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 467, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO TRANSFER THE FEE SIMPLE TITLE OF LAND AFFECTED BY THE CLOSURE OF MILITARY BASES TO THE STATE WHERE THE BASES ARE LOCATED," was referred to the Committee on Finance.

Representatives Takamine and Bainum, for the Committees on Water and Land Use Planning and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1409) recommending that H.R. No. 181, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 181, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO

ACCOMMODATE THE NEEDS AND INTERESTS OF HUNTERS IN DEVELOPING STRATEGIES TO MANAGE PIG POPULATIONS IN THE LAUPAHOEHOE NATURAL AREA RESERVE," was referred to the Committee on Finance.

Representatives Takamine and Bainum, for the Committees on Water and Land Use Planning and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1410) recommending that H.C.R. No. 185, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 185, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO ACCOMMODATE THE NEEDS AND INTERESTS OF HUNTERS IN DEVELOPING STRATEGIES TO MANAGE PIG POPULATIONS IN THE LAUPAHOEHOE NATURAL AREA RESERVE," was referred to the Committee on Finance.

Representatives Takamine and Bainum, for the Committees on Water and Land Use Planning and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1411) recommending that H.R. No. 179, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 179, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES HOLD FACILITATED PUBLIC INFORMATION MEETINGS CONCERNING FACILITATED MANAGEMENT OBJECTIVES AND ACTIVITIES IN THE PUU O UMI NATURAL AREA RESERVE, THE KOHALA FOREST RESERVE, AND THE WAIMANU VALLEY NATIONAL ESTUARINE RESEARCH RESERVE," was referred to the Committee on Finance.

Representatives Takamine and Bainum, for the Committees on Water and Land Use Planning and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1412) recommending that H.C.R. No. 183, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 183, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES HOLD FACILITATED PUBLIC INFORMATION MEETINGS CONCERNING FACILITATED MANAGEMENT OBJECTIVES AND ACTIVITIES IN THE PUU O UMI NATURAL AREA RESERVE, THE KOHALA FOREST RESERVE, AND THE WAIMANU VALLEY NATIONAL ESTUARINE RESEARCH RESERVE," was referred to the Committee on Finance.

Representatives Takamine and Bainum, for the Committees on Water and Land Use Planning and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1413) recommending that H.R. No. 180, as amended in HD 1, be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 180, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT

THE GOVERNOR APPOINT TO THE HAWAII TROPICAL FOREST RECOVERY TASK FORCE A PERSON WHO WILL REPRESENT THE INTERESTS OF HUNTERS," was adopted.

Representatives Takamine and Bainum, for the Committees on Water and Land Use Planning and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1414) recommending that H.C.R. No. 184, as amended in HD 1, be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 184, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE GOVERNOR APPOINT TO THE HAWAII TROPICAL FOREST RECOVERY TASK FORCE A PERSON WHO WILL REPRESENT THE INTERESTS OF HUNTERS," was adopted.

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. 1415) recommending that H.R. No. 344, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 344, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO COORDINATE EFFORTS FOR THE ACQUISITION OF THE COAST GUARD LORAN STATION AT 'UPOLU POINT ON THE BIG ISLAND FROM THE FEDERAL GOVERNMENT," was referred to the Committee on Finance.

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. 1416) recommending that H.C.R. No. 377, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 377, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO COORDINATE EFFORTS FOR THE ACQUISITION OF THE COAST GUARD LORAN STATION AT 'UPOLU POINT ON THE BIG ISLAND FROM THE FEDERAL GOVERNMENT," was referred to the Committee on Finance.

Representatives Takamine and M. Ige, for the Committees on Water and Land Use Planning and Agriculture, presented a joint report (Stand. Com. Rep. No. 1417) recommending that H.R. No. 188 be referred to the Committee on Intergovernmental Relations and International Affairs.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 188, entitled: "HOUSE RESOLUTION REQUESTING STATE AND COUNTY AGENCIES TO BE SENSITIVE TO AGRICULTURAL OPERATIONS IN KEAHOLE AGRICULTURAL PARK WHEN PLANNING FUTURE USES ADJACENT TO OR NEAR THE AGRICULTURAL PARK," was referred to the Committee on Intergovernmental Relations and International Affairs.

Representatives Takamine and M. Ige, for the Committees on Water and Land Use Planning and Agriculture, presented a joint report (Stand. Com. Rep. No. 1418) recommending that H.C.R. No. 192 be referred to the Committee on Intergovernmental Relations and International Affairs.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 192, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE AND COUNTY AGENCIES TO BE SENSITIVE TO AGRICULTURAL OPERATIONS IN KEAHOLE AGRICULTURAL PARK WHEN PLANNING FUTURE USES ADJACENT TO OR NEAR THE AGRICULTURAL PARK," was referred to the Committee on Intergovernmental Relations and International Affairs.

Representative Bunda, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1419) recommending that H.C.R. No. 46 be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE RELATIONSHIP BETWEEN HAWAIIAN ELECTRIC INDUSTRIES AND HAWAIIAN ELECTRIC COMPANY," was adopted.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1420) recommending that H.C.R. No. 87, as amended in HD 1, be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 87, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER NAMING A PUBLIC AREA IN THE STATE LIBRARY AFTER SAMUEL MANAIKALANI KAMAKAU," was adopted.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1421) recommending that H.R. No. 85, as amended in HD 1, be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 85, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER NAMING A PUBLIC AREA IN THE STATE LIBRARY AFTER SAMUEL MANAIKALANI KAMAKAU," was adopted.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1422) recommending that H.C.R. No. 189 be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN OCTOBER OF EVERY YEAR AS 'STATE OF HAWAII AVIATION EDUCATION WEEK'," was adopted.

Representative D. Ige, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1423) recommending that H.R. No. 185 be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the

Committee was adopted and H.R. No. 185, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN OCTOBER OF EVERY YEAR AS 'STATE OF HAWAII AVIATION EDUCATION WEEK'," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1424) recommending that H.C.R. No. 385, HD 1, be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 385, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ACCEPTING THE INVITATION OF THE PACIFIC FISHERIES LEGISLATIVE TASK FORCE," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1425) recommending that H.C.R. No. 333, HD 1, be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 333, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE FEASIBILITY OF ESTABLISHING A STATE OFFICE OF PUBLIC INSURANCE COUNSEL TO REPRESENT THE INTERESTS OF HAWAII'S INSURANCE CONSUMERS," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1426) recommending that H.C.R. No. 314, HD 1, as amended in HD 2, be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 314, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO ASSESS AND PROPOSE ENFORCEMENT PROCEDURES FOR STATE AND COUNTY COMPLIANCE WITH UNIFORM FEDERAL ACCESSIBILITY STANDARDS AS MANDATED BY SECTIONS 103-50 AND 103-50.5, HAWAII REVISED STATUTES, AND THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1427) recommending that H.C.R. No. 294 be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 294, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATIVE AUDITOR CONDUCT A COMPREHENSIVE REVIEW OF HAWAII'S HOMEOWNERS' INSURANCE INDUSTRY," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1428) recommending that H.C.R. No. 97 be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE PROBABLE EFFECTS

OF THE LICENSING OF CRANE OPERATORS AND THE REGISTRATION OF CRANES," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1429) recommending that H.C.R. No. 5, HD 1, be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 5, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ASSESSING THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR PAP TESTS," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1430) recommending that H.R. No. 329 be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 329, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON INSURANCE RATEMAKING," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1431) recommending that H.C.R. No. 354 be adopted.

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 354, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON INSURANCE RATEMAKING," was adopted.

At 5:17 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 5:21 o'clock p.m.

ANNOUNCEMENTS

Representative Chun: "I just wanted to announce the House and Senate are again having a friendly competition for the Hawaii Food Bank Drive, and I believe all of you have received memos and we would like to encourage you to donate either five pounds of unperishable grocery items or a five dollar cash donation, or whatever you'd like to contribute to this worthy cause. I believe the Drive will end on April 23rd at 4:30 p.m."

Representative Ward then rose and stated:

"I rise on the auspicious occasion of Thomas Jefferson's birthday and I feel compelled to remind my colleagues, after 250 years, he still lives, not only because he is a bust in my office that watches over me -- usually while I sleep -- but also because his achievements as a statesman and a philosopher should be a model for us all. There is no denying that Thomas Jefferson was and still is in our memories, socially and politically, and one of the American heroes of all of us. He was the person who spoke for the common citizen and stands for much of what all of us are as Americans.

"I would have Representative Nekoba note that he was the first legislator, at age 26, to propose the emancipation

of the slaves. So in two years, we will expect some exceptional legislation from you.

"Thomas Jefferson was also the first to fight for the separation of church and state, and he successfully pushed for the bill on religious freedom. In fact, those of you who have been to Montecello see that on his grave site, that he got the separation of church and state -- Freedom of Religion -- in the Constitution of Virginia.

"He was also a critic of Alexander Hamilton's budget process, Representative Say, and he had a problem with his convoluted ability for the common man and woman to understand. And also Representative Peters will be pleased to note that he criticized the immense land holdings of the wealthy Virginia families insofar as the common person was denied life, liberty and prosperity because of those large land holdings. In fact, Mr. Speaker, Mr. Jefferson was such a visionary that I'm surprised he never proposed the permanent creation of an Office of International Relations in every state of the union, and Representative Thielen, of course, would have changed her mind about this.

"It is also significant that we celebrate Mr. Jefferson's birthday on the floor today, not because he was a stalworth Republican, but because he was a Democrat, and he weathered the criticisms of some who called him a violent person, a proliferate, and a vulgar demigod. If Mr. Jefferson were alive today, my three Minority colleagues and I could tell him that he got off easy. But, at any rate, we continue to celebrate him as a statesman who was willing to take a stand on unorthodox and unpopular ideas of the day, and as a philosopher he never stopped believing in the rights and the powers of the common person -- the little guy -- the one that all of us, including the children as we spoke of today, stand for.

"The Minority joins the Majority in saluting this great man and wish him more than 250 years in prosperity in the future.

"Thank you."

Representative Tom then rose and requested that the words of Representative Ward be inserted into the Journal as his own, stating:

"Mr. Speaker, I just want to have the words of the kind Representative as mine because I know that if he were alive today, he would be a tremendous Democrat.

"Thank you, Mr. Speaker."

The Chair "so ordered." (By reference only)

Representative Young then rose and stated:

"I, too, would like to add my congratulations for the birthday of Thomas Jefferson who founded the Democratic Party. And he also said that institutions must advance to keep pace with the times, and as you all know, we are in the information age; we're also in the electronic age, and we have an electronic town meeting that is going on now.

"So I thought in the spirit of a healthy democracy to keep the dialogue going between legislators and an informed citizenry, that I would reach out to Thomas Jefferson, wherever he is, and sign him up for our Access Net. So I have made him an honorary member. He has a user ID, and he has a password, and he is now an official honorary member of our Access Net.

"I would urge all of you to do this, to be sure that you're signed on. You have some registration forms in

the Public Access Room, or I'll be glad to send one to you so you can join in the information age and the dialogue of the future which is in the town meetings that is now going on.

"I urge you to keep up on the spirit of Jefferson's democracy and join in this kind of dialogue.

"Thank you very much."

Representative O'Kieffe then rose and stated:

"Thomas Jefferson said something to the effect ... there comes a time in a man's life when he must put down his farm tools and come to the city government to do good work for the people.

"My farm implements have been rusting now for seven years. I am very proud to be a member of this Legislature and working with you all for the good of the people.

"Thank you."

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 11:30 o'clock a.m. tomorrow, Wednesday, April 14, 1993.