

THIRTY-EIGHTH DAY**Tuesday, March 28, 1995**

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:40 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Hiromi Kawaji, Chief Minister, Honpa Hongwanji Hawaii Betsuin, after which the Roll was called showing all members present with the exception of Representative Tom, who was excused.

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

On motion by Representative Amaral, 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. 207 and 208) were read by the Clerk and were placed on file:

Gov. Msg. No. 207, informing the House that on March 20, 1995, he signed the following bills into law:

Senate Bill No. 1596 as Act 2, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM";

Senate Bill No. 1682 as Act 3, entitled: "MAKING EMERGENCY APPROPRIATIONS FOR THE PAYMENT PROGRAMS"; and

Senate Bill No. 1690 as Act 4, entitled: "MAKING EMERGENCY APPROPRIATIONS FOR OPERATING EXPENSES FOR THE STATE MEDICAL ASSISTANCE PROGRAM".

Gov. Msg. No. 208, informing the House that on March 24, 1995, he signed the following bill into law:

Senate Bill No. 888 as Act 5, entitled: "RELATING TO THE COMMISSION ON SEXUAL ORIENTATION AND THE LAW".

ORDER OF THE DAY**COMMITTEE REASSIGNMENTS**

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

H.R. Nos. Re-referred to:

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

155 Committee on Labor and Public Employment, then to the Committee on Finance

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

263 Committee on Judiciary, then to the Committee on Legislative Management

283 Committee on Tourism, then to the Committee on Finance

H.C.R. Nos.

115 Committee on Health, then to the Committee on Legislative Management

129 Committee on Hawaiian Affairs and Housing, then to the Committee on Water and Land Use Planning, then to the Committee on Public Safety and Military Affairs, then to the Committee on Finance

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

149 Committee on Labor and Public Employment, then to the Committee on Finance

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

276 Committee on Judiciary, then to the Committee on Legislative Management

298 Committee on Tourism, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1244) recommending that H.C.R. No. 205, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Herkes, seconded by Representative Jones and carried, the report of the Committee was adopted and H.R. No. 205, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ASSISTANCE FOR HAWAII'S TRAVEL AGENTS," was referred to the Committee on Consumer Protection and Commerce.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1245) recommending that H.C.R. No. 207, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Herkes, seconded by Representative Jones and carried, the report of the Committee was adopted and H.C.R. No. 207, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ASSISTANCE FOR HAWAII'S TRAVEL AGENTS," was referred to the Committee on Consumer Protection and Commerce.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1246) recommending that H.C.R. No. 162, as amended in HD 1, be referred to the Committee on Intergovernmental Relations and International Affairs.

On motion by Representative Herkes, seconded by Representative Jones and carried, the report of the Committee was adopted and H.R. No. 162, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A PACIFIC ISLANDS BUSINESS DEVELOPMENT MASTER PLAN FOR THE STATE OF HAWAII," was referred to the Committee on Intergovernmental Relations and International Affairs.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1247) recommending that H.C.R. No. 158, as amended in HD 1, be referred to the Committee on Intergovernmental Relations and International Affairs.

On motion by Representative Herkes, seconded by Representative Jones and carried, the report of the Committee was adopted and H.C.R. No. 158, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PACIFIC ISLANDS BUSINESS DEVELOPMENT MASTER PLAN FOR THE STATE OF HAWAII," was referred to the Committee on Intergovernmental Relations and International Affairs.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1248) recommending that H.R. No. 163, as amended in HD 1, be referred to the Committee on Intergovernmental Relations and International Affairs.

On motion by Representative Herkes, seconded by Representative Jones and carried, the report of the Committee was adopted and H.R. No. 163, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO WORK TOWARD BETTER COMMERCIAL RELATIONS WITH THE PACIFIC ISLANDS," was referred to the Committee on Intergovernmental Relations and International Affairs.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1249) recommending that H.C.R. No. 159, as amended in HD 1, be referred to the Committee on Intergovernmental Relations and International Affairs.

On motion by Representative Herkes, seconded by Representative Jones and carried, the report of the Committee was adopted and H.C.R. No. 159, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO WORK TOWARD BETTER COMMERCIAL RELATIONS WITH THE PACIFIC ISLANDS," was referred to the Committee on Intergovernmental Relations and International Affairs.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1250) recommending that H.R. No. 197, as amended in HD 1, be referred to the Committee on Intergovernmental Relations and International Affairs.

On motion by Representative Herkes, seconded by Representative Jones and carried, the report of the Committee was adopted and H.R. No. 197, HD 1, entitled: "HOUSE RESOLUTION DEVELOPING AN ASIA-PACIFIC FOCUS," was referred to the Committee on Intergovernmental Relations and International Affairs.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1251) recommending that H.C.R. No. 200, as amended in HD 1, be referred to the Committee on Intergovernmental Relations and International Affairs.

On motion by Representative Herkes, seconded by Representative Jones and carried, the report of the Committee was adopted and H.C.R. No. 200, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION DEVELOPING AN ASIA-PACIFIC FOCUS," was referred

to the Committee on Intergovernmental Relations and International Affairs.

Representative Pepper, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1252) recommending that H.C.R. No. 116 be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Pepper, seconded by Representative Jones and carried, the report of the Committee was adopted and H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF THE REGULATION OF PHYSICAL THERAPIST ASSISTANTS," was referred to the Committee on Consumer Protection and Commerce.

Representative Pepper, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1253) recommending that H.C.R. No. 204, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Pepper, seconded by Representative Jones and carried, the report of the Committee was adopted and H.C.R. No. 204, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ASSESSING THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR ACUPUNCTURE SERVICES," was referred to the Committee on Consumer Protection and Commerce.

SUSPENSION OF RULES

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

THIRD READING

S.B. No. 1200, SD 1, HD 1:

On motion by Representative Hiraki, seconded by Representative Nakasone and carried, S.B. No. 1200, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFT," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Tom being excused.

The Chair directed the Clerk to note that S.B. No. 1200 had passed Third Reading at 11:50 o'clock a.m.

ANNOUNCEMENTS

Representative Kahikina: "Your joint Committees on Hawaiian Affairs and Housing and Human Services will be reconvening at 1:00 p.m. today in Room 1111."

Representative Chun Oakland: "Just an update of our Foodbank Drive. As of this morning, the House has collected \$320 and 386 lbs. for a total of 706 points, and the Senate has collected \$515 and 255 lbs. for a total of 770 points."

ADJOURNMENT

At 12:51 o'clock p.m., on motion by Representative Amaral, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, March 29, 1995.

THIRTY-NINTH DAY

Wednesday, March 29, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:39 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Myokan Khan of the Soto Mission of Hawaii, after which the Roll was called showing all members present with the exception of Representatives Takamine and Thielen, who were excused.

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

On motion by Representative Amaral, seconded by Representative Ward 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. 384 to 399) were read by the Clerk and were placed on file:

Sen. Com. No. 384, transmitting S.C.R. No. 33, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE MERITS OF ESTABLISHING A SINGLE ENTRY POINT FOR LONG TERM CARE SERVICES AND FOR DISABLED CHILDREN AND DISABLED YOUNGER ADULTS," which was adopted by the Senate on March 21, 1995.

Sen. Com. No. 385, transmitting S.C.R. No. 12, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT ALL STATE AGENCIES THAT 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," which was adopted by the Senate on March 21, 1995.

Sen. Com. No. 386, transmitting S.C.R. No. 37, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A HEALTH AND SOCIAL SERVICES BLOCK GRANT TASK FORCE," which was adopted by the Senate on March 21, 1995.

Sen. Com. No. 387, transmitting S.C.R. No. 78, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO MAINTAIN TITLE III, NUTRITION SERVICES FUNDING AND OTHER SUPPORTIVE SERVICES WITHIN THE OLDER AMERICANS ACT," which was adopted by the Senate on March 28, 1995.

Sen. Com. No. 388, transmitting S.C.R. No. 81, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION TO PROVIDE FOR THE EXTENSION OF THE THREE-YEAR PERIOD OF SPONSORSHIP OF IMMIGRANTS," which was adopted by the Senate on March 28, 1995.

Sen. Com. No. 389, transmitting S.C.R. No. 82, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE 1995 MINI INTERFAITH WHITE

HOUSE CONFERENCE ON AGING REPORT 'SPIRITUAL DIMENSIONS IN AGING'," which was adopted by the Senate on March 28, 1995.

Sen. Com. No. 390, transmitting S.C.R. No. 83, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING HAWAII'S DELEGATION TO THE 1995 WHITE HOUSE CONFERENCE ON AGING," which was adopted by the Senate on March 28, 1995.

Sen. Com. No. 391, transmitting S.C.R. No. 115, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE WIC PROGRAM AND ADEQUATE NUTRITION FOR PREGNANT WOMEN, NURSING MOTHERS, INFANTS, AND CHILDREN UNDER FIVE YEARS OF AGE," which was adopted by the Senate on March 28, 1995.

Sen. Com. No. 392, transmitting S.C.R. No. 121, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE HAWAII LONG-TERM CARE REFORM TASK FORCE," which was adopted by the Senate on March 28, 1995.

Sen. Com. No. 393, transmitting S.C.R. No. 150, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE CONTINUATION OF COMMUNITY ACTION IN THE STATE OF HAWAII," which was adopted by the Senate on March 28, 1995.

By unanimous consent, further action on S.C.R. Nos. 33, SD 1; 12, SD 1; 37, SD 1; 78; 81; 82; 83; 115, SD 1; 121 and 150 was deferred until later in the calendar.

Sen. Com. No. 394, returning House Bill No. 252, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," which passed Third Reading in the Senate on March 28, 1995, in an amended form.

Sen. Com. No. 395, returning House Bill No. 759, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER LAW ENFORCEMENT," which passed Third Reading in the Senate on March 28, 1995, in an amended form.

Sen. Com. No. 396, returning House Bill No. 895, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," which passed Third Reading in the Senate on March 28, 1995, in an amended form.

Sen. Com. No. 397, returning House Bill No. 1173, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC," which passed Third Reading in the Senate on March 28, 1995, in an amended form.

Sen. Com. No. 398, returning House Bill No. 2133, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION REFORM," which passed Third Reading in the Senate on March 28, 1995, in an amended form.

Sen. Com. No. 399, returning House Bill No. 2352 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," which passed Third Reading in the Senate on March 28, 1995, in an amended form.

By unanimous consent, H.B. Nos. 252, HD 1; 759, HD 1; 895, HD 1; 1173, HD 1; 2133, HD 2; and 2352, 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. 252, HD 1, SD 1; 759, HD 1, SD 1; 895, HD 1, SD 1; 1173, HD 1, SD 1; 2133, HD 2, SD 1; and 2352, 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 Morihara introduced Janine Yoshikawa, his "shadow" for today.

Representative Pepper introduced Ed Analdo, a student at Radford High School, his "shadow" for today.

Representative Kahikina introduced Kristine Misola, a senior at Radford High School and Class President, his "shadow" for today.

Representative Chun Oakland, on behalf of Representative Kawakami and herself, introduced Chris Haines from Kalaheo, Kauai, her "shadow" for today.

Representative Chun Oakland, on behalf of Representative Shon, then introduced Regina Demano, a student at McKinley, his "shadow" for today.

Representative Takai introduced Carol Fulk, a sophomore at Pearl City High School, his "shadow" for today.

Representative Swain introduced Trent Kakuda, a senior at Waimea High School, Kauai, his "shadow" for today.

Representative Nekoba introduced Jamie Sato, a student at Kailua High School, his "shadow" for today.

Representative Yonamine introduced Matthew McGrath, a sophomore at Pearl City High School, his "shadow" for today.

Representative Yamane introduced Christine Duong, a senior at Kaimuki High School, his "shadow" for today.

Representative Meyer introduced Sumner Thompson, a student at Castle High School, her "shadow" for today.

Representative White introduced a group of students from the Maui Student Council Organization. They were accompanied by their teachers, Bernice Takahata and Helen Orikasa.

At 11:52 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:02 o'clock p.m.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

S.C.R. Nos. Referred to:

12 Committee on Labor and Public Employment, then to the Committee on Finance

33 Committee on Human Services, then to the Committee on Legislative Management

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

71 Committee on Health, then to the Committee on Finance

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

81 Committee on Intergovernmental Relations and International Affairs, then to the Committee on Judiciary

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

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

150 Committee on Labor and Public Employment, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following House Concurrent Resolutions were referred as follows:

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

31 Committee on Health, then to the Committee on Legislative Management

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

239 Committee on Judiciary, then to the Committee on Finance

249 Committee on Hawaiian Affairs and Housing, then to the Committee on Finance

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

SUSPENSION OF RULES

On motion by Representative Amaral, seconded by Representative Ward 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. 1254) recommending that S.B. No. 1594, SD 1, pass Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1594, SD 1, having been read throughout, pass Third Reading, seconded by Representative Ward.

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

"Mr. Speaker, I think that I may paraphrase what otherwise in the Committee Report is a caveat and as a note of caution from the Minority. Your Minority is encouraged but not convinced that the efforts of the department to find solutions to the problems associated with the overtime payments are in effect in place.

"Discussion with the department indicated that the implementation of plans for lockdowns and guidelines to monitor and curb sick leave and overtime abuses will commence in the near future, but they need to try harder.

"The point is, Mr. Speaker, the appropriation is necessary, but yet we fear that the tail (overtime) may in effect wag the dog which is usual appropriation. We don't want to have this come back every year, so we agree with it but with reservations.

"Thank you."

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

"When the House bill dealing with the subject was heard in our Public Safety Committee, we had a lot of concerns. Because of the Auditor's report which is over a year old, many of the abuses to the overtime, questionable sick leave, lack of close scrutiny on who was at work and who was not, the prison had time to make adjustments and improve the system. As a new legislator, I was surprised when this bill came for an emergency appropriation.

"I guess my reason for feeling the necessity to vote against this bill is sort of a cumulative effect at the other bills that we have passed for emergency appropriations. Somehow, I would hope that the budgeting and planning would be closer to the mark, and for that reason I can't go along with it.

"Thank you, Mr. Speaker."

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

"Passing emergency appropriation bills is never an easy pill to swallow, but the Public Safety and Military Affairs Committee feels and Finance also that this is something we must do, but we have also taken steps in other bills for changing the work ratio, putting it at 1.75, so that will help in cutting down overtime which is one of the biggest things. They are also putting in much more efficient systems of keeping track of the people who work in the prisons, and they will also be putting in the hand geometry which will keep even better track.

"So, your Committee feels that this bill, hopefully, will be the last time we have to do this. But, at this point, we have to bite the bullet and do it anyway.

"Thank you very much."

Representative Kawanakoa then rose to speak in support of the bill, with reservations, stating:

"I understand it is needed. I know we need to move forward, but I share similar concerns as my colleagues who have spoken before me with regard to addressing the problem and not having to come back and have another emergency appropriation again and again.

"I would also note that we've had various things in Medicaid, general welfare, AFDC, workers' compensation -- all of these emergency appropriations totaling about \$30 million. Those kinds of savings, if we were able to plan in advance, as the previous speaker has mentioned, be more efficient, then perhaps we can use those \$30 million for other worthy objectives.

"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. 1594, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY," having been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Meyer voting no, and Representatives Takamine and Thielen being excused.

The Chair directed the Clerk to note that S.B. No. 1594 had passed Third Reading at 12:09 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1255) recommending that S.B. No. 1680, SD 2, HD 1, pass Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1680, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Ward.

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

"Mr. Speaker, having worked with a lot of the advocates on child and adolescent mental health programs, I just want to express some concerns about the kinds of leadership that we've had with the division -- the Child and Mental Health Division. The fact that we've had sort of a revolving door, in terms of the director, I think therein lies part of the problem and why we are faced with this lawsuit. There is a great need for stable leadership in this area.

"The other concern that I have is, it's good that we're going to be providing the resources and the funding for child and adolescent mental health but my concern is that we have, in the past, provided resources not to this extent, but we have provided some degree of resources and the records show that the moneys that we have expended have not gone to the programs that truly help the children and adolescents and their families at the community and family level.

"Hopefully, while we make these appropriations, the department will really look at these two issues -- the leadership issue and also how we can get these moneys to effectively help the children and adolescents at the school level, the community level, and with their families.

"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. 1680, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HEALTH," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Takamine and Thielen being excused.

The Chair directed the Clerk to note that S.B. No. 1680 had passed Third Reading at 12:11 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1256) recommending that S.B. No. 1201, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and S.B. No. 1201, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT-TERM INVESTMENTS OF STATE MONIES,"

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. 1257) recommending that S.B. No. 1573, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and S.B. No. 1573, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER REFERENCES IN CHAPTER 231, HAWAII REVISED STATUTES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1258) recommending that H.R. No. 67 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.R. No. 67, entitled: "HOUSE RESOLUTION REQUESTING THE EXPANSION OF BUSINESS CENTERS IN ALL COUNTIES TO FACILITATE AND ENHANCE INFORMATION SERVICES ON PERMIT AND LICENSING REQUIREMENTS FOR NEW BUSINESSES," was referred to the Committee on Finance.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1259) recommending that H.C.R. No. 60 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXPANSION OF BUSINESS CENTERS IN ALL COUNTIES TO FACILITATE AND ENHANCE INFORMATION SERVICES ON PERMIT AND LICENSING REQUIREMENTS FOR NEW BUSINESSES," was referred to the Committee on Finance.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1260) recommending that H.R. No. 68 be adopted.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.R. No. 68, entitled: "HOUSE RESOLUTION REQUESTING KAU BUSINESSES, UNIONS, AND VOLUNTEERS TO EXPAND THEIR SUPPORT FOR ADULT AND COMMUNITY EDUCATION BY BECOMING INVOLVED IN PROGRAMS ON LITERACY, EMPLOYMENT SKILLS, AND JOB TRAINING," was adopted.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1261) recommending that H.C.R. No. 61 be adopted.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING KAU BUSINESSES, UNIONS, AND VOLUNTEERS TO EXPAND THEIR SUPPORT FOR ADULT AND

COMMUNITY EDUCATION BY BECOMING INVOLVED IN PROGRAMS ON LITERACY, EMPLOYMENT SKILLS, AND JOB TRAINING," was adopted.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1262) recommending that H.C.R. No. 307 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.C.R. No. 307, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE NATATORIUM AS A 'LIVING MEMORIAL' AND A SYMBOL OF PRIDE FOR ALL THE PEOPLE OF HAWAII," was referred to the Committee on Finance.

Representatives Lee and Stegmaier, for the Committees on Higher Education and the Arts and Education, presented a joint report (Stand. Com. Rep. No. 1263) recommending that H.R. No. 96, as amended in HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Ward and carried, the joint report of the Committees was adopted and H.R. No. 96, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN APRIL OF EVERY YEAR AS 'STATE OF HAWAII ARCHAEOLOGY WEEK'," was adopted.

Representatives Lee and Stegmaier, for the Committees on Higher Education and the Arts and Education, presented a joint report (Stand. Com. Rep. No. 1264) recommending that H.C.R. No. 87, as amended in HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Ward and carried, the joint report of the Committees was adopted and H.C.R. No. 87, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN APRIL OF EVERY YEAR AS 'STATE OF HAWAII ARCHAEOLOGY WEEK'," was adopted.

Representatives Chun Oakland and Pepper, for the Committees on Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1265) recommending that H.C.R. No. 168, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Ward and carried, the joint report of the Committees was adopted and H.C.R. No. 168, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INTERIM SESSION COLLABORATIVE PROCESS BETWEEN PUBLIC AGENCIES AND PRIVATE SECTOR PROVIDERS OF SERVICES TO FAMILIES AND CHILDREN IN EARLY CHILDHOOD TO ESTABLISH A PRO-FAMILY PREVENTIVE SERVICE SYSTEM," was referred to the Committee on Finance.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1266) recommending that H.R. No. 275, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.R. No. 275, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO STUDY THE IMPACTS OF

ALLOWING WORKERS' COMPENSATION BENEFITS TO BE COLLECTIVELY BARGAINED FOR BETWEEN THE CONSTRUCTION INDUSTRY AND THE LABOR UNIONS," was referred to the Committee on Consumer Protection and Commerce

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1267) recommending that H.C.R. No. 287, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.C.R. No. 287, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO STUDY THE IMPACTS OF ALLOWING WORKERS' COMPENSATION BENEFITS TO BE COLLECTIVELY BARGAINED FOR BETWEEN THE CONSTRUCTION INDUSTRY AND THE LABOR UNIONS," was referred to the Committee on Consumer Protection and Commerce

Representative Arakaki, for the Committee on Hawaiian Affairs and Housing, presented a report (Stand. Com. Rep. No. 1268) recommending that H.R. No. 232 be referred to the Committee on Judiciary.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.R. No. 232, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO EXAMINE THE TRANSFER OF AWARDED INTERESTS IN HOMESTEAD LANDS," was referred to the Committee on Judiciary.

Representative Arakaki, for the Committee on Hawaiian Affairs and Housing, presented a report (Stand. Com. Rep. No. 1269) recommending that H.C.R. No. 249, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.C.R. No. 249, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EXAMINE THE COST-EFFECTIVENESS OF TRANSFERRING ALL FINANCING FUNDS FOR THE DEVELOPMENT OF RENTAL HOUSING FROM THE HOUSING FINANCE AND DEVELOPMENT CORPORATION TO THE RENTAL HOUSING TRUST FUND," was referred to the Committee on Legislative Management.

Representative Arakaki, for the Committee on Hawaiian Affairs and Housing, presented a report (Stand. Com. Rep. No. 1270) recommending that H.C.R. No. 300, as amended in HD 1, be referred to the Committee on Water and Land Use Planning.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.C.R. No. 300, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF TRANSFERRING THE AHUPUA'A 'O KAHANA (KAHANA STATE PARK) FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO THE OFFICE OF HAWAIIAN AFFAIRS," was referred to the Committee on Water and Land Use Planning.

Representative Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1271) recommending that H.C.R. No. 310 be

referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.C.R. No. 310, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO EXAMINE CONDOMINIUM PROHIBITIONS ON CHILD CARE FACILITIES," was referred to the Committee on Consumer Protection and Commerce.

Representative Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1272) recommending that H.C.R. No. 238, as amended in HD 1, be referred to the Committee on Intergovernmental Relations and International Affairs.

On motion by Representative Amaral, seconded by Representative Ward and carried, the report of the Committee was adopted and H.C.R. No. 238, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF CHILDREN AND YOUTH, WITH THE ASSISTANCE OF THE OFFICE OF YOUTH SERVICES; THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM; THE HAWAII COMMUNITY FOUNDATION; THE PACIFIC REGIONAL EDUCATIONAL LABORATORY; THE EAST-WEST CENTER; AND THE UNIVERSITY OF HAWAII TO PLAN AND CONVENE A SUMMIT FOR ASIAN AND PACIFIC CHILDREN AND YOUTH," was referred to the Committee on Intergovernmental Relations and International Affairs.

ANNOUNCEMENT

Representative Menor rose and requested waiver of the 48-hour hearing notice requirement for a public hearing and decision-making to follow on H.C.R. 207, HD 1/H.R. 205, HD 1, and H.C.R. 287, HD 1/H.R. 275, HD 1, today at 1:30 p.m. in Conference Room 802, and the Chair "so ordered."

ADJOURNMENT

At 12:14 o'clock p.m., on motion by Representative Amaral, seconded by Representative Ward and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Thursday, March 30, 1995.

FORTIETH DAY

Thursday, March 30, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:40 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Yuzuru Inoue of the Palolo Hongwanji, after which the Roll was called showing all members present with the exception of Representative Pepper, who was excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 400 to 405) were read by the Clerk and were placed on file:

Sen. Com. No. 400, transmitting S.C.R. No. 138, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE OFFICE OF CHILDREN AND YOUTH DEVELOP A STRATEGIC PLAN OF ACTION AND A TIMETABLE FOR IMPLEMENTATION TO EFFECTUATE THE SYSTEMATIC REVIEW AND RESTRUCTURING OF ITS OPERATIONS," which was adopted by the Senate on March 29, 1995.

Sen. Com. No. 401, transmitting S.C.R. No. 161, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INTERIM SESSION COLLABORATIVE PROCESS BETWEEN THE DEPARTMENT OF EDUCATION, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, JUDICIARY, OFFICE OF CHILDREN AND YOUTH, OFFICE OF YOUTH SERVICES, AND PRIVATE SECTOR PROVIDERS OF SERVICES TO FAMILIES AND CHILDREN IN EARLY CHILDHOOD TO ESTABLISH A PRO-FAMILY PREVENTIVE SERVICE SYSTEM," which was adopted by the Senate on March 29, 1995.

By unanimous consent, further action on S.C.R. Nos. 138 and 161, SD 1, was deferred.

Sen. Com. No. 402, returning H.B. No. 357, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," which passed Third Reading in the Senate on March 29, 1995, in an amended form.

By unanimous consent, H.B. No. 357, 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. 357, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

Sen. Com. No. 403, returning H.B. No. 1221, 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 AND REFERENCES, CLARIFYING

LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," which passed Third Reading in the Senate on March 29, 1995.

Sen. Com. No. 404, returning H.B. No. 1581, entitled: "A BILL FOR AN ACT RELATING TO ADULT AND COMMUNITY EDUCATION," which passed Third Reading in the Senate on March 29, 1995.

Sen. Com. No. 405, returning H.B. No. 1863, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," which passed Third Reading in the Senate on March 29, 1995.

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

Representative Arakaki asked all of the participants in the Student Intern Program to stand to be recognized.

Representative Santiago, on behalf of Representative Meyer and himself, introduced Charlene Furuto, Professor of Social Work at BYU-Laie, and her children, Linda, Matthew, Michael and Daniel.

Representative Thielen introduced Flat Stanley, saying: "Flat Stanley was sent to me from Texas by my granddaughter, Tanya Thielen, as part of a class project to visit the Hawaii State Legislature. He has been at a committee hearing but he really didn't want to testify so he merely observed. Today, he is able to observe us in the House of Representatives. This is Flat Stanley, Mr. Speaker."

Representative Halford introduced Mrs. Patricia Robinson, an educator from Ojai, California, and her daughter from Maui, Mrs. Lynne Halford, Representative Halford's wife.

Representative Ward introduced Ms. Jodie Atkinson, an educator at Pearl City High School.

At 11:50 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.

STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1273) recommending that S.B. No. 893, 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. 893, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE SERVICE FEES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Pepper being excused.

The Chair directed the Clerk to note that S.B. No. 893 had passed Third Reading at 12:02 o'clock p.m.

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

The House of Representatives reconvened at 12:03 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1274) recommending that S.B. No. 1578, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1578, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES IMPOSED BY THE DEPARTMENT OF TAXATION," 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. 1275) recommending that S.B. No. 1577, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1577, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER," passed Second Reading and was placed on the calendar for Third Reading.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1276) recommending that H.R. No. 226, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 226, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A PERFORMANCE AUDIT OF CERTAIN EDUCATIONAL PROGRAMS," was referred to the Committee on Legislative Management.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1277) recommending that H.C.R. No. 234, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 234, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PERFORMANCE AUDIT OF CERTAIN EDUCATIONAL PROGRAMS," was referred to the Committee on Legislative Management.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1278) recommending that H.R. No. 258, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 258, HD 1, entitled: "HOUSE RESOLUTION RECOGNIZING THE IMPORTANCE OF PARTNERSHIPS BETWEEN SCHOOLS, FAMILIES, BUSINESSES, AND LABOR ON THE LONG-TERM VIABILITY OF THE STATE," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1279) recommending that H.C.R. No. 273, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 273, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF PARTNERSHIPS BETWEEN SCHOOLS, FAMILIES, BUSINESSES, AND LABOR ON THE LONG-TERM VIABILITY OF THE STATE," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1280) recommending that H.R. No. 105, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 105, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEVELOPMENT AND IMPLEMENTATION OF INSTRUCTIONAL PROGRAMS THAT TEACH THE SOCIAL SKILLS NEEDED TO RESOLVE AND SETTLE CONFLICTS PEACEFULLY AND COOPERATIVELY," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1281) recommending that H.C.R. No. 97, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 97, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEVELOPMENT AND IMPLEMENTATION OF INSTRUCTIONAL PROGRAMS THAT TEACH THE SOCIAL SKILLS NEEDED TO RESOLVE AND SETTLE CONFLICTS PEACEFULLY AND COOPERATIVELY," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1282) recommending that H.R. No. 179, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 179, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO AMEND ADMINISTRATIVE RULES REGARDING THE DISTRIBUTION OF FEES AND CHARGES FOR THE PUBLIC AND COMMUNITY USE OF SCHOOL FACILITIES," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1283) recommending that H.C.R. No. 176, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 176, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO AMEND ADMINISTRATIVE RULES REGARDING THE DISTRIBUTION OF FEES AND CHARGES FOR THE PUBLIC AND COMMUNITY USE OF SCHOOL FACILITIES," was referred to the Committee on Finance.

Representatives Takamine and Santiago, for the Committees on Water and Land Use Planning and Ocean Recreation and Marine Resources, presented a joint report (Stand. Com. Rep. No. 1284) recommending that H.R. No. 237, as amended in HD 1, be referred to the

Committee on Intergovernmental Relations and International Affairs.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 237, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE COUNTIES TO USE ALL APPROPRIATE MEANS TO PREVENT THE CONSTRUCTION OF ILLEGAL STRUCTURES ON STATE BEACH LANDS AND TO RECOMMEND ADDITIONAL MEANS TO INCREASE ITS EFFECTIVENESS IN PROTECTING STATE BEACH LANDS," was referred to the Committee on Intergovernmental Relations and International Affairs

Representatives Takamine and Santiago, for the Committees on Water and Land Use Planning and Ocean Recreation and Marine Resources, presented a joint report (Stand. Com. Rep. No. 1285) recommending that H.C.R. No. 245, as amended in HD 1, be referred to the Committee on Intergovernmental Relations and International Affairs.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 245, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE COUNTIES TO USE ALL APPROPRIATE MEANS TO PREVENT THE CONSTRUCTION OF ILLEGAL STRUCTURES ON STATE BEACH LANDS AND TO RECOMMEND ADDITIONAL MEANS TO INCREASE ITS EFFECTIVENESS IN PROTECTING STATE BEACH LANDS," was referred to the Committee on Intergovernmental Relations and International Affairs

Representative Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1286) recommending that H.C.R. No. 308, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, 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 ENCOURAGING AND SUPPORTING THE USE OF THE MARIMED FOUNDATION'S SAILING VESSEL 'TOLE MOUR' TO ADDRESS THE CHALLENGES OF THE STATE IN PROVIDING ALTERNATIVES TO INCARCERATION FOR JUVENILE OFFENDERS," was referred to the Committee on Finance.

INTRODUCTION OF RESOLUTION

H.R. No. 317, entitled: "HOUSE RESOLUTION RECOGNIZING MARCH 20 TO 26, 1995, AS LONG-TERM CARE ADMINISTRATORS WEEK IN HAWAII," was offered by Representative Chun Oakland and was read by the Clerk.

On motion by Representative Chun Oakland, seconded by Representative Saiki and carried, H.R. No. 317 was adopted.

ADJOURNMENT

At 12:07 o'clock p.m., on motion by Representative Amaral, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Friday, March 31, 1995.

FORTY-FIRST DAY

Friday, March 31, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:45 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Ken Sugahara of the Higashi Hongwanji Mission in Kaneohe, after which the Roll was called showing all members present with the exception of Representatives Anderson, Cachola, Garcia, Herkes, Kanoho, Menor, Meyer, Pepper, Swain and Yamane, who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 406 to 409) were read by the Clerk and were placed on file:

Sen. Com. No. 406, transmitting S.C.R. No. 217, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII ISLAND UNITED WAY TO TAKE THE LEAD IN ATTEMPTING TO ESTABLISH AND COORDINATE ONE OR MORE REGIONAL ACTION COUNCILS IN THE COUNTY OF HAWAII TO ASSIST STATE AGENCIES AND LEGISLATIVE COMMITTEES IN DESIGNING AND DELIVERING OPTIMUM HEALTH AND HUMAN SERVICES TO THE PEOPLE OF THE COUNTY OF HAWAII," which was adopted by the Senate on March 30, 1995.

By unanimous consent, further action on S.C.R. No. 217, SD 1, was deferred.

Sen. Com. No. 407, informing the House that pursuant to the disagreement of the Senate to the amendments proposed by the House in S.B. No. 87, SD 1, HD 1, and the request for a conference of said amendments, the President has, on March 28, 1995, appointed Senators Graulty, Chair; Chumbley, McCartney and Tam as Managers on the part of the Senate for the consideration of said amendments.

Sen. Com. No. 408, informing the House that pursuant to the disagreement of the Senate to the amendments proposed by the House in S.B. No. 1200, SD 1, HD 1, and the request for a conference of said amendments, the President has, on March 30, 1995, appointed Senators Fernandes Salling, Chair; Tanaka and Anderson as Managers on the part of the Senate for the consideration of said amendments.

Sen. Com. No. 409, informing the House that the Senate has disagreed to the amendments proposed by the House in S.B. Nos. 304, HD 1; 305, HD 1; 923, HD 1; 1567, SD 1, HD 1; and 1575, HD 1.

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

Representative Kahikina introduced Mr. Kai Holokai, a practicing Hawaiian healer, from Honomakau on the Big Island.

Representative Chang introduced Shaun Aburamen, Dennis Ikeda and Frank Lavita of the Kanoelehua Industrial Area Association (Hilo); and Camille Crowley from Mililani.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following Senate Bill (S.B. No. 1367) was re-referred as follows:

| <u>S.B. No.</u> | <u>Re-referred to:</u> |
|-----------------|---|
| 1367 | Committee on Consumer Protection and Commerce |

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

| <u>H.R. Nos.</u> | <u>Re-referred to:</u> |
|------------------|--|
| 82 | Committee on Public Safety and Military Affairs, then to the Committee on Finance |
| 152 | Committee on Consumer Protection and Commerce |
| 156 | Jointly to the Committee on Higher Education and the Arts and the Committee on Education, then to the Committee on Judiciary |
| 191 | Committee on Hawaiian Affairs and Housing, then to the Committee on Education, then to the Committee on Finance |
| 227 | Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary |
| 245 | Committee on Water and Land Use Planning |
| 263 | Committee on Legislative Management |
| 276 | Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance |

H.C.R. Nos.

| | |
|-----|--|
| 58 | Committee on Intergovernmental Relations and International Affairs, then to the Committee on Finance |
| 77 | Committee on Public Safety and Military Affairs, then to the Committee on Finance |
| 146 | Committee on Consumer Protection and Commerce |
| 150 | Jointly to the Committee on Higher Education and the Arts and the Committee on Education, then to the Committee on Judiciary |
| 191 | Committee on Hawaiian Affairs and Housing, then to the Committee on Education, then to the Committee on Finance |
| 235 | Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary |

- 239 Committee on Finance
- 276 Committee on Legislative Management
- 290 Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 318 and 319) were read by the Clerk and were disposed of as follows:

H.R. No. 318, entitled: "HOUSE RESOLUTION COMMENDING SHEILA CONANT FOR HER EXEMPLARY ACHIEVEMENTS IN TEACHING, RESEARCH, AND COMMUNITY SERVICE," was offered by Representative Shon.

H.R. No. 319, entitled: "HOUSE RESOLUTION RECOGNIZING EARTH DAY HAWAII '95 AND THE 25TH ANNIVERSARY OF EARTH DAY," was offered by Representative Shon.

Representative Shon moved that H.R. Nos. 318 and 319 be adopted, seconded by Representative Lee.

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

"I'm greatly honored today to be able to speak on both of these resolutions, and we took them in tandem because I feel very strongly that individuals both within the University community and the larger community have been working with great diligence to raise our consciousness. Mr. Speaker, Mother Earth is not in the greatest of shape these days and it would appear that the financial climate nationally as well as locally is unlikely to provide more resources to attend to Mother Earth's illnesses. But one great spot is the ongoing effort of dedicated educators to help our people understand and appreciate the natural world, and thus we come to today's honorees.

"Dr. Sheila Conant has created and teaches undergraduate courses on island eco-systems and endangered species and, Mr. Speaker, we know that our island state is where 75 percent of the nation's extinctions have taken place with Hawaiian species.

"Dr. Conant directs master's and doctoral student research projects, and those graduate programs specializing in ecology, evolution and conservation biology. She and her colleagues have made science in the natural world accessible to those who face the awesome responsibility of being stewards of the earth in the next century.

"I was delighted to learn that for her efforts, Dr. Conant was chosen as the University of Hawaii at Manoa's '1994 Professor of the Year' and today we honor not only Dr. Conant, but all those working in our Department of Education, the University of Hawaii, and the public sector for carrying the torch of understanding for our fragile environment."

Representative Shon then asked Dr. Sheila Conant to stand to be recognized.

Accompanying Dr. Conant was her husband, David Macaulay, a graduate of the U.H. Law School, and a coach of the International Moot Court Competition team, who then rose to be recognized.

Representative Shon continued:

"Mr. Speaker, in addition to Dr. Conant today, we also pay tribute to the leaders in Hawaii's environmental community who are responsible for the EARTH DAY celebrations in Hawaii as well as most of the advocacy for our environment over the years. Their task is daunting. I have learned that other issues arouse more passion in people when I had the privilege of being on the Health Committee. We were faced daily with individual human stories where people could speak to us directly of their human suffering.

"But the environment seems to be a little more abstract for us and as one noted author said, is relegated to its own silent screen. When we ask ourselves a number of questions, it is leaders like these that we turn to. Will the public be willing to approve the investment of tax dollars to prevent the loss of a forest or the destruction of a coral reef? Will the public support restrictions on private property to save a bird from distinction or a shoreline from development? To help ensure that these questions are answered in the affirmative, there is EARTH DAY.

"Joining us today are several individuals who are the moving forces in EARTH DAY, and especially one individual on the floor today who has been responsible, not only for leadership on EARTH DAY, but in formulating and helping the Legislature to pass Hawaii's first ozone protection legislation two years ago. He is a volunteer in mediation and conflict resolution, the core organizer and National Steering Committee member of EARTH DAY 1990, and perhaps is best known in the University community as Associate Director of the Sea Grant Extension Service.

"Representing Mother Earth today, please welcome Dr. Bruce Miller," and asked the honoree to stand to be recognized.

Representative Shon then introduced Dr. Sheila Laffey, Ms. Linda Day, and Dr. Jack Davidson, Director of Sea Grant, who were seated in the gallery, and asked them to stand to be recognized.

Representative Shon continued:

"Mr. Speaker, the driving force has been the Conservation Council of Hawaii, and there are many other individuals such as Rick Scudder, Dr. Steve Montgomery, Bill Sager and others who have been very, very active in keeping our minds focused on how to best protect the earth."

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

"I wish to join my colleague, Representative Shon, in honoring Dr. Sheila Conant and in recognizing EARTH DAY.

"In honoring Dr. Sheila Conant, we recognize the importance of EARTH DAY, and in so recognizing EARTH DAY, we also acknowledge a debt of gratitude we have to educators such as she who have brought the understanding and knowledge of our eco-systems.

"The point about today's celebration is really education, just as much as Representative Shon has emphasized environment. Education is not only K to 12; more importantly, it includes the following four, five, six years in college. And what makes our educational system good is exactly the same for higher education ... that is the teachers who are called professors at the university.

"And Dr. Conant exemplifies all that is noble and all that is what a society needs from its educators and teachers, and for that we are grateful to have her here today, and we wish her many more years of service at the University along with her other colleagues, and we want to remember you, not only for your work, but also because it brings back what we should all do about Mother Earth.

"Thank you, Mr. Speaker."

Representative Tarnas then rose to speak in favor of the resolutions, stating:

"First, I would like to thank, from the bottom of my heart, Dr. Sheila Conant for her work. She has raised my awareness about a number of environmental issues -- birds, notwithstanding -- and I am not alone in that. She has played a key role in raising the awareness of much of the community in Hawaii, and for that I am eternally grateful.

"I also want to make note and honor another person who is on the floor today -- Dr. Bruce Miller.

"Back in the days before I had this job, I actually served under Dr. Bruce Miller as an extension agent for Sea Grant in Kona, and I do know of his abiding love for the environment, his commitment to working to ensure that Mother Earth is sustained, and that we can grow in a way that does protect the earth and will allow for the benefit of future generations.

"I wish him the best and also hope that he will be able to spend more time beneath the hapuu tree fern leaves at his place in Volcano.

"Thank you very much, Mr. Speaker."

Representative Marumoto then rose to speak in support of the resolutions, stating:

"I just would like to commend the honorees today because I feel that they are the contemporary unsung heroes. They are not remunerated well; in other words, they will never get rich. Very often they are unrecognized, but I think they are the true heroes and they do very important work.

"We wish them well and hope that they will continue doing the good job that they are, and our future generations will appreciate it.

"Thank you."

Representative Shon then rose and stated:

"One final comment, Mr. Speaker. I am instructed to let all of you know that in spite of the great financial situation the environmental programs may face, you all can contribute to this by purchasing an EARTH DAY T-shirt.

"Thank you."

The motion was put by the Chair and carried, and H.R. Nos. 318 and 319 were adopted.

Certificates of Recognition were presented to the honorees by Representatives Lee, Shon and Thielen and floral leis were presented to them by Representatives Marumoto, M. Oshiro and Tarnas.

At 12:06 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:46 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1287) recommending that H.R. No. 275, HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 275, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO STUDY THE IMPACTS OF ALLOWING WORKERS' COMPENSATION BENEFITS TO BE COLLECTIVELY BARGAINED FOR BETWEEN THE CONSTRUCTION INDUSTRY AND THE LABOR UNIONS," was referred to the Committee on Legislative Management.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1288) recommending that H.C.R. No. 287, HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 287, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO STUDY THE IMPACTS OF ALLOWING WORKERS' COMPENSATION BENEFITS TO BE COLLECTIVELY BARGAINED FOR BETWEEN THE CONSTRUCTION INDUSTRY AND THE LABOR UNIONS," was referred to the Committee on Legislative Management.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1289) recommending that H.R. No. 150 be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 150, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO STUDY AND REPORT ON THE PROBABLE EFFECTS OF THE LICENSING OF HOISTING MACHINE OPERATORS AND THE REGISTRATION OF HOISTING MACHINES," was referred to the Committee on Legislative Management.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1290) recommending that H.C.R. No. 144 be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY AND REPORT ON THE PROBABLE EFFECTS OF THE LICENSING OF HOISTING MACHINE OPERATORS AND THE REGISTRATION OF HOISTING MACHINES," was referred to the Committee on Legislative Management.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No.

1291) recommending that H.R. No. 61, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 61, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION, THE DEPARTMENT OF EDUCATION, AND SCHOOL/COMMUNITY-BASED MANAGEMENT COUNCILS TO RESTRUCTURE THE TRADITIONAL SCHOOL DAY TO A LONGER DAY," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1292) recommending that H.C.R. No. 53, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 53, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION, THE DEPARTMENT OF EDUCATION, AND SCHOOL/COMMUNITY-BASED MANAGEMENT COUNCILS TO RESTRUCTURE THE TRADITIONAL SCHOOL DAY TO A LONGER DAY," was referred to the Committee on Finance.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1293) recommending that H.R. No. 91, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 91, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP AND IMPLEMENT AN INTERNATIONAL TECHNO-TOURISM POLICY TO MAKE HAWAII THE ASIA-PACIFIC REGION'S PREEMINENT CENTER FOR SCIENCE AND TECHNOLOGY CONFERENCES," was referred to the Committee on Finance.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1294) recommending that H.C.R. No. 82, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 82, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP AND IMPLEMENT AN INTERNATIONAL TECHNO-TOURISM POLICY TO MAKE HAWAII THE ASIA-PACIFIC REGION'S PREEMINENT CENTER FOR SCIENCE AND TECHNOLOGY CONFERENCES," was referred to the Committee on Finance.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1295) recommending that H.R. No. 15, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 15, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO EXAMINE THE CURRENT PENALTIES

FOR UNLICENSED CONTRACTORS," was referred to the Committee on Finance.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1296) recommending that H.C.R. No. 11, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 11, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO EXAMINE THE CURRENT PENALTIES FOR UNLICENSED CONTRACTORS," was referred to the Committee on Finance.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1297) recommending that H.R. No. 196 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 196, entitled: "HOUSE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DISCOVER A MEANS TO RESOLVE THE INEQUITIES IN HOMEOWNERS INSURANCE," was referred to the Committee on Finance.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1298) recommending that H.C.R. No. 199 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DISCOVER A MEANS TO RESOLVE THE INEQUITIES IN HOMEOWNERS INSURANCE," was referred to the Committee on Finance.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1299) recommending that H.R. No. 205, HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 205, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ASSISTANCE FOR HAWAII'S TRAVEL AGENTS," was referred to the Committee on Finance.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1300) recommending that H.C.R. No. 207, HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 207, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ASSISTANCE FOR HAWAII'S TRAVEL AGENTS," was referred to the Committee on Finance.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1301) recommending that H.C.R. No. 4, HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 4, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE REVIEW OF THE REGULATION OF MARRIAGE AND FAMILY THERAPISTS," was referred to the Committee on Legislative Management.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1302) recommending that H.C.R. No. 116 be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF THE REGULATION OF PHYSICAL THERAPIST ASSISTANTS," was referred to the Committee on Legislative Management.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1303) recommending that H.C.R. No. 204, HD 1, as amended in HD 2, be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 204, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ASSESSING THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR ACUPUNCTURE SERVICES," was referred to the Committee on Legislative Management.

Representative Arakaki, for the Committee on Hawaiian Affairs and Housing, presented a report (Stand. Com. Rep. No. 1304) recommending that H.R. No. 171, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 171, HD 1, entitled: "HOUSE RESOLUTION ACKNOWLEDGING PUBLIC LAW 103-150, A JOINT RESOLUTION OF THE U.S. CONGRESS CONTAINING AN APOLOGY BY THE UNITED STATES TO NATIVE HAWAIIANS FOR THE OVERTHROW OF THE KINGDOM OF HAWAII, AND ADOPTING IT IN ITS ENTIRETY," was referred to the Committee on Judiciary.

Representative Arakaki, for the Committee on Hawaiian Affairs and Housing, presented a report (Stand. Com. Rep. No. 1305) recommending that H.C.R. No. 169, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 169, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ACKNOWLEDGING PUBLIC LAW 103-150, A JOINT RESOLUTION OF THE U.S. CONGRESS CONTAINING AN APOLOGY BY THE UNITED STATES TO NATIVE HAWAIIANS FOR THE OVERTHROW OF THE KINGDOM OF HAWAII, AND ADOPTING IT IN ITS ENTIRETY," was referred to the Committee on Judiciary.

Representative Arakaki, for the Committee on Hawaiian Affairs and Housing, presented a report (Stand. Com. Rep. No. 1306) recommending that H.C.R. No. 157, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 157, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII REAL ESTATE RESEARCH AND EDUCATION CENTER TO STUDY THE POSSIBILITY OF CONVEYING RENTAL PROPERTY AT RENTAL APPRAISAL PRICES RATHER THAN THE 'HIGHEST AND BEST USE' APPRAISAL PRICE," was referred to the Committee on Finance.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1307) recommending that H.R. No. 238 be adopted.

On motion by Representative Amaral seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 238, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO PRESENT TO THE COMMUNITY HOW THE DESIGNATION OF UNIVERSITY OF HAWAII CENTER WEST HAWAII WILL MEET THE HIGHER EDUCATION NEEDS OF WEST HAWAII," was adopted.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1308) recommending that H.C.R. No. 246 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 246, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO PRESENT TO THE COMMUNITY HOW THE DESIGNATION OF UNIVERSITY OF HAWAII CENTER WEST HAWAII WILL MEET THE HIGHER EDUCATION NEEDS OF WEST HAWAII," was adopted.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1309) recommending that H.R. No. 124 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 124, entitled: "HOUSE RESOLUTION URGING CONGRESSIONAL SUPPORT FOR CONTINUED FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING," was referred to the Committee on Finance.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1310) recommending that H.C.R. No. 117 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESSIONAL SUPPORT FOR CONTINUED FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING," was referred to the Committee on Finance.

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

Rep. No. 1311) recommending that H.C.R. No. 137 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO EXPAND ITS OUTREACH EFFORTS ON THE NEIGHBOR ISLANDS," was referred to the Committee on Finance.

Representative Santiago, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1312) recommending that H.R. No. 72, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 72, HD 1, entitled: "HOUSE RESOLUTION RECOGNIZING THE IMPORTANCE OF RESEARCH INTO THE CAUSE AND CURE OF FIBROPAPILLOMA," was referred to the Committee on Finance.

Representative Santiago, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1313) recommending that H.C.R. No. 65, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 65, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF RESEARCH INTO THE CAUSE AND CURE OF FIBROPAPILLOMA," was referred to the Committee on Finance.

Representative Santiago, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1314) recommending that H.R. No. 211, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 211, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE BOARD OF LAND AND NATURAL RESOURCES TO DESIGNATE KIHOLO BAY, KONA, HAWAII AS A MARINE FISHERIES MANAGEMENT AREA IN WHICH GILL NETTING IS PROHIBITED," was referred to the Committee on Judiciary.

Representative Santiago, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1315) recommending that H.C.R. No. 216, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 216, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE BOARD OF LAND AND NATURAL RESOURCES TO DESIGNATE KIHOLO BAY, KONA, HAWAII AS A MARINE FISHERIES MANAGEMENT AREA IN WHICH GILL NETTING IS PROHIBITED," was referred to the Committee on Judiciary.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1316) recommending that H.R. No. 271, as amended

in HD 1, be referred to the Committees on Water and Land Use Planning and Ocean Recreation and Marine Resources.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 271, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A FEASIBILITY STUDY RELATIVE TO ACQUIRING THE HANAIEI BOATYARD ADJACENT TO THE STATE PIER AND WHARF AND BOAT LAUNCH RAMP AT HANAIEI, KAUAI," was referred to the Committees on Water and Land Use Planning and Ocean Recreation and Marine Resources.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1317) recommending that H.C.R. No. 283, as amended in HD 1, be referred to the Committees on Water and Land Use Planning and Ocean Recreation and Marine Resources.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 283, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A FEASIBILITY STUDY RELATIVE TO ACQUIRING THE HANAIEI BOATYARD ADJACENT TO THE STATE PIER AND WHARF AND BOAT LAUNCH RAMP AT HANAIEI, KAUAI," was referred to the Committees on Water and Land Use Planning and Ocean Recreation and Marine Resources.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1318) recommending that H.R. No. 297, as amended in HD 1, be referred to the Committee on Water and Land Use Planning.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 297, HD 1, entitled: "HOUSE RESOLUTION RELATING TO GREENWAYS," was referred to the Committee on Water and Land Use Planning.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1319) recommending that H.C.R. No. 321, as amended in HD 1, be referred to the Committee on Water and Land Use Planning.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 321, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO GREENWAYS," was referred to the Committee on Water and Land Use Planning.

Representative Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1320) recommending that H.C.R. No. 102 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A COMPREHENSIVE TRAINING PROGRAM FOR CAREGIVERS OF CHILDREN AND ELDERLY PEOPLE," was referred to the Committee on Finance.

Representative Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1321) recommending that H.C.R. No. 182 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO MAINTAIN TITLE III, NUTRITION SERVICES FUNDING AND OTHER SUPPORTIVE SERVICES WITHIN THE OLDER AMERICANS ACT," was referred to the Committee on Finance.

Representative Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1322) recommending that H.C.R. No. 305 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 305, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING INTERAGENCY COMMITMENT TO REMOVING BARRIERS TO COMMUNITY-BASED EFFORTS TO ADDRESS ISSUES OF TEEN PREGNANCY PREVENTION AND TEEN PARENTING," was referred to the Committee on Finance.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1323) recommending that S.B. No. 1155 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1155, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1324) recommending that H.R. No. 207, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 207, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO IMPROVE EFFICIENCY, COST EFFECTIVENESS, AND ACCOUNTABILITY IN PROCESSING CLAIMS FILED AGAINST THE STATE FOR WORKERS' COMPENSATION BENEFITS," 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. 1325) recommending that H.C.R. No. 211, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 211, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO IMPROVE EFFICIENCY, COST EFFECTIVENESS, AND ACCOUNTABILITY IN PROCESSING CLAIMS FILED AGAINST THE STATE

FOR WORKERS' COMPENSATION BENEFITS," 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. 1326) recommending that H.C.R. No. 213 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 213, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE TO IMPLEMENT A CAFETERIA BENEFITS PLAN FOR PUBLIC EMPLOYEES," was referred to the Committee on Finance.

Representatives Yonamine and Takumi, for the Committees on Labor and Public Employment and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1327) recommending that H.R. No. 301 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 301, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR AND THE MAYORS OF ALL OF THE COUNTIES OF THE STATE OF HAWAII TO ASSIST THE LEGISLATURE IN EVALUATING ALL ASPECTS OF COMPENSATION AND BENEFITS OF PRESENT AND FORMER STATE AND COUNTY EMPLOYEES, THEIR DEPENDENTS, AND OTHER BENEFICIARIES," was referred to the Committee on Finance.

Representatives Yonamine and Takumi, for the Committees on Labor and Public Employment and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1328) recommending that H.C.R. No. 325 be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 325, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND THE MAYORS OF ALL OF THE COUNTIES OF THE STATE OF HAWAII TO ASSIST THE LEGISLATURE IN EVALUATING ALL ASPECTS OF COMPENSATION AND BENEFITS OF PRESENT AND FORMER STATE AND COUNTY EMPLOYEES, THEIR DEPENDENTS, AND OTHER BENEFICIARIES," was referred to the Committee on Finance.

Representative Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1329) recommending that H.C.R. No. 256, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 256, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING AND SUPPORTING THE USE OF THE MARIMED FOUNDATION'S SAILING SCHOOL VESSEL 'TOLE MOUR' TO EXPAND THE RESIDENTIAL CAPACITY OF THE KAILANA PROGRAM FOR HAWAII'S EMOTIONALLY IMPAIRED ADOLESCENTS AND ADOLESCENTS IN NEED OF SPECIAL EDUCATION SERVICES," was referred to the Committee on Finance.

At 12:48 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:49 o'clock p.m.

Representatives McMurdo and Tom, for the Committees on Public Safety and Military Affairs and Judiciary, presented a joint report (Stand. Com. Rep. No. 1330) recommending that H.R. No. 147, as amended in HD 1, be adopted.

Representatives McMurdo and Tom, for the Committees on Public Safety and Military Affairs and Judiciary, presented a joint report (Stand. Com. Rep. No. 1331) recommending that H.C.R. No. 142, as amended in HD 1, be adopted.

Representative McMurdo moved that the joint reports of the Committees be adopted and H.R. No. 147, HD 1, and H.C.R. No. 142, HD 1, be adopted, seconded by Representative Tom.

Representative McMurdo rose to speak in favor of the resolutions, stating:

"This resolution is requesting that our congressional delegation support an amendment to the Constitution of the United States to prohibit the willful physical desecration of the American flag. I believe this is an important step for this Legislature to take because at this reading, 46 other states have already sent such memorializing resolutions to the Congress. One state, Vermont, turned it down. Washington and Oregon are in the legislative process at this time. In addition, in Congress last week, two bills were initiated -- one in the House with 441 signatures and one in the Senate with 41 signatures.

"Mr. Speaker, this is an important resolution at an important time in this country. We have moved so far with permissiveness and lawlessness that if I had ever thought as a little girl that I would ever be standing in front of a legislative body and saying, 'We need to protect our flag officially,' I would have said that's preposterous. Everybody grew up to respect the flag. Everybody knew flag etiquette; everybody knew how to stand at attention when the flag went by or when the Star-Spangled Banner was played.

"But today, this is not true and there are a great many people, and especially the veterans of our community and of our country, who feel that real pain -- almost physical pain -- when they hear or see a flag which has been burned or even to the point of the clothes that the people wear with torn replicas of the American flag on them. There are many of us, not just from my generation but from many generations, who feel this way and feel it's about time that we stood up and gave Old Glory some protection.

"The veterans who came the other day to testify in favor of this and, by the way, there was only one dissenting -- well, there were two -- they were both from the ACLU. Everybody else was in favor of this. They were veterans of World War II, they were veterans of Korea, they were veterans of Vietnam, and they feel very, very strongly that they went out and went to war to protect your and my freedom. For this reason, they feel that we need, at this point, to have some kind of law.

"I do want to explain what the law is -- the bill that is moving through the Congress. What all this bill would do is to put an amendment out to the Constitution which would permit each and any of the fifty states to propose legislation to prohibit the physical, willful desecration of

the flag. It does not mean that that point becomes a national law.

"So there is a great deal still to be done, but with 46 other states and Hawaii's being the last and the fiftieth state, I urge my fellow legislators and fellow American citizens to vote in favor of these resolutions.

"Thank you."

Representative Takumi then rose to speak against the resolutions, stating:

"Before I offer a few remarks, may I ask that Senator Daniel K. Inouye's letter to me on these resolutions be entered into the Journal?"

The Chair "so ordered."

Representative Takumi continued:

"Mr. Speaker, I must admit that I rise to speak with some reluctance and trepidation. Some people have told me that it is political suicide to even think of opposing these resolutions because of the deeply felt emotions it evokes.

"Let me give you an example. When I indicated to the resolutions' introducer that I did not plan to schedule the original resolutions which were referred to my committee, I received several letters and calls to my office that implied I didn't understand what patriotism meant, that I did not appreciate the sacrifice that so many people had made. There were also a few anonymous calls pledging to work for my defeat during the next election. It is, I repeat, an emotional issue.

"I am also hesitant to take up time on the floor given the critical problems that are facing us in the state -- workers' compensation, no-fault auto insurance, the fiscal deficit, the resolution of the Hawaiian Home Lands issue. Frankly, I did not plan to spend a lot of time on the flag.

"But, Mr. Speaker, I feel compelled to do so. I am deeply troubled that this has solely been defined as a veterans issue. All the calls and letters that I received were from veterans organizations and the testifiers at the public hearing were overwhelmingly veterans.

"It is not just a veterans issue. By saying it is, we denigrate and insult the contributions made by many individuals; veterans, yes, but non-veterans also. People like Elizabeth Cady Stanton, an early advocate of voting rights for women; Cesar Chavez, the leader of the United Farm Workers; Dr. Martin Luther King, Jr.; and the list goes on and on of people who fought and sometimes died for the ideals embodied in the Constitution and symbolized by the flag.

"The issue has been reduced to a simplistic proposition: If you support the sacrifices made by those who served in the military, then you must vote yes. If you vote no, it means that you do not appreciate or acknowledge their sacrifice or, worse yet, you are not a patriotic American. When posed in this fashion, how can any of us vote against it? It's not easy.

"I could say for the record that I served in the military, that my Dad was an interpreter in Japan with the Occupation Forces, or that my brother is a career Air Force noncommissioned officer. But all that is unimportant to the issue before us today.

"I believe that these resolutions are much more complex and that there are underlying principles that we must consider.

"Mr. Speaker, permit me to briefly summarize the history of what led to these resolutions.

"Since 1931, the issue of flag desecration has been brought forth to the U.S. Supreme Court five times. The two most recent cases being *Texas vs. Johnson* in 1989, and the *U.S. vs. Eichman* in 1990. Each time, the Court has consistently ruled that conduct and speech are inseparable. In other words, if in the context of sending a message, the flag is desecrated, it is considered speech and therefore protected.

"I urge all of you to read the Court's decisions. You may be surprised to find, as I was, that the majority argument is a reasonable and understandable one. In the 1990 case, for example, in a 5-4 decision, Justice William Brennan, along with conservative Reagan appointees Anthony Kennedy and Antonin Scalia, argued that 'we do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents.'

"Justice Kennedy noted that 'it is...fundamental that the flag protects those who hold it in contempt.'

"But, Mr. Speaker, I know that many do not agree with the Court's decision and seek to amend the Bill of Rights to enable Congress and the fifty states to enact flag desecration statutes.

"After careful consideration, I must oppose these resolutions for three reasons.

"First, I am extremely leery and I am extremely wary of any attempts to amend the Constitution. Keep in mind that in the 200 plus years since 1789 when the first continental Congress convened, there have been over ten thousand constitutional amendments introduced. But only 26 have ever been ratified. And for good reason.

"I believe that amendments to the Constitution should expand and deepen our understanding of democratic rights. Such as Article 19 which gave women the right to vote and which I might add, took 41 years to pass and get ratified. Only one, Article 18, ratified in 1919, the prohibition amendment, took away the collective rights of a people. It, of course, was then repealed in 1933, with the ratification of Article 21.

"We are now contemplating an amendment to the Constitution which would be the first to restrict the freedom of the individual. I agree with Senator Inouye, who in his letter to me on this issue, wrote, 'I do not believe that this is the time to tamper with the First Amendment, and, as difficult as it may be, we must insist that the suppression of dissent is a greater danger than the destruction of the flag.'

"I also agree with Senator Bob Kerry of Nebraska, a Vietnam veteran who received the Medal of Honor, who said, 'We should slow down and examine what it is we are about to do...there is simply no line of Americans outside [the Capitol] or in this Nation queuing up to burn our flag. On the face of the evidence at hand, it seems to me that there is no need for us to do anything.'

"That brings me to my second reason. I believe a constitutional amendment is unnecessary and unwarranted when we look at the facts.

"Indeed, even the Citizens Flag Alliance, the main organization pushing for a constitutional amendment, admits that since 1990, since the Supreme Court decision, there have been only three incidents of flag burning in this country -- three.

"This is not exactly a growing national crisis. Or, more importantly, one that warrants tampering with the Constitution. And I hope that we can all agree that the Constitution is too important a document to amend unnecessarily, and that respect for the Constitution, which is no less than that for the flag, means that amending it should always be a last, and never a first, resort.

"By contemplating an amendment, we only give more prominence to those who desecrate the flag to express their beliefs. We only give their actions even more attention than it deserves. Are we so insecure as a nation that we fear for its survival when a protester burns the flag? I think not. I hope not. But even if we are, we can address the question in other ways.

"This brings me to my third reason. If the purpose of these resolutions are to protect the flag and the values it represents, then why not introduce a bill that makes destroying the flag, for any reason, a criminal offense? The Supreme Court has never ruled that there is a general right to burn the American flag. Indeed, legal scholars such as Professor Laurence Tribe of Harvard Law School believe that it is a simple matter. Merely make it a criminal offense to destroy the flag, period. Like it is a crime to desecrate a gravesite, or to destroy a mailbox, or damage, say, the Lincoln Memorial. We don't care what the motivation is behind it, whether you're scrawling 'I love Mary' on it or blowing it up in an act of terrorism.

"If arrested, you will be and should be prosecuted to the fullest extent of the law. If we were to enact a law that offers the same protection to the flag as we do to mailboxes, Professor Tribe believes it would pass constitutional muster. He asserts, 'It is hard to see what could be a better way of protecting the flag than to pass a simple statute making it a crime to destroy a flag or mutilate it in any way.' I would support such a statute.

"I agree with one of the testifiers at the public hearing who said, 'It is time to listen to citizens across the country who only want the flag protected the same as our other national monuments.'

"In other words, it is possible to support penalties for desecrating the flag without resorting to a constitutional amendment.

"However, Mr. Speaker, if we are truly committed to protecting the ideals that the flag represents, I can think of no better way than to continue to advocate for the values embodied by the flag: freedom, equality, respect, tolerance, liberty and justice for all. By doing so, we not only live up to the symbolism of the flag, but we honor our commitment to uphold the ideals embodied in the Constitution.

"Mr. Speaker, I would like to close by repeating that I recognize that this is an emotional issue. I know this firsthand. My staff knows it firsthand -- they're taking all the calls. And I know that many of my colleagues sitting here today have serious misgivings about the resolutions before us. I know this because they have told me. But they feel that they must, they feel that they are forced to put the politics of expediency above the politics of principle.

"I don't blame them; I cannot judge them harshly. I can only ask that they keep in mind Justice Oliver Wendell Holmes' comment that the test of our devotion to tolerance is permitting 'freedom for the thought we hate.' And I can only respectfully and humbly suggest that it is that devotion to tolerance that must prevail.

"Thank you."

The correspondence from Senator Daniel K. Inouye is hereby inserted:

**"UNITED STATES SENATE
DANIEL K. INOUE
HAWAII**

March 13, 1995

Dear Chairman Takumi:

Thank you for your letter regarding two resolutions, introduced by Representative Jane McMurdo, urging the President, the Congress and the state legislature to amend the U.S. Constitution to prohibit the desecration of the U.S. flag. I am pleased to share with you my position on such a constitutional amendment.

For two hundred years, our Bill of Rights has endured. It proclaims that the government of the United States is limited in its powers, and it continues to instruct and inspire people throughout the world. We have always found the strength necessary to live within its limits. We have resisted the urge to attack the evils of the day by amending the Bill of Rights. While there have been repeated efforts to amend it, none have succeeded. I do not believe that this is the time to tamper with the First Amendment, and, as difficult as it may be, we must insist that the suppression of dissent is a greater danger than the destruction of the flag.

It is not always easy to serve a country with a Bill of Rights that defends the rights of those who would destroy it. No other nation dares to make the commitment to freedom that is embodied in our Constitution. As a veteran and patriotic American, I am offended to see protestors burning the U.S. flag in their demonstration against the government. It grieves me to read of a renewed Neo-Nazi, Klu Klux Klan movement. I try my best to see in them our unrivaled commitment to the First Amendment's freedom of expression and speech.

I believe that what we hope to achieve -- protection of the U.S. flag -- can be accomplished through other means. Even if we enact no new laws, the sacred symbol of our flag will continue to be protected. I say this because perhaps, we have in the past relied too much on the law to protect our flag. For every person who would burn the flag, there are thousands of people who fail to salute it, or fail to teach their children to love it. No law can demand that Americans respect this national symbol -- whether through statute or constitutional amendment. Education, through example and instruction, is the best way to express and continue to ensure reverence for our flag. I am committed to this end. This is where we, as lawmakers, should place our emphasis.

Brave men and women sacrificed their lives in defense of our nation's principles of freedom, democracy, equality and justice for all. It should not be a choice between protecting the Constitution and protecting one of its symbols, the flag. They are one and the same. Our love of country is strong enough to withstand the voices and actions of those who would speak out and even abuse that which we hold dear.

I hope my explanation provides you with some insight into this most emotional issue, and helps you to focus your attention in the remaining days of the session on the most pressing issues of the day.

I pray that our stars and stripes will continue to fly over the land of the free and brave."

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

"Mr. Speaker, I had the opportunity to live overseas for a number of years and at the time when it was quite clear that political freedom was not the order of the day. And I also observed overseas that most nations have patriotic individuals, most nations have flags that they cherish, most nations have lots of symbols which the political leadership protects. But there's a real, real difference between our country and many others in that we have a Bill of Rights and the First Amendment. It is a dramatic difference. I have seen situations where in the name of public order, in the name of decency or sense of what is proper, peoples' individual spirits were suppressed.

"There are several reasons why I feel strongly that this is an unwise although understandable resolution. The first is that I dearly love the First Amendment and I have always opposed all efforts, for whatever reason, to amend it. I greatly fear efforts to tinker with the Bill of Rights, however well meaning or sensible they may appear at any time. I intend to remain consistent.

"Second, offensive expressions of speech such as showing disrespect for the flag usually backfire on the individuals and their cause. They are their own worst enemy when offensive behavior is performed. We need not criminalize it in addition.

"Third, in my view, the essence of the First Amendment is not tolerance for behavior we approve of or even care little of. It is tolerance for behavior that we indeed find offensive but is ultimately harmless. I am often offended and disgusted by expressions of free speech, but my response has not been to outlaw it but to either ignore it or to refute it. That is the essence of a democratic and free society -- to refute that which you disagree with, not to obliterate it.

"Fourth, the issue of desecration of the flag raise symbols, hardly a cut and dried issue. First, there is a definition of what kinds of behavior any particular state may choose to outlaw.

"The resolution does not seem to make any distinctions between intentionally burning a flag, using on clothing, flying it upside down, neglecting it, or whatever. Just because someone might be offended does not mean that everyone would. And who is to judge? And just which flag are we speaking of? Would disrespect of a flag with only 48 stars be covered? Only the current flag? What banners that are designed to look like a flag but clearly modified might be covered? Is this disrespect? What flag motifs that appear on clothing, and what will the criminal punishment be? I thought our prisons were already overcrowded. Will protesters now be put into prisons in some states because of what is now free speech but in the future would not be?

"I have never believed that respect for a symbol such as the flag was the same thing as patriotism or devotion to country. And as the previous speaker noted, there are many patriotic individuals who find the Constitution, the Declaration of Independence, the Bill of Rights and other documents far more meaningful than the flag. And there are many who feel that the use of the flag is much abused to sanction opinions, policies or actions that are highly debatable and certainly do not represent a consensus or even a majority view. But it is our system to tolerate anyone who wants to wrap themselves in the flag -- that's free speech.

"I understand that there has been much moving testimony by veterans who feel that disrespect for the flag is somehow disrespect for the many sacrifices of veterans

throughout the years, and I respect their view and their feelings.

"However, I also know veterans who feel equally strongly that their sacrifice and their service were in part to uphold the freedom of all Americans, to show respect to any person, or symbol of authority. I know family members who lost loved ones in Vietnam, who strongly oppose any attempt to modify the First Amendment because, in their view, that's why they fought. It was for the right of us to be different from those other nations, and even a decorated veteran like Senator Inouye opposes such an amendment.

"For these reasons, Mr. Speaker, I must urge all of us to seriously consider that the First Amendment is worth preserving and it should be a hard task indeed by which we would modify it.

"Thank you."

Representative Tom then rose to speak in support of the resolutions, stating:

"Mr. Speaker, the flag of the United States is much more than just the design adopted by the Continental Congress in 1777 as our national emblem.

"With each death on the battlefield in defense of liberty, with each struggle to preserve democracy in the face of totalitarianism, and with the birth of each child to whom we bequeath the priceless gift of freedom, the United States flag takes on a yet very deeper meaning.

"The flag represents not just this country, and not just those of us who live under its banner. The flag of the United States is a beacon of hope and inspiration for all freedom-loving people because it signals the continued existence of a civilization founded upon the principle that all political power derives and belongs to the people.

"Mr. Speaker, I have never seen Old Glory waving in the breeze. The colors red, white and blue cannot be comprehended by a person who was born without the sense of sight. And yet the flag of the United States is as precious to me as to anyone who gazes upon it. Its power derives not from the cloth it is made from, nor from its design, nor from the hues which distinguish it; its power and effect upon me arises from my knowledge that countless individuals have sacrificed so that it may continue to fly over the land of the free and the home of the brave.

"Mr. Speaker, we have many criminal laws to protect our national monuments from desecration and destruction. Yet, our greatest national monument, the one which reflects the totality of our national experience -- our flag -- remains unprotected from its enemies.

"Would we call it free speech if the Washington Monument were toppled from its foundation? Would we call it freedom of expression if the White House was set afire as an expression of political comment? Why then do we shrink from calling it a crime to desecrate the greatest of our national monuments, our nation's flag?

"Mr. Speaker, I just want to end by saying that throughout my years here, I have seen a continual disintegration of family values, self respect, right from wrong. I have seen people under the guise of free speech and free expression say, eh, that's what it's all about. I think that we, today, have to take a stand that certain things are not right, certain things go beyond decency, beyond self respect, beyond freedom, and that's the right to burn a flag, and I think we have to take that kind of stand that certain things are not fair and right. When we

talked about, let's not obliterate the freedoms we have, well, aren't we obliterating this material, this thing we call the flag which represents why we're here?

"This time, Mr. Speaker, I urge all of my members to vote up on this matter.

"Thank you."

Representative Kahikina then rose to speak against the resolutions and requested that Representative Takumi and Representative Shon's remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Kahikina continued:

"Mr. Speaker, before we even graduated in 1960, over fifty percent of my classmates had already joined the military service, myself included. This emotional resolution, when I see someone burn a flag, it affects me as any other veteran that gave his life for freedom.

"But what haunts me is the thought of ... do I have the right to wrong someone of that freedom? I was glad to fight for America and will gladly fight for her now because I believe in this country, the only country in the world that you have the right to petition your government.

"For those matters, I really believe that we could protect the flag just by what Representative Takumi had mentioned. We could just pass a law to say that it's against the law to burn it, not amending the Constitution. If we want to amend the Constitution, this morning we went to a prayer breakfast, let's amend the Constitution that we allow prayer then.

"But the point is ... do we have the right to wrong someone of that freedom?

"Thank you, Mr. Speaker."

Representative Tarnas then rose to speak against the resolutions, stating:

"I need to make some statements because this is such an emotional issue. I must emphasize that I do honor this fine country and its symbol -- the flag. I feel that the desecration of the flag is improper and very insulting. However, the protection of our First Amendment rights of free speech is far more important than these feelings.

"These resolutions, I view, are the first steps to erode these constitutional rights. Our job here is not to legislate respect; rather, it is to educate and by example nurture respect for our country and its symbol -- the flag.

"For these reasons, I am voting against these resolutions.

"Thank you."

Representative Hiraki then rose to register his no vote, saying:

"My opposition to this measure is based on a letter written in opposition to this matter by our Pan American Patriot, Senator Daniel Inouye. If I may, I would like to read one paragraph of that letter to this body.

"Senator Inouye writes: 'For two hundred years, our Bill of Rights has endured. It proclaims that the government of the United States is limited in its powers, and it continues to instruct and inspire people throughout the world. We have always found the strength necessary to live within its limits. We have resisted the urge to

attack the evils of the day by amending the Bill of Rights. While there have been repeated efforts to amend it, none have succeeded. I do not believe that this is the time to tamper with the First Amendment, and, as difficult as it may be, we must insist that the suppression of dissent is a greater danger than the destruction of the flag.'

"And he closes by saying: 'I pray that our stars and stripes will continue to fly over the land of the free and brave.'

"Thank you very much."

Representative Ward then rose to speak in favor of the resolutions, stating:

"Mr. Speaker, who in this room has not said, 'I pledge allegiance to the flag of the United States of America and to the Republic for which it stands; one nation under God, indivisible, with liberty and justice for all.' Mr. Speaker, each one of us as kids said that. In fact, it was the first thing we even pledged allegiance to. Before we pledged allegiance to our parents or authority figures, we pledged allegiance to that flag.

"That's why it's an emotional issue. That's why it's a cerebral issue. It's a love affair between America and its people. It's a love affair between all of us in this room and that object, inanimate as it is, of the essence of who we are and what we stand for. Even though we learn these as children, it became a testament for us to honor liberty, life, freedom and the pursuit of happiness. In effect, it's the essence of everything that we hold dear. It's as much a symbol of our nation -- visceral, cerebral and otherwise -- as is the Washington Monument and the Arizona Memorial.

"This resolution is not about the freedom of speech -- it's about the right of Americans to protect the flag from desecration and dishonor. More importantly, freedom of speech with all the constitutional rights and freedoms must be responsibly exercised. None in this room, Mr. Speaker, can yell 'FIRE!' in a theater. None in this room, particularly you men, can sexually harass, symbolically, gesturally, or in four letter words in front of a female, certain particular things. Yet, it is equally so able to be done as we burn the flag. Yet I know, because of the intellectual justification, we put crucifix in the urn and we do certain other things in which my previous colleague says we have no shame left of which burning a flag is symbolic of that.

"The great experiment of America is not over. We are a two hundred year old country. We happen to have in our caucus one of the Hungarian freedom fighters' daughter who is astounded that we would even be talking about burning the symbol -- the essence of what America is -- which is greatly respected overseas. And I must say to my colleague who was jointly in the Peace Corps as I was, except I went into the military afterwards, that overseas respect for America has declined because everything that America stood for is declining. That is a serious statement about who we are and where we are going in this experiment which is saying, we can straighten it around, we can turn it around. There's no magic fix to it except getting on the path that we began two hundred years ago and continue it.

"And as a veteran, you don't have to cry for me, but don't belittle thousands of people who gave their lives, including the 442nd, including the World War II veterans, including the Korean War veterans, and all those who did go to give their lives. Give their families a reason why they're gone; give them a justification because this is the essence of who they were, standing up and supporting that flag. Now, does that mean wrapping yourself in the

flag because you want America to survive? The American people are great people but those people have to stand for something. And if we don't stand for protecting the essence of symbolically what we are, who are we as a people?

"I've traveled to forty countries. I know who I am as an American because I've been overseas. I never knew who I was in America. Going overseas taught me who I was. It has differentiated those that are despotic or totalitarian, and those who are free to the point of anarchy because freedom without responsibility, Mr. Speaker, is anarchy. Freedom of speech to the point of discipline is what a democratic society is all about.

"I think the liberal experiments in undisciplined behavior has gone to the extreme already in America. Therefore, Mr. Speaker, I ask this ... does the Star-Spangled Banner still wave over the land of the free and the home of the brave? Mr. Speaker, I submit not if it's burning -- not if it's burning.

"Thank you."

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

"I rise to speak in opposition to this measure and a lot of it has to do with some of the words just uttered by the previous speaker. If I recall correctly, I may not agree with everything he says but I will defend to the end his right to say it.

"Mr. Speaker, I think this issue really is much larger than what's been debated on the floor today. It seems to have been reduced to a matter of ... do we love the flag or do we not love the flag? But I think if we could just expand our minds a little bit and realize that the underlying issue we're talking about here is ... are we going to take this first step and if we do, where does it end?

"Society has stated recently, as a result of so much chaos going on in our nation today, that there are many people out there who are saying we have too much freedom and maybe we need to start giving up some of those freedoms for the safety of our own people. If, in fact, that debate is going to occur, then let that debate occur. I think it's time. However, I do not believe that this is the way that we should begin that debate.

"As a result, I again pledge my love for the American flag and I, too, have family members who have given their lives in defending it and, Mr. Speaker, I ask my colleagues to start looking at this issue from a larger perspective, realizing what it is, and let us now begin that great debate.

"Thank you."

Representative Nekoba then rose to speak against the resolutions, stating:

"I would like to continue with the pledge of allegiance which also states '...and to the Republic for which it stands...' This flag stands for a republic which is the United States of America. It stands for the United States of America -- it is not the United States of America.

"I was very fortunate to be involved in a production about the 442nd and 100th battalions. If there's anything that I learned from doing that production, it is that the rights and the freedoms that they fought for, that they died for, they then passed on to me so that I could stand here and speak on this floor and do the job that I love to do, and represent the country that I do. That must never

ever, for any reason at all, be broken up, be rescinded off from the individuals that are here speaking to the point of the fact that we lost many of those respects for the flag or respects for the country.

"I agree, sometimes maybe we don't. But the reason for that is because maybe we haven't been vigilant enough and explaining to people how important it is that this flag not touch the ground because that's what I grew up with. I grew up with the pledge of allegiance, with the fact that when you take this flag that you don't let it touch the ground because it is a symbol of the United States. But it is just that -- it is a symbol.

"The freedoms and the things that we hold dear to ourselves and our country is what's important, and that is what we need to fight for, and also the freedom to express ourselves.

"Thank you, Mr. Speaker."

Representative Yonamine then rose to speak against the resolutions, stating:

"First, Mr. Speaker, I deeply appreciate the veterans and their organizations because they sacrificed the best years of their lives, and they've seen their comrades give their lives to their country, and we must never forget that. We must always show our respect and appreciation for what they have done.

"But the issue here is more than what it is -- giving life to the country. My country, right or wrong, my country is more than that because if symbols are man-made, then man can also change the symbols. And what do I mean by that?

"Just forty/fifty years ago, we had people who pledged their allegiance to the swastika and to the dictatorship for which it stands. That is what a flag would represent. It represents passing cyclical changes for our history, and our flag here represents everything that is good and enduring about our country, and it also represents the imperfections that we have.

"I love my country. I love the Constitution of the United States because it is a fixed document, and it is also a changing document, and it changes because we're always trying to right the wrong.

"So I don't see the flag necessarily as representing what is America, what is good. It also represents what is bad. If it is a symbol, then it is a symbol of a country that is strong and great. It is also a symbol that is full of imperfections, and this is what the Constitution says.

"Let's not divert ourselves from the real and critical issues that previous speakers have said. For example, look at the American flag. The only sameness was our oppressors, that it was red, white and blue -- it's uniquely American. We separate ourselves from our oppressors.

"You look at our Hawaiian flag. One, we do something with the English Jack -- look at this. If we really want to divert ourselves from the real issues of the deal, let's talk about changing the Hawaiian flag to make it uniquely the state in the union. So let's not get diverted by all of these smoke screens. Let's go back to some real issues.

"All I'm saying is this ... when I grew up, when the national anthem was played, I actually stood at attention, whether people were looking at me or not -- at attention -- because this is how I grew up. As I grew up in life, I found out that, hey, it's more than just symbols, you know. When you love America, you have a right to say

what's right about it and what's wrong with it. And this is what the issue should be. Let's not change the Constitution. We can always change it. If you want to do something about burning the flags, let's put in a law.

"Thank you very much."

Representative Takai then rose to cast his no vote and requested that the remarks of Representative Santiago and Representative Tarnas be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Takamine then rose to cast his no vote, and the Chair "so ordered."

Representative Lee then rose to speak against the resolutions, stating:

"I am deeply impressed by the sentiments expressed by those in opposition to the two resolutions. I abhor the burning of the flag but I don't believe we should violate the Constitution. It does not deserve an amendment to the Constitution.

"For these reasons and the reasons expressed by my colleagues, I will vote against the resolutions.

"Thank you."

Representative Marumoto then rose to speak in favor of the resolutions, stating:

"I do not see the flag as a smoke screen. To me, the flag is a visible symbol of the ideal aspirations of the American people. It is the one focus in which all unite in reverential devotion.

"We differ in religion; we differ in politics; we engage in violent disputes as to the true meaning of the Constitution and even challenge the wisdom of some of its provisions; we inject self interest and cupidity into the most ordinary transactions of daily life, but to the sanctifying folds of the flag, the collective intelligence of the nation rises superior to the wisdom of its parts and thus ensures the perpetuity of the Republic.

"Those were the words of Major General Arthur MacArthur, a union captain during the civil war, who was in charge of the colors of the 24th Wisconsin Regiment at Missionary Ridge during the battle of Gettysburg. As his unit advanced toward the confederate army, his men took turns advancing the colors in the face of enemy fire. Whenever one fell, another took his place. Wounded, Captain MacArthur was the last to grab the colors and carried them to the top of the mountain and victory. He was awarded the Medal of Honor.

"The flag expresses our national love of country, of idealism, of freedom, of democracy and our reverence for those who died, defending the values that we, as Americans, hold dear. The flag of the United States of America is the one symbol more than any other which unites us as a nation. Say whatever you will, but don't defile our flag.

"As a granddaughter of immigrants from Japan, I urge a resounding aye vote on these resolutions.

"Thank you."

Representative Saiki then rose to speak against the resolutions, stating:

"Mr. Speaker, our founders created the Bill of Rights for one principal reason. They wanted to ensure that our individual liberties would not be overcome by raw

governmental power. The Bill of Rights protects the minority from the tyranny of the majority.

"I, too, find flag burning reprehensible. But our ability to speak and to express ourselves is a crucial ingredient of liberty. The ongoing exchange of ideas and perspective can only benefit us as individuals and advance our society. This free exchange hinges upon the First Amendment because it not only protects messages that we approve of, but those which you and I may find offensive.

"When we heard these resolutions on Tuesday, many veterans who supported these measures attended the hearing. Many of them told us that they fought for the freedoms which are symbolized by our flag. But it is not the physical form of the flag that is at stake today. It is the freedoms which the flag represents -- the very freedoms they fought for -- which are before us today.

"What has kept our country intact is a fabric of history and tradition, diversity, freedom, justice, and tolerance. These are the real elements which we must protect. If we do otherwise, we will begin to unravel the tapestry that has kept our nation distinct from all others.

"Thank you."

Representative Hamakawa then rose to cast his no vote, and the Chair "so ordered."

Representative M. Oshiro then rose to cast his no vote and requested that the remarks of Representative Takumi be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative M. Oshiro continued:

"Mr. Speaker, on this floor about three months ago, I raised my hand and I swore to uphold the Constitution of the United States of America, and for that very reason I feel, to remain consistent to that pledge and promise to the people, I must vote against this amendment. To me, Mr. Speaker, it strikes a strong attack against the Constitution.

"Thank you."

Representative McMurdo then rose and stated:

"I'm a little puzzled as I sit here and listen to this, and I can understand how so many of you feel. But let's ask ourselves one question: Are we that different from forty-six other states who have already supported this? This is something to ponder. Why is it that the majority of states have already pledged to support this? Please think about that.

"Remember that Hawaii was the first state to be hit by the enemy in World War II, and the world will be looking at us. That's no reason to change your vote but it is something for you to consider, that this is where World War II started, and also remember how hard people fought before 1959 to get that 50th star on that flag. And remember, we are the United States of America.

"I urge you to vote yes on these resolutions."

Representative Chang then rose to speak in favor of the resolutions, stating:

"I would agree with many of the speakers that the flag is just a symbol, but it is a symbol of freedom, it is a symbol of patriotism, and that's what we're lacking in this day and age.

"Many of our children don't know the respect of our flag; they don't know the respect of the United States and what it means, and I just want to end by saying ... for those of you who have children and for those of you who don't, just imagine that you do. Imagine seeing one of your children burning a flag or desecrating a flag and how you would feel about that.

"Thank you."

Representative Alcon then rose to speak against the resolutions, stating:

"Mr. Speaker, all of us stood in this chamber and swore that we will defend the Constitution of the United States. Let me also say, Mr. Speaker, that I have done my duty to defend the United States. As you can see, Mr. Speaker, I think I am the only World War II veteran in this chamber, and I had fought just as hard as anybody to defend the Constitution.

"Let me also explain to you, Mr. Speaker, that I am not opposed to respecting the flag but I think this resolution, Mr. Speaker, is very defective. If I may be able to amend it, I'd like to ask that it be called back to the Committee and be amended so that it will read: 'Respectfully request Hawaii's congressional delegation to support a federal law to prohibit the willful desecration of the United States flag.' That would be a better way to do it, Mr. Speaker.

"I have to also inform you, Mr. Speaker, that the flag is not mentioned in the Constitution. It was just adopted by the Continental Congress and so if we have to do something about it, we have to do it by law.

"Thank you."

Representative Chun Oakland then rose to speak against the resolutions, stating:

"I know of no member of my family, my friends or acquaintances that would ever desecrate the flag. My husband is a combat veteran of our most recent war, Desert Storm, and many of my family members served their country with a deep sense of pride and loyalty.

"I know and I feel that my daily actions not only represent myself but my family, my community, my state and my nation, just as it offends me and saddens me to see someone burn the flag of our country. It offended me to see a veteran in our joint Public Safety and Judiciary hearing pounding the hearing room table, expressing his deep feelings on this subject matter. As it offended me and saddened me to hear an older veteran at the same hearing generalize that younger legislators could not feel the same patriotism as veterans, all of these cases are people exercising their freedom to express themselves, and that is what is important.

"For someone to desecrate the American flag, I feel is an act of desperation, an outrage, a reaction to something that cuts to the very core of an individual's set of convictions. For me as a legislator and as an American citizen, the desecration of such a precious symbol of our country is a signal of something very wrong, something that we really, collectively, need to listen to.

"Thank you."

Representative Okamura then rose to speak in favor of the resolutions, with grave reservations, stating:

"Mr. Speaker, I find it personally demoralizing and anger provoking to witness and to be forced to accept and endure the burning or physical desecration of our nation's

flag. The American flag is a constant, visual symbol of our nation's spirit, its history, and its resolve. And for me, Mr. Speaker, the flag also serves as a source of personal inspiration and motivation.

"For these reasons, Mr. Speaker I can agree and concur with the intent of these resolutions.

"My dilemma, Mr. Speaker, is that our flag, this symbol of our nation, also stands for and reflects the founding principles of our great nation. Foremost among these principles, Mr. Speaker, is every person's right to freedom of speech, and personal expression -- including the right to express an opinion which is contrary or different from that of our own.

"Mr. Speaker, I think we have all heard and subscribed to at one time or another the phrase, 'I may not agree with what you say, but I will defend to my death your right to say it.'

"Mr. Speaker, it is this fundamental right of expression and dissent which elevates our nation's form of governance above all others. To suppress or abridge this right undermines the founding principles of our nation, and indeed, the flag itself.

"Mr. Speaker, this is a difficult and trying decision. I believe that the value and essence of our flag lies not in its physical manifestation, but rather in the principles for which it stands, and in which we all personally and individually believe. Accordingly, an isolated act of desecration can no more undermine the spirit of the flag than the burning of a book can snuff out the light of knowledge.

"Mr. Speaker, I will support the adoption of these resolutions because, in my heart, I concur and agree with their intent. My support, however, is given only with great personal reservation because, in my mind, I realize and acknowledge that it is the flag's underlying principles of freedom, not its physical manifestation, which must truly be secured, cherished, and vigorously defended.

"Thank you, Mr. Speaker."

Representative Amaral then rose to speak in support of the resolutions, with reservations, stating:

"Quite frankly, Mr. Speaker, my support of these resolutions go to the heart of the process that we have in this body -- the process of deliberation by subject matter committees charged with certain responsibilities and certain criteria. In my heart, I believe that it was the intention of the Chairs' reviewing these resolutions, to live up to the responsibilities of those committees. And in doing so, I then trust that they made the best decision they could with the concurrence of the majority of their members.

"My dilemma, Mr. Speaker, with respect however to these resolutions, is that essentially it raises the symbols of our country higher than the rights provided in the Constitution. It limits or seeks to limit that most important constitutional rights provided to us, and that is the First Amendment -- the freedom of speech.

"In trying to decide how I was going to vote on these measures, I read through the **Texas vs. Johnson** opinion and there are, I believe, some important remarks that need to be entered into the record. They have said in this opinion: 'To conclude that government may permit designated symbols to be used to communicate only a limited set of messages would be to enter territory having no discernible or defensible boundaries. Could the government on this theory prohibit the burning of state

flags, of copies of the Presidential seal, of the Constitution? In evaluating these choices under the First Amendment, how would we decide which symbols were sufficiently special to warrant this unique status? To do so, we would be forced to consult our own political preferences and impose them upon the citizenry in the very way that the First Amendment forbids us to do.'

"This is the dilemma, I think, that confronts us in the support of these resolutions.

"A friend was telling me the other day that he had gone to Washington, D.C., and went into the room that houses the Constitution of the United States and was touched when he learned that in case of a nuclear war, that building is locked down and it sinks deep into the ground, so precious is this document to us. And while the flag outside may burn, we lock down the Constitution of the United States to preserve it for future generations.

"Thank you."

Representative Arakaki then rose and requested that Representative Amaral's remarks be inserted into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Arakaki continued:

"I just want to comment that I personally believe that God is supreme over any type of idolatry, and I also believe that the precepts of democracy is supreme over any type of symbolism.

"Thank you, Mr. Speaker."

At 1:51 o'clock p.m., Representative Takai asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:53 o'clock p.m.

The motion was put by the Chair and carried, and the joint reports of the Committees were adopted and **H.R. No. 147, HD 1**, entitled: "HOUSE RESOLUTION RESPECTFULLY REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROHIBIT THE WILLFUL PHYSICAL DESECRATION OF THE UNITED STATES FLAG," and **H.C.R. No. 142, HD 1**, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROHIBIT THE WILLFUL PHYSICAL DESECRATION OF THE UNITED STATES FLAG," were adopted with Representatives Alcon, Chun Oakland, Hamakawa, Hiraki, Kahikina, Lee, Nekoba, M. Oshiro, Saiki, Santiago, Shon, Takai, Takamine, Takumi, Tarnas and Yonamine voting no.

Representative Shon then rose on a point of information and asked:

"On the vote on the resolutions, how many no votes were recorded in the Journal as opposed to how many were present?"

At 1:54 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:56 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Amaral, 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. 1201, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1201, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT-TERM INVESTMENTS OF STATE MONIES," passed Third Reading by a vote of 41 ayes, with Representatives Anderson, Cachola, Garcia, Herkes, Kanoho, Menor, Meyer, Pepper, Swain and Yamane being excused.

S.B. No. 1573, SD 2, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1573, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER REFERENCES IN CHAPTER 231, HAWAII REVISED STATUTES," passed Third Reading by a vote of 41 ayes, with Representatives Anderson, Cachola, Garcia, Herkes, Kanoho, Menor, Meyer, Pepper, Swain and Yamane being excused.

S.B. No. 1578, SD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1578, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES IMPOSED BY THE DEPARTMENT OF TAXATION," passed Third Reading by a vote of 41 ayes, with Representatives Anderson, Cachola, Garcia, Herkes, Kanoho, Menor, Meyer, Pepper, Swain and Yamane being excused.

The Chair directed the Clerk to note that S.B. Nos. 1201, 1573 and 1578 had passed Third Reading at 1:57 o'clock p.m.

ANNOUNCEMENTS

Representative Morihara, on behalf of the members of the House, extended birthday greetings to Representative Swain.

Representative Okamura: "There will be a Majority caucus immediately after session in Room 1008."

Representative Amaral moved that the Journal remain open until 6:00 o'clock p.m. this legislative day for the purpose of receiving Standing Committee Reports for resolutions and concurrent resolutions, and that all Standing Committee Reports received by the Clerk be adopted and that attached resolutions and concurrent resolutions proceed to their designated committees.

At 2:00 o'clock p.m., Representative Thielen asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:01 o'clock p.m., the motion was seconded by Representative Thielen and carried.

At 2:02 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Standing Committee Reports.

STANDING COMMITTEE REPORTS

The following Standing Committee Reports (Stand. Com. Rep. Nos. 1332 to 1486) were received in the Clerk's Office up to 6:00 o'clock p.m. this legislative day and, in accordance with the motion made earlier, said Standing Committee Reports were adopted and all House Resolutions and House Concurrent Resolutions accompanying said Standing Committee Reports were referred to the committees designated on said Standing Committee Reports:

Stand. Com. Rep. No. 1332 (TRN) was adopted and H.R. No. 98, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY AND ACCEPTABILITY OF SPECIAL LICENSE PLATES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1333 (TRN) was adopted and H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY AND ACCEPTABILITY OF SPECIAL LICENSE PLATES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1334 (TRN) was adopted and H.R. No. 235, entitled: "HOUSE RESOLUTION REQUESTING THE STATE TO TAKE STEPS TO UTILIZE RECYCLED GLASS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1335 (TRN) was adopted and H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE TO TAKE STEPS TO UTILIZE RECYCLED GLASS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1336 (TRN) was adopted and H.R. No. 249, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE NEED FOR SEAT BELTS AND OTHER SAFETY REQUIREMENTS FOR SCHOOL BUSES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1337 (TRN) was adopted and H.C.R. No. 263, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE NEED FOR SEAT BELTS AND OTHER SAFETY REQUIREMENTS FOR SCHOOL BUSES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1338 (LMG) was adopted and H.R. No. 70, HD 1, as amended in HD 2, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT TO EXAMINE THE EFFECTIVENESS OF STATE AND COUNTY GRANTS AND CONTRACTS ISSUED TO ASSIST HAWAII'S SUGAR-BASED DISTRICTS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1339 (LMG) was adopted and H.C.R. No. 63, HD 1, as amended in HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT TO EXAMINE THE EFFECTIVENESS OF STATE AND COUNTY GRANTS AND CONTRACTS ISSUED TO ASSIST HAWAII'S SUGAR-BASED DISTRICTS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1340 (LMG) was adopted and H.R. No. 204, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE

HAWAII STATE GENERAL FUND COVERING THE PAST TEN YEARS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1341 (LMG) was adopted and H.C.R. No. 206, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE HAWAII STATE GENERAL FUND COVERING THE PAST TEN YEARS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1342 (LMG) was adopted and H.C.R. No. 337, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO INCLUDE RECOMMENDATIONS FOR PRIVATIZATION OF GOVERNMENT FUNCTIONS, AS APPROPRIATE, IN AUDITS CONDUCTED PURSUANT TO LEGISLATIVE DIRECTIVE OR REQUEST DURING THE 1995 REGULAR SESSION," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1343 (LMG) was adopted and H.R. No. 233, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT MAKING RECOMMENDATIONS TO IMPROVE THE ADMINISTRATION OF THE PURCHASE OF SERVICES SYSTEM UNDER CHAPTER 42D, HAWAII REVISED STATUTES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1344 (LMG) was adopted and H.C.R. No. 240, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT MAKING RECOMMENDATIONS TO IMPROVE THE ADMINISTRATION OF THE PURCHASE OF SERVICES SYSTEM UNDER CHAPTER 42D, HAWAII REVISED STATUTES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1345 (LMG) was adopted and H.C.R. No. 30, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF PUBLIC FINANCING OF STATE ELECTIONS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1346 (LMG) was adopted and H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ADMINISTRATION AND FUNCTIONING OF THE SPECIAL COMPENSATION FUND OF THE WORKERS' COMPENSATION SYSTEM," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1347 (EDB) was adopted and H.R. No. 304, entitled: "HOUSE RESOLUTION URGING A CONCERTED EFFORT TO PLAN AND IMPLEMENT MEASURES TO FOSTER TECHNOLOGY ECONOMIC DEVELOPMENT ON THE ISLAND OF HAWAII," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1348 (EDB) was adopted and H.C.R. No. 332, entitled: "HOUSE CONCURRENT RESOLUTION URGING A CONCERTED EFFORT TO PLAN AND IMPLEMENT MEASURES TO FOSTER TECHNOLOGY ECONOMIC DEVELOPMENT ON THE ISLAND OF HAWAII," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1349 (EDB) was adopted and H.R. No. 308, as amended in HD 1, entitled: "HOUSE RESOLUTION URGING THE ESTABLISHMENT OF THE STATE OF HAWAII AS A FREE-TRADE ZONE," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1350 (EDB) was adopted and H.C.R. No. 338, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF THE STATE OF HAWAII AS A FREE-TRADE ZONE," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1351 (EDB) was adopted and H.C.R. No. 328, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO SUBMIT RECOMMENDATIONS TO THE LEGISLATURE ON WAYS TO IMPROVE THE EFFICIENCY OF THE OPERATIONAL AND FINANCIAL MANAGEMENT OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1352 (EDB) was adopted and H.R. No. 240, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP STRATEGIES FOR THE STATE OF HAWAII TO PARTICIPATE IN EFFORTS TO ESTABLISH A HAWAII COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1353 (EDB) was adopted and H.C.R. No. 252, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP STRATEGIES FOR THE STATE OF HAWAII TO PARTICIPATE IN EFFORTS TO ESTABLISH A HAWAII COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1354 (EDB) was adopted and H.R. No. 21, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW BARRIERS TO FORMING AND OPERATING A SMALL BUSINESS IN HAWAII," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1355 (EDB) was adopted and H.C.R. No. 17, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW BARRIERS TO FORMING AND OPERATING A SMALL BUSINESS IN HAWAII," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1356 (EDB) was adopted and H.C.R. No. 312, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE MAJOR DISCOUNT CHAINS DOING BUSINESS IN HAWAII TO SELL AND PROMOTE MORE LOCAL PRODUCTS," was referred to the Committee on Consumer Protection and Commerce.

Stand. Com. Rep. No. 1357 (JUD) was adopted and H.R. No. 59, as amended in HD 1, entitled: "HOUSE RESOLUTION CONCERNING CHILDREN'S RIGHTS AS VICTIMS OR WITNESSES IN CRIMINAL CASES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1358 (JUD) was adopted and H.C.R. No. 50, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING CHILDREN'S RIGHTS AS VICTIMS OR WITNESSES IN CRIMINAL CASES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1359 (JUD) was adopted and H.R. No. 60, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE PROBLEM OF LIABILITY EXPOSURE OF VOLUNTEERS, NONPROFIT ORGANIZATIONS, AND GOVERNMENT AGENCIES THAT RELY ON THE SERVICES OF VOLUNTEERS," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1360 (JUD) was adopted and H.C.R. No. 52, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE PROBLEM OF LIABILITY EXPOSURE OF VOLUNTEERS, NONPROFIT ORGANIZATIONS, AND GOVERNMENT AGENCIES THAT RELY ON THE SERVICES OF VOLUNTEERS," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1361 (JUD) was adopted and H.C.R. No. 147, HD 1, entitled: "HOUSE RESOLUTION EXTENDING THE CHILD WELFARE SERVICES REFORM TASK FORCE TO DEVELOP A BLUEPRINT FOR REFORM IN CHILD PROTECTIVE SERVICES," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1362 (JUD) was adopted and H.C.R. No. 313, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING A CONCERTED STATE EFFORT TO REVIEW AND ASSESS ILLEGAL SLAUGHTER OPERATIONS AND TO DEVELOP AN ENFORCEMENT PLAN TO STOP THESE ACTIVITIES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1363 (HED) was adopted and H.C.R. No. 299, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE HAWAII THEATER CENTER," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1364 (TRN) was adopted and H.R. No. 100, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ADD A WARNING CONCERNING DRUNK DRIVING TO ROAD SIGNS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1365 (TRN) was adopted and H.C.R. No. 92, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ADD A WARNING CONCERNING DRUNK DRIVING TO ROAD SIGNS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1366 (JUD/PSM) was adopted and H.R. No. 8, HD 1, as amended in HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO STUDY THE MANAGEMENT AND TREATMENT OF INSANITY ACQUITTEES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1367 (JUD/PSM) was adopted and H.C.R. No. 3, HD 1, as amended in HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO STUDY THE MANAGEMENT AND TREATMENT OF INSANITY ACQUITTEES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1368 (WLP/OMR/EEP) was adopted and H.R. No. 269, as amended in HD 1, entitled: "HOUSE RESOLUTION CREATING A TASK FORCE TO STUDY POTENTIAL USES OF THE WAHIAWA RESERVOIR," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1369 (WLP/OMR/EEP) was adopted and H.C.R. No. 88, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION CREATING A TASK FORCE TO STUDY POTENTIAL USES OF THE WAHIAWA RESERVOIR," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1370 (WLP) was adopted and H.R. No. 216, entitled: "HOUSE RESOLUTION URGING LAND USE AND DEVELOPMENT POLICIES AND DECISIONS THAT PROTECT NATIVE HAWAIIAN CULTURAL SITES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1371 (WLP) was adopted and H.C.R. No. 221, entitled: "HOUSE CONCURRENT RESOLUTION URGING LAND USE AND DEVELOPMENT POLICIES AND DECISIONS THAT PROTECT NATIVE HAWAIIAN CULTURAL SITES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1372 (WLP) was adopted and H.R. No. 9, entitled: "HOUSE RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON THE EXCHANGE OF PUBLIC LAND FOR PRIVATE LAND," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1373 (WLP) was adopted and H.C.R. No. 230, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE FEASIBILITY OF MAKING THE COMMISSION ON WATER RESOURCE MANAGEMENT A PERMANENT, FULL-TIME COMMISSION," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1374 (HAH) was adopted and H.C.R. No. 257, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON ALTERNATIVES FOR BENEFICIARIES OF THE HAWAIIAN HOME LANDS TRUST," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1375 (OMR) was adopted and H.R. No. 257, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE POTENTIAL OF INVESTMENT IN THE ORNAMENTAL FISH INDUSTRY IN HAWAII," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1376 (OMR) was adopted and H.C.R. No. 271, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE POTENTIAL OF INVESTMENT IN THE ORNAMENTAL FISH INDUSTRY IN HAWAII," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1377 (OMR) was adopted and H.R. No. 236, entitled: "HOUSE RESOLUTION REQUESTING A STATEWIDE MASTER PLAN FOR MARINE AND COASTAL PROTECTED AREAS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1378 (OMR) was adopted and H.C.R. No. 244, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STATEWIDE MASTER PLAN FOR MARINE AND COASTAL PROTECTED AREAS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1379 (JUD) was adopted and H.R. No. 188, HD 1, as amended in HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO DEVELOP AN ALTERNATIVE CORRECTIONAL SYSTEM BASED ON THE CONCEPT OF PU'UHONUA," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1380 (JUD) was adopted and H.C.R. No. 184, HD 1, as amended in HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO DEVELOP AN ALTERNATIVE CORRECTIONAL SYSTEM BASED ON THE CONCEPT OF PU'UHONUA," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1381 (JUD) was adopted and H.R. No. 242, entitled: "HOUSE RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO STUDY THE FEASIBILITY OF AMENDING STATE LAW TO PROTECT THE BEST INTERESTS OF NATIVE HAWAIIAN CHILDREN," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1382 (JUD) was adopted and H.C.R. No. 254, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO STUDY THE FEASIBILITY OF AMENDING STATE LAW TO PROTECT THE BEST INTERESTS OF NATIVE HAWAIIAN CHILDREN," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1383 (JUD) was adopted and H.R. No. 254, as amended in HD 1, entitled: "HOUSE RESOLUTION APPROVING THE ADVISORY OPINIONS OF THE HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS REVIEW PANEL," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1384 (JUD) was adopted and H.C.R. No. 268, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE ADVISORY OPINIONS OF THE HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS REVIEW PANEL," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1385 (JUD) was adopted and H.R. No. 232, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO EXAMINE THE TRANSFER OF AWARDED INTERESTS IN HOMESTEAD LANDS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1386 (AGR) was adopted and H.R. No. 202, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF AGRICULTURE, ANIMAL INDUSTRY DIVISION, ANIMAL QUARANTINE," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1387 (AGR) was adopted and H.C.R. No. 203, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF AGRICULTURE, ANIMAL INDUSTRY DIVISION, ANIMAL QUARANTINE," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1388 (AGR) was adopted and H.R. No. 174, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW LITERATURE DEALING WITH THE DIAGNOSIS, TRANSMISSION, INCIDENCE, AND TREATMENT OF RABIES AND THE QUARANTINE LAWS OF COUNTRIES THAT ARE CONSIDERED TO BE SPECIFIED RABIES-FREE ENVIRONMENTS AND THAT ARE SIMILAR TO HAWAII AS AN ISLAND-NATION OR ISLAND-STATE," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1389 (AGR) was adopted and H.C.R. No. 172, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW LITERATURE DEALING WITH THE DIAGNOSIS, TRANSMISSION, INCIDENCE, AND TREATMENT OF RABIES AND THE QUARANTINE LAWS OF COUNTRIES THAT ARE CONSIDERED TO BE SPECIFIED RABIES-FREE ENVIRONMENTS AND THAT ARE SIMILAR TO HAWAII AS AN ISLAND-NATION OR ISLAND-STATE," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1390 (OMR/EEP) was adopted and H.C.R. No. 227, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ANALYZE THE IMPACTS CAUSED BY AGRICULTURAL ACTIVITIES IN THE KAIKA-WAIALUA BAY HYDROLOGICAL UNIT ON MARINE SPECIES IN THE KAIKA-WAIALUA BAY," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1391 (HLT) was adopted and H.R. No. 178, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH ESTABLISH MENTAL HEALTH PROGRAMS AT THE MOLOKINI UNIT OF MAUI MEMORIAL HOSPITAL," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1392 (HLT) was adopted and H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH ESTABLISH MENTAL HEALTH PROGRAMS AT THE MOLOKINI UNIT OF MAUI MEMORIAL HOSPITAL," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1393 (HLT) was adopted and H.R. No. 284, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE REQUIREMENTS FOR TUBERCULOSIS SCREENING AND EXAMINATION," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1394 (HLT) was adopted and H.C.R. No. 301, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE REQUIREMENTS FOR TUBERCULOSIS SCREENING AND EXAMINATION," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1395 (HLT/HUS) was adopted and H.C.R. No. 327, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GATHERING OF INFORMATION ON LIFE-CARE PLANNING AND ESTATE PLANNING FOR PERSONS WITH DISABILITIES, THE DEVELOPMENT OF LEGISLATION, AND RELATED ACTIVITIES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1396 (AGR) was adopted and H.R. No. 117, as amended in HD 1, entitled: "HOUSE

RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO EXAMINE THE POTENTIAL OF SUSTAINABLE AGRICULTURE IN THE STATE," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1397 (AGR) was adopted and H.C.R. No. 109, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO EXAMINE THE POTENTIAL OF SUSTAINABLE AGRICULTURE IN THE STATE," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1398 (AGR) was adopted and H.R. No. 195, as amended in HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO EXCLUDE HAWAII FROM ANY FEDERAL LEGISLATION THAT WOULD CREATE EXCEPTIONS FROM THE HONEYBEE ACT OF 1922, AS AMENDED," was referred to the Committee on Intergovernmental Relations and International Affairs.

Stand. Com. Rep. No. 1399 (AGR) was adopted and H.C.R. No. 153, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO CONSIDER THE EFFECT OF AND EXCLUDE THE STATE OF HAWAII FROM FEDERAL LEGISLATION THAT WOULD HAVE A DETRIMENTAL IMPACT ON HAWAII'S ENVIRONMENT," was referred to the Committee on Intergovernmental Relations and International Affairs.

Stand. Com. Rep. No. 1400 (AGR) was adopted and H.R. No. 206, entitled: "HOUSE RESOLUTION REQUESTING THE AGRIBUSINESS DEVELOPMENT CORPORATION TO DEVELOP A PILOT PROJECT FOR AGRICULTURAL AND ECONOMIC DEVELOPMENT VENTURES ON VACANT SUGAR LANDS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1401 (AGR) was adopted and H.C.R. No. 210, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AGRIBUSINESS DEVELOPMENT CORPORATION TO DEVELOP A PILOT PROJECT FOR AGRICULTURAL AND ECONOMIC DEVELOPMENT VENTURES ON VACANT SUGAR LANDS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1402 (HAH) was adopted and H.R. No. 221, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII HOUSING AUTHORITY TO DEVELOP A PLAN AND A TIMETABLE FOR THE SCHEDULED 1997 PHASE OUT OF THE WEINBERG HALEIWA HOMELESS VILLAGE," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1403 (HAH) was adopted and H.C.R. No. 225, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING AUTHORITY TO DEVELOP A PLAN AND A TIMETABLE FOR THE SCHEDULED 1997 PHASE OUT OF THE WEINBERG HALEIWA HOMELESS VILLAGE," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1404 (HAH) was adopted and H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING GOVERNMENT AGENCIES TO IDENTIFY THE AREA KNOWN AS BARBERS POINT BY THE HISTORICALLY CORRECT NAME OF KALAELOA," was referred to the Committee on Water and Land Use Planning.

Stand. Com. Rep. No. 1405 (HAH) was adopted and H.C.R. No. 161, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING USE OF THE HISTORICALLY CORRECT NAME OF PU'U KAPOLEI," was referred to the Committee on Water and Land Use Planning.

Stand. Com. Rep. No. 1406 (EDN/HED) was adopted and H.R. No. 119, entitled: "HOUSE RESOLUTION URGING HAWAII'S EDUCATIONAL SYSTEM TO PROMOTE THE DEVELOPMENT AND MAINTENANCE OF BILINGUALISM FOR ALL OF HAWAII'S CITIZENS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1407 (EDN/HED) was adopted and H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S EDUCATIONAL SYSTEMS TO PROMOTE THE DEVELOPMENT AND MAINTENANCE OF BILINGUALISM FOR ALL OF HAWAII'S CITIZENS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1408 (EDN) was adopted and H.R. No. 191, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY BY THE DEPARTMENT OF EDUCATION INTO THE CURRICULUM, MANAGEMENT, AND OPERATION OF THE KUPUNA PROGRAM WITHIN THE HAWAIIAN STUDIES PROGRAM OF THE DEPARTMENT OF EDUCATION," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1409 (EDN) was adopted and H.C.R. No. 191, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY BY THE DEPARTMENT OF EDUCATION INTO THE CURRICULUM, MANAGEMENT, AND OPERATION OF THE KUPUNA PROGRAM WITHIN THE HAWAIIAN STUDIES PROGRAM OF THE DEPARTMENT OF EDUCATION," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1410 (EDN) was adopted and H.R. No. 181, HD 1, as amended in HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO DEVELOP PROGRAMS FOR CHILDREN WITH LEUKEMIA," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1411 (EDN) was adopted and H.C.R. No. 178, HD 1, as amended in HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO DEVELOP PROGRAMS FOR CHILDREN WITH LEUKEMIA," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1412 (OMR) was adopted and H.R. No. 276, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REFRAIN FROM TAKING ANY RULEMAKING ACTION UNTIL THE HAWAII BOATERS COUNCIL, KEEHI LAGOON SMALL BOAT HARBOR ELECTED BOARD, ALA WAI MARINA BOARD, AND MARINA HARBOR BOARDS CAN PARTICIPATE IN THE REVIEW PROCESS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1413 (OMR) was adopted and H.C.R. No. 290, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REFRAIN FROM TAKING ANY RULEMAKING ACTION UNTIL THE HAWAII

BOATERS COUNCIL, KEEHI LAGOON SMALL BOAT HARBOR ELECTED BOARD, ALA WAI MARINA BOARD, AND MARINA HARBOR BOARDS CAN PARTICIPATE IN THE REVIEW PROCESS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1414 (WLP) was adopted and H.R. No. 222, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COORDINATE THE KAHUKU MASTER FLOOD CONTROL PLAN," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1415 (WLP) was adopted and H.C.R. No. 226, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COORDINATE THE KAHUKU MASTER FLOOD CONTROL PLAN," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1416 (WLP) was adopted and H.R. No. 300, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A POLICY FOR REOPENING STATE LAND LEASES, REAPPRAISING LEASE PAYMENTS, AND NOTIFYING LESSEES OF INCREASED RENTS WHICH MEETS THE REQUIREMENTS OF SECTION 171-17, HAWAII REVISED STATUTES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1417 (WLP) was adopted and H.C.R. No. 324, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A POLICY FOR REOPENING STATE LAND LEASES, REAPPRAISING LEASE PAYMENTS, AND NOTIFYING LESSEES OF INCREASED RENTS WHICH MEETS THE REQUIREMENTS OF SECTION 171-17, HAWAII REVISED STATUTES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1418 (WLP) was adopted and H.C.R. No. 192, HD 1, as amended in HD 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE EVALUATION OF USAGE AND RETURN OF SURPLUS FEDERAL CEDED LANDS TO THE STATE OF HAWAII, AND THE RETURN OF SURPLUS FEDERAL PRIVATE LANDS TO THEIR PREVIOUS OWNERS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1419 (WLP) was adopted and H.C.R. No. 229, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO EXAMINE THE MANAGEMENT AND OPERATIONS OF THE COMMISSION ON WATER RESOURCE MANAGEMENT," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1420 (WLP) was adopted and H.C.R. No. 317, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO NOTIFY THE OFFICE OF HAWAIIAN AFFAIRS OF ANY PROPOSED DISPOSITION OR EXCHANGE OF PUBLIC LANDS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1421 (WLP/EEP) was adopted and H.R. No. 118, as amended in HD 1, entitled: "HOUSE RESOLUTION URGING THE STATE AND COUNTIES TO PROTECT, PRESERVE, AND PERPETUATE NATIVE HAWAIIAN FORESTS AND RAIN FORESTS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1422 (WLP/EEP) was adopted and H.C.R. No. 110, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE AND COUNTIES TO PROTECT, PRESERVE, AND PERPETUATE NATIVE HAWAIIAN FORESTS AND RAIN FORESTS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1423 (WLP/EEP) was adopted and H.R. No. 248, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONTINUE AND EXPAND THE NATURAL AREAS WORKING GROUP PROCESS ON THE ISLAND OF HAWAII TO FACILITATE GREATER COMMUNICATION WITH THE HUNTING COMMUNITY AND INVOLVE THEM MORE DIRECTLY IN RESOURCE MONITORING PROGRAMS AND PLANNING AND MANAGEMENT OF GAME MANAGEMENT AREAS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1424 (WLP/EEP) was adopted and H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONTINUE AND EXPAND THE NATURAL AREAS WORKING GROUP PROCESS ON THE ISLAND OF HAWAII TO FACILITATE GREATER COMMUNICATION WITH THE HUNTING COMMUNITY AND INVOLVE THEM MORE DIRECTLY IN RESOURCE MONITORING PROGRAMS AND PLANNING AND MANAGEMENT OF GAME MANAGEMENT AREAS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1425 (WLP/EEP) was adopted and H.C.R. No. 261, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES' DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1426 (WLP/EEP) was adopted and H.C.R. No. 262, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE WILDLIFE MANAGEMENT SECTION OF THE DIVISION OF FORESTRY AND WILDLIFE, DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1427 (WLP/OMR) was adopted and H.R. No. 270, as amended in HD 1, entitled: "HOUSE RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A LEASE FOR THE PRIVATE DEVELOPMENT OF CERTAIN FAST AND SUBMERGED LANDS AT HONOKOHAU, HAWAII, FOR HARBOR EXPANSION AND RELATED PURPOSES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1428 (WLP/OMR) was adopted and H.C.R. No. 280, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A LEASE FOR THE PRIVATE DEVELOPMENT OF CERTAIN FAST AND SUBMERGED LANDS AT HONOKOHAU, HAWAII, FOR HARBOR EXPANSION AND RELATED PURPOSES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1429 (WLP/OMR) was adopted and H.C.R. No. 57, as amended in HD 1, entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A LEASE FOR THE PRIVATE DEVELOPMENT OF CERTAIN FAST AND SUBMERGED LANDS AT KAWAIHAE, HAWAII, FOR MARINA PURPOSES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1430 (PSM/JUD) was adopted and H.R. No. 278, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CORRECTIONS POPULATION MANAGEMENT COMMISSION TO CONVENE A TASK FORCE TO PROJECT FUTURE CORRECTIONS FACILITY POPULATION," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1431 (PSM/JUD) was adopted and H.C.R. No. 292, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CORRECTIONS POPULATION MANAGEMENT COMMISSION TO CONVENE A TASK FORCE TO PROJECT FUTURE CORRECTIONS FACILITY POPULATION," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1432 (PSM) was adopted and H.R. No. 296, as amended in HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE MAUI TASK FORCE ADDRESSING COMMUNITY CONCERNS WITH RESPECT TO MAUI COMMUNITY CORRECTIONAL CENTER," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1433 (PSM) was adopted and H.C.R. No. 320, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE MAUI TASK FORCE ADDRESSING COMMUNITY CONCERNS WITH RESPECT TO MAUI COMMUNITY CORRECTIONAL CENTER," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1434 (PSM/JUD) was adopted and H.C.R. No. 288, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE DOMICILING, TRANSFER AND RELEASE OF PRISONERS BY THE DEPARTMENT OF PUBLIC SAFETY," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1435 (IIA) was adopted and H.R. No. 134, entitled: "HOUSE RESOLUTION TO PROTECT NATIVE SPECIES AND WETLANDS, AND RESTORE THE HISTORICALLY CORRECT NAME, AT KALAELOA (BARBERS POINT)," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1436 (IIA) was adopted and H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION TO PROTECT NATIVE SPECIES AND WETLANDS, AND RESTORE THE HISTORICALLY CORRECT NAME, AT KALAELOA (BARBERS POINT)," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1437 (IIA) was adopted and H.R. No. 157, HD 1, as amended in HD 2, entitled: "HOUSE RESOLUTION URGING PROMOTION, ENCOURAGEMENT, AND ADVOCACY FOR DIVERSIFIED AGRICULTURE ON LAND TAKEN OUT OF PRODUCTION BY THE SUGAR AND PINEAPPLE INDUSTRIES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1438 (IIA) was adopted and H.C.R. No. 151, HD 1, as amended in HD 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING PROMOTION, ENCOURAGEMENT, AND ADVOCACY

FOR DIVERSIFIED AGRICULTURE ON LAND TAKEN OUT OF PRODUCTION BY THE SUGAR AND PINEAPPLE INDUSTRIES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1439 (IIA) was adopted and H.C.R. No. 73, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A JOINT INTERIM SPECIAL COMMITTEE TO HOLD PUBLIC MEETINGS ON EACH ISLAND, OR BY TELECONFERENCING WHEN FEASIBLE, TO EXAMINE THE PROBLEMS OF WELFARE RECIPIENTS ON A FIRST-HAND BASIS," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1440 (IIA) was adopted and H.C.R. No. 309, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE NORTH SHORE PAUKAUILA STREAMBANK AND RIPARIAN AREA COMMUNITY RESTORATION PROJECT," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1441 (JUD) was adopted and H.R. No. 120, as amended in HD 1, entitled: "HOUSE RESOLUTION SUPPORTING MULTICULTURAL CURRICULA, AFFIRMATIVE ACTION, AND CIVIL RIGHTS PROGRAMS AND POLICIES IN THE STATE OF HAWAII," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1442 (JUD) was adopted and H.C.R. No. 112, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING MULTICULTURAL CURRICULA, AFFIRMATIVE ACTION, AND CIVIL RIGHTS PROGRAMS AND POLICIES IN THE STATE OF HAWAII," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1443 (JUD) was adopted and H.R. No. 281, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO ADMINISTER A HO'OPONOPONO DEMONSTRATION PROJECT," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1444 (JUD) was adopted and H.C.R. No. 296, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO ADMINISTER A HO'OPONOPONO DEMONSTRATION PROJECT," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1445 (IIA) was adopted and H.R. No. 294, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO INVESTIGATE HUMAN RIGHTS ABUSES IN THE COMMONWEALTH OF NORTHERN MARIANAS," was referred to the Committee on Judiciary.

Stand. Com. Rep. No. 1446 (IIA) was adopted and H.C.R. No. 318, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO INVESTIGATE HUMAN RIGHTS ABUSES IN THE COMMONWEALTH OF NORTHERN MARIANAS," was referred to the Committee on Judiciary.

Stand. Com. Rep. No. 1447 (OMR) was adopted and H.R. No. 180, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORM TASK FORCES COMPRISED OF MEMBERS OF THE RECREATIONAL AND COMMERCIAL FISHING COMMUNITIES TO ADDRESS PRIORITY ISSUES OF THE DEPARTMENT," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1448 (OMR) was adopted and H.C.R. No. 177, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORM TASK FORCES COMPRISED OF MEMBERS OF THE RECREATIONAL AND COMMERCIAL FISHING COMMUNITIES TO ADDRESS PRIORITY ISSUES OF THE DEPARTMENT," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1449 (EEP) was adopted and H.R. No. 47, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF STATE PLANNING, IN COOPERATION WITH THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL, TO ADOPT PROCEDURES AND RECOMMEND LEGISLATION THAT WOULD REDUCE THE AMOUNT OF TIME NEEDED TO FUND AND PREPARE AN ENVIRONMENTAL IMPACT STATEMENT," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1450 (EEP) was adopted and H.C.R. No. 39, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF STATE PLANNING, IN COOPERATION WITH THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL, TO ADOPT PROCEDURES AND RECOMMEND LEGISLATION THAT WOULD REDUCE THE AMOUNT OF TIME NEEDED TO FUND AND PREPARE AN ENVIRONMENTAL IMPACT STATEMENT," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1451 (EEP) was adopted and H.R. No. 84, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF HEALTH, THE NATIONAL MARINE FISHERIES SERVICE, AND THE UNITED STATES FISH AND WILDLIFE SERVICE TO ASSIST THE OILED WILDLIFE WORKING GROUP IN THE DEVELOPMENT OF A REALISTIC OILED WILDLIFE RESPONSE PLAN FOR HAWAII," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1452 (EEP) was adopted and H.C.R. No. 78, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF HEALTH, THE NATIONAL MARINE FISHERIES SERVICE, AND THE UNITED STATES FISH AND WILDLIFE SERVICE TO ASSIST THE OILED WILDLIFE WORKING GROUP IN THE DEVELOPMENT OF A REALISTIC OILED WILDLIFE RESPONSE PLAN FOR HAWAII," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1453 (EEP) was adopted and H.R. No. 108, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING A RISK-ANALYSIS STUDY OF ALL AVAILABLE GEOTHERMAL DATA," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1454 (EEP) was adopted and H.C.R. No. 100, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A RISK-ANALYSIS STUDY OF ALL AVAILABLE GEOTHERMAL DATA," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1455 (EEP) was adopted and H.R. No. 122, entitled: "HOUSE RESOLUTION

REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO ADDRESS CONCERNS RELATED TO SEWAGE POLLUTION OF WAIKIKI AREA BEACH WATERS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1456 (EEP) was adopted and H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO ADDRESS CONCERNS RELATED TO SEWAGE POLLUTION OF WAIKIKI AREA BEACH WATERS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1457 (EEP) was adopted and H.R. No. 158, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO RECOMMEND THE USE OF AN EARLY WARNING POLLUTION PREVENTION SYSTEM TO SAFEGUARD HAWAII'S DRINKING WATER AND MINIMIZE RISKS TO HUMAN HEALTH AND THE ENVIRONMENT," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1458 (EEP) was adopted and H.C.R. No. 154, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO RECOMMEND THE USE OF AN EARLY WARNING POLLUTION PREVENTION SYSTEM TO SAFEGUARD HAWAII'S DRINKING WATER AND MINIMIZE RISKS TO HUMAN HEALTH AND THE ENVIRONMENT," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1459 (EEP) was adopted and H.C.R. No. 250, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO RESTRUCTURE THE BASIS USED FOR CALCULATING THE RATE OF RETURN OF PUBLIC ELECTRIC UTILITIES," was referred to the Committee on Consumer Protection and Commerce.

Stand. Com. Rep. No. 1460 (HAH) was adopted and H.R. No. 192, as amended in HD 1, entitled: "HOUSE RESOLUTION URGING USE OF THE HISTORICALLY CORRECT NAME OF PU'U KAPOLEI," was referred to the Committee on Water and Land Use Planning.

Stand. Com. Rep. No. 1461 (HAH) was adopted and H.R. No. 113, as amended in HD 1, entitled: "HOUSE RESOLUTION URGING THE CREATION OF MORE RENTAL HOUSING FOR LOW AND VERY LOW INCOME FAMILIES AND INDIVIDUALS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1462 (HAH) was adopted and H.C.R. No. 105, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CREATION OF MORE RENTAL HOUSING FOR LOW AND VERY LOW INCOME FAMILIES AND INDIVIDUALS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1463 (HAH) was adopted and H.R. No. 218, entitled: "HOUSE RESOLUTION REQUESTING AN ACTION PLAN REGARDING NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM," was referred to the Committee on Judiciary.

Stand. Com. Rep. No. 1464 (HAH) was adopted and H.C.R. No. 223, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTION PLAN REGARDING NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM," was referred to the Committee on Judiciary.

Stand. Com. Rep. No. 1465 (HAH/HUS) was adopted and H.C.R. No. 329, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ISSUE A NEW EXECUTIVE ORDER WHICH ALLOWS THE CITY AND COUNTY OF HONOLULU TO USE THE PROPERTY COMMONLY KNOWN AS THE OLD KAKAAKO FIRE STATION AS A SAFE HAVEN FOR THE HOMELESS MENTALLY ILL," was referred to the Committee on Intergovernmental Relations and International Affairs.

Stand. Com. Rep. No. 1466 (IIA) was adopted and H.R. No. 246, entitled: "HOUSE RESOLUTION REQUESTING COLLABORATIVE EFFORTS TO DEVELOP LONG-RANGE SOLUTIONS TO WASTEWATER MANAGEMENT PROBLEMS IN THE NORTH SHORE AREA OF OAHU," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1467 (IIA) was adopted and H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING COLLABORATIVE EFFORTS TO DEVELOP LONG-RANGE SOLUTIONS TO WASTEWATER MANAGEMENT PROBLEMS IN THE NORTH SHORE AREA OF OAHU," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1468 (HUS) was adopted and H.C.R. No. 67, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HUMAN SERVICES TO EXAMINE THE OREGON MEDICAID WAIVER SYSTEM AND THOSE OF OTHER STATES FOR ASSISTED LIVING FACILITIES AND TO CONSIDER ITS APPLICATION TO HAWAII," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1469 (HUS) was adopted and H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE DECEMBER 7 OF EACH YEAR AS 'PEARL HARBOR REMEMBRANCE DAY'," was referred to the Committee on Judiciary.

Stand. Com. Rep. No. 1470 (HUS) was adopted and H.C.R. No. 104, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WIC PROGRAM AND ADEQUATE NUTRITION FOR PREGNANT WOMEN, NURSING MOTHERS, INFANTS, AND CHILDREN UNDER FIVE YEARS OF AGE," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1471 (HUS) was adopted and H.C.R. No. 181, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII LONG-TERM CARE REFORM TASK FORCE," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1472 (HUS) was adopted and H.C.R. No. 222, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A PILOT PROJECT TO ENABLE THE WAIANAE COAST COALITION FOR HUMAN SERVICES TO DEVELOP AN ALTERNATIVE FUNDING STRUCTURE FOR THE PROVISION OF SERVICES TO THE WAIANAE COMMUNITY," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1473 (HUS) was adopted and H.C.R. No. 284, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO DEVELOP 'BENCHMARKS' TO ACCOMPLISH THE STRATEGIC VISION OF THE STATE OF HAWAII," was referred to the Committee on Economic Development and Business Concerns.

Stand. Com. Rep. No. 1474 (HUS/HAH) was adopted and H.C.R. No. 68, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A STRATEGY FOR INCORPORATING UNITS FOR ELDERLY PERSONS IN HOUSING PROJECTS, INCLUDING THE CONSIDERATION OF THE CONCEPT OF ASSISTED LIVING," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1475 (HUS/HAH) was adopted and H.C.R. No. 119, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO REVIEW THE CHILD ABUSE AND NEGLECT LAWS OF NEW ZEALAND AND TO DEVELOP A CHILD ABUSE AND NEGLECT DEMONSTRATION PROJECT IN AN AREA OF THE STATE WITH A HIGH CONCENTRATION OF NATIVE HAWAIIANS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1476 (HUS/HAH) was adopted and H.C.R. No. 120, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROGRAM EVALUATION OF THE EFFECTIVENESS OF THE JOB OPPORTUNITIES AND BASIC SKILLS PROGRAM IN ATTAINING THE PROGRAM'S STATED GOALS FOR HAWAIIANS AND PART-HAWAIIANS," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1477 (PSM) was adopted and H.R. No. 82, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO DEVELOP AN INVENTORY OF RESIDENTIAL RESOURCES FOR ADULT CRIMINAL OFFENDERS IN HAWAII," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1478 (PSM) was adopted and H.C.R. No. 77, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO DEVELOP AN INVENTORY OF RESIDENTIAL RESOURCES FOR ADULT CRIMINAL OFFENDERS IN HAWAII," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1479 (EDN) was adopted and H.R. No. 48, HD 1, as amended in HD 2, entitled: "HOUSE RESOLUTION URGING THE HAWAII DEPARTMENT OF EDUCATION TO CONTINUE HAWAIIAN LANGUAGE IMMERSION PROGRAMS AND TO ESTABLISH CULTURAL SENSITIVITY PROGRAMS FOR ALL OF ITS EMPLOYEES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1480 (EDN) was adopted and H.C.R. No. 40, HD 1, as amended in HD 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII DEPARTMENT OF EDUCATION TO CONTINUE HAWAIIAN LANGUAGE IMMERSION PROGRAMS AND TO ESTABLISH CULTURAL SENSITIVITY PROGRAMS FOR ALL OF ITS EMPLOYEES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1481 (EDN) was adopted and H.R. No. 187, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF PLANS AND A STRATEGIC TIMETABLE TO ADDRESS THE PROBLEMS FACED BY TEACHERS EMPLOYED AT RURAL OR AT-RISK SCHOOLS THROUGHOUT THE STATE," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1482 (EDN) was adopted and H.C.R. No. 183, HD 1, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF PLANS AND A STRATEGIC TIMETABLE TO ADDRESS THE PROBLEMS FACED BY TEACHERS EMPLOYED AT RURAL OR AT-RISK SCHOOLS THROUGHOUT THE STATE," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1483 (EDN) was adopted and H.R. No. 194, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ESTABLISH A VOYAGING PROGRAM WITH NA KALAIWA'A MOKU O HAWAI'I FOR THE PRESERVATION AND PERPETUATION OF HAWAIIAN AND EARLY POLYNESIAN CULTURAL AND SEAFARING TRADITIONS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1484 (EDN) was adopted and H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ESTABLISH A VOYAGING PROGRAM WITH NA KALAIWA'A MOKU O HAWAI'I FOR THE PRESERVATION AND PERPETUATION OF HAWAIIAN AND EARLY POLYNESIAN CULTURAL AND SEAFARING TRADITIONS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1485 (EDN) was adopted and H.R. No. 225, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF BUDGET AND FINANCE, ACCOUNTING AND GENERAL SERVICES, ATTORNEY GENERAL, AND EDUCATION TO EXAMINE THE FEASIBILITY OF THE BUDGETING OF PROPOSED EXPENDITURES AND THE APPROPRIATION OF MONEYS TO MEET ANTICIPATED EXPENDITURES FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES FOR TWO FISCAL BIENNIUMS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1486 (EDN) was adopted and H.C.R. No. 233, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF BUDGET AND FINANCE, ACCOUNTING AND GENERAL SERVICES, ATTORNEY GENERAL, AND EDUCATION TO EXAMINE THE FEASIBILITY OF THE BUDGETING OF PROPOSED EXPENDITURES AND THE APPROPRIATION OF MONEYS TO MEET ANTICIPATED EXPENDITURES FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES FOR TWO FISCAL BIENNIUMS," was referred to the Committee on Finance.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:30 o'clock on Monday, April 3, 1995.

FORTY-SECOND DAY

Monday, April 3, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:37 o'clock a.m., with the Speaker presiding.

The invocation was delivered by The Reverend Ronald D. Faux of the Kailua United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Menor and Santiago, who were excused.

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

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

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

The House of Representatives reconvened at 11:50 o'clock a.m.

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1487) recommending that H.R. No. 12, HD 1, as amended in HD 2, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 12, HD 2, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE STATE DEPARTMENT OF TRANSPORTATION'S MOTOR VEHICLE SAFETY INSPECTION PROGRAM," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1488) recommending that H.C.R. No. 9, HD 1, as amended in HD 2, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 9, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE STATE DEPARTMENT OF TRANSPORTATION'S MOTOR VEHICLE SAFETY INSPECTION PROGRAM," was adopted.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1489) recommending that H.R. No. 81 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 81, entitled: "HOUSE RESOLUTION SUPPORTING THE EFFORTS OF THE HAWAII CONGRESSIONAL DELEGATION TO HOMEPORT THE USS MISSOURI (BB-63) IN BATTLESHIP ROW," was adopted.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report

(Stand. Com. Rep. No. 1490) recommending that H.C.R. No. 76 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE HAWAII CONGRESSIONAL DELEGATION TO HOMEPORT THE USS MISSOURI (BB-63) IN BATTLESHIP ROW," was adopted.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1491) recommending that H.R. No. 130 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 130, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO CHANGE ITS POLICY ON THE NAMING OF BUILDINGS AND OTHER FACILITIES," was adopted.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1492) recommending that H.C.R. No. 123 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO CHANGE ITS POLICY ON THE NAMING OF BUILDINGS AND OTHER FACILITIES," was adopted.

Representative Santiago, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1493) recommending that H.R. No. 268 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 268, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO RENEW THE MOORING PERMIT FOR THE FREE SPIRIT ASSOCIATES, INC. IN THE ALA WAI SMALL BOAT HARBOR," was adopted.

Representative Santiago, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1494) recommending that H.C.R. No. 282 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 282, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO RENEW THE MOORING PERMIT FOR THE FREE SPIRIT ASSOCIATES, INC. IN THE ALA WAI SMALL BOAT HARBOR," was adopted.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1495) recommending that H.R. No. 200, as amended in HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 200, HD 1, entitled: "HOUSE RESOLUTION URGING THE

GOVERNOR TO DIRECT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO UTILIZE COMBINED ETHANOL FUEL IN THE FLEET OF STATE VEHICLES AND TO PROMOTE DISCUSSIONS ON THE USE OF ETHANOL AS AN ALTERNATIVE FUEL FOR TRANSPORTATION AND POWER GENERATION BY DEVELOPING INDUSTRY INCENTIVES," was adopted.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1496) recommending that H.C.R. No. 202, as amended in HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 202, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DIRECT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO UTILIZE COMBINED ETHANOL FUEL IN THE FLEET OF STATE VEHICLES AND TO PROMOTE DISCUSSIONS ON THE USE OF ETHANOL AS AN ALTERNATIVE FUEL FOR TRANSPORTATION AND POWER GENERATION BY DEVELOPING INDUSTRY INCENTIVES," was adopted.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1497) recommending that H.R. No. 265 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 265, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS, THE TERRITORY OF GUAM, THE UNITED STATES DEPARTMENT OF DEFENSE, THE UNITED STATES DEPARTMENT OF THE INTERIOR, AND THE UNITED STATES DEPARTMENT OF AGRICULTURE TO ASSIST ONE ANOTHER IN THE DEVELOPMENT AND IMPLEMENTATION OF AN INTEGRATED PEST MANAGEMENT CONTROL PROGRAM TO PREVENT THE SPREAD OF THE BROWN TREE SNAKE," was adopted.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1498) recommending that H.C.R. No. 278 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 278, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS, THE TERRITORY OF GUAM, THE UNITED STATES DEPARTMENT OF DEFENSE, THE UNITED STATES DEPARTMENT OF THE INTERIOR, AND THE UNITED STATES DEPARTMENT OF AGRICULTURE TO ASSIST ONE ANOTHER IN THE DEVELOPMENT AND IMPLEMENTATION OF AN INTEGRATED PEST MANAGEMENT CONTROL PROGRAM TO PREVENT THE SPREAD OF THE BROWN TREE SNAKE," was adopted.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1499) recommending that H.R. No. 273, as amended in HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 273, HD 1,

entitled: "HOUSE RESOLUTION SUPPORTING THE REPUBLIC OF CHINA IN ITS CAMPAIGN TO OBTAIN THE RIGHT TO PARTICIPATE IN THE UNITED NATIONS AND IN THE INTERNATIONAL ACTIVITIES OF THE UNITED NATIONS," was adopted.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1500) recommending that H.C.R. No. 285, as amended in HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 285, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE REPUBLIC OF CHINA IN ITS CAMPAIGN TO OBTAIN THE RIGHT TO PARTICIPATE IN THE UNITED NATIONS AND IN THE INTERNATIONAL ACTIVITIES OF THE UNITED NATIONS," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1501) recommending that S.B. No. 1868, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1501 and S.B. No. 1868, 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. 1868, SD 1, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

SUSPENSION OF RULES

On motion by Representative Amaral, 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. 1577, SD 1, HD 1:

Representative Amaral moved that S.B. No. 1577, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, I am not a member of the ACLU even though I was just recalling as I was getting my speech together, I was at one point in the past, which is usually the watchdog of 'big brother' incurring his hands and eyes into our businesses. And I commend the Finance Chair for mentioning that this electronic transfer bill is intended for big businesses with large tax liabilities, and then it tangentially says, 'especially located out of state.' I would prefer the language to be a little tighter and say this is not intended to do electronic transfer for individuals and big businesses whether they're here, in China, or otherwise.

"So it may or may not be an ACLU issue, but I think this has still got 'big brother' because it says, all individuals will be forced to do electronic transfer of their tax. It's wise that we get the Treasury filled quickly but

we don't want individuals to have by law the forced necessitation of electronically transferring money to our Treasury.

the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 4, 1995.

"So just tightening the clarification in the Committee Report is my only reservation, Mr. Speaker.

"Thank you."

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

"By way of clarification, I wanted to simply note that I am a card-carrying member of ACLU.

"And I am not real clear how this Senate bill impacts on the Bill of Rights, but we certainly appreciate our colleague across the way raising it as an issue. I am somewhat confused but I appreciate his comments.

"Thank you."

Representative Thielen then rose and stated:

"My concern is the same as the Minority Leader's concern.

"This bill gives the Director of Taxation the power to require every person who files a tax return for any tax to have to use an electronic transfer method. That costs money. And for individuals to then say, not only do you have to pay your taxes but you have to pay to transmit them, it no longer will be a thirty-two cents stamp -- it will be an electronic transfer requirement.

"I think that goes too far, Mr. Speaker, and this bill does give the Director of Taxation the power to require that. I hope the Director will use that power wisely and prudently.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 1577, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Santiago being excused.

The Chair directed the Clerk to note that S.B. No. 1577 had passed Third Reading at 11:55 o'clock a.m.

S.B. No. 1155:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1155, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Santiago being excused.

The Chair directed the Clerk to note that S.B. No. 1155 had passed Third Reading at 11:56 o'clock a.m.

ANNOUNCEMENT

Representative Chun Oakland: "There will be a Keiki Caucus at 12:00 o'clock noon in Room 1111."

ADJOURNMENT

At 11:58 o'clock a.m., on motion by Representative Amaral, seconded by Representative Thielen and carried,

FORTY-THIRD DAY

Tuesday, April 4, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:38 o'clock a.m., with the Speaker presiding.

The invocation was delivered by a colleague, Representative Billy K. Swain, after which the Roll was called showing all members present with the exception of Representatives Menor and Tarnas, who were excused.

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

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 209 to 212) were read by the Clerk and were placed on file:

Gov. Msg. No. 209, transmitting copies of a status report on a rural agricultural community development planning project and a report, **Preliminary Assessment of Potential Water Demand for Economic and Instream Uses in the Waiahole-Kualoa Region**, prepared by the Office of State Planning, Office of the Governor, pursuant to Act 252, SLH 1994, and one copy of the **Preliminary Assessment** with its full set of maps and appendices available for review in the Speaker's Office.

Gov. Msg. No. 210, transmitting copies of the 1994 Annual Report prepared by the Natural Energy Laboratory of Hawaii Authority, pursuant to Chapter 227D, Hawaii Revised Statutes, as amended.

Gov. Msg. No. 211, transmitting copies of the report, **STATISTICS OF HAWAIIAN AGRICULTURE 1993**.

Gov. Msg. No. 212, dated March 9, 1995, transmitting copies of the 1994 Annual Report of the Convention Center Authority (CCA), pursuant to Act 7 of the Seventeenth State Legislature, Special Session of 1993.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 410 to 416) were read by the Clerk and were placed on file:

Sen. Com. No. 410, returning H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING HAWAII'S DELEGATION TO THE 1995 WHITE HOUSE CONFERENCE ON AGING," which was adopted by the Senate on April 3, 1995.

Sen. Com. No. 411, returning H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE 1995 MINI INTERFAITH WHITE HOUSE CONFERENCE ON AGING REPORT 'SPIRITUAL DIMENSIONS IN AGING'," which was adopted by the Senate on April 3, 1995.

Sen. Com. No. 412, transmitting S.C.R. No. 163, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE WELFARE SYSTEM

OF THE STATE OF HAWAII," which was adopted by the Senate on April 3, 1995.

Sen. Com. No. 413, transmitting S.C.R. No. 186, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO REPORT ON CONTINUED PLANS TO ADDRESS THE HEALTH AND SOCIAL PROBLEMS ON THE ISLAND OF HAWAII," which was adopted by the Senate on April 3, 1995.

Sen. Com. No. 414, transmitting S.C.R. No. 193, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING INTERAGENCY COMMITMENT TO REMOVING BARRIERS TO COMMUNITY-BASED EFFORTS TO ADDRESS ISSUES OF TEEN PREGNANCY PREVENTION AND TEEN PARENTING," which was adopted by the Senate on April 3, 1995.

Sen. Com. No. 415, transmitting S.C.R. No. 221, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO CONVENE A WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH IN 1996," which was adopted by the Senate on April 3, 1995.

Sen. Com. No. 416, transmitting S.C.R. No. 245, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONSIDER WHETHER THE INJURY PREVENTION AND CONTROL PROGRAM SHOULD BE ORGANIZED AS A PERMANENT BRANCH WITHIN THE DEPARTMENT OF HEALTH," which was adopted by the Senate on April 3, 1995.

By unanimous consent, further action on S.C.R. Nos. 163; 186; 193; 221, SD 1; and 245, SD 1, was deferred.

At this time, Representative Takamine, on behalf of the Big Island delegation, introduced "leaders in their own right from the Big Island," as follows: Gordon Dias; Jeffrey Dias; Stanley Yasuda; Lani, Lloyd and Kāuka Case.

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

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

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Amaral, 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. 1502) recommending that S.B. No. 82, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1502 and S.B. No. 82, 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. 82, 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. 1503) recommending that S.B. No. 432, SD 2, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1503 and S.B. No. 432, 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. 432, SD 2, HD 3, 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. 1504) recommending that S.B. No. 443, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1504 and S.B. No. 443, 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. 443, 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. 1505) recommending that S.B. No. 588, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1505 and S.B. No. 588, 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. 588, SD 2, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1506) recommending that S.B. No. 858, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1506 and S.B. No. 858, 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. 858, 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. 1507) recommending that S.B. No. 1028, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1507 on 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 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1508) recommending that S.B. No. 1245, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1508 and S.B. No. 1245, 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. 1245, SD 2, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1509) recommending that S.B. No. 1559, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1509 and S.B. No. 1559, 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. 1559, 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. 1510) recommending that S.B. No. 1695, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1510 and S.B. No. 1695, 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. 1695, 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. 1511) recommending that S.B. No. 1701, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1511 and S.B. No. 1701, 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. 1701, SD 1, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

At 12:31 o'clock p.m., Representative Amaral asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:32 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1512) recommending that S.B. No. 75 pass Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 75, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1513) recommending that S.B. No. 107, HD 1, pass Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 107, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

The Chair directed the Clerk to note that S.B. Nos. 75 and 107 had passed Third Reading at 12:33 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1514) recommending that S.B. No. 161, SD 2, pass Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 161, SD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"I know very well, Mr. Speaker, that the University of Hawaii is trying its best to upgrade its athletic programs, but during the hearing in the Finance Committee I have found that the women's program is way below. In fact, it has been admitted in the Committee hearing that it is right now, 60 for the men's athletic program and only 40 for the women's program. I would like to leave a message for the Athletic Department to hurry up and equalize the program.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 161, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1515) recommending that S.B. No. 559, SD 1, pass Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 559, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1516) recommending that S.B. No. 634, SD 2, pass Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 634, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1517) recommending that S.B. No. 928, SD 2, pass Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 928, SD 2, 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 Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1518) recommending that S.B. No. 1214, HD 1, pass Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1214, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Meyer rose to speak in support of the bill, with reservations, stating:

"Senate Bill 1214 proposes to establish a fee to obtain a firearm permit and its renewal.

"Again, this bill exerts no realistic control over the criminal who doesn't bother with the permit to start with. It just puts another unnecessary restriction on a single group of citizens -- the gun owner.

"No controls are placed on other dangerous weapons such as knives, spear guns, machetes, et cetera. They are just as deadly as a firearm and freely obtained by anyone without any kind of age restriction or permit procedure.

"Thank you."

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

"The fact that I rise to speak with reservations, but reservations that are so diametrically opposed to those of the previous speaker, indicates the difficulty of this issue.

"My reasons for voting in favor of this bill are that it imposes a fee on the granting of permits for the issuance of firearms. I believe that that's a step in the right direction in terms of the continuing proliferation of firearms in our country and the consequences that that proliferation is having on the public health.

"My reservations have to do with two aspects of the bill.

"The first aspect is with the fact that the \$24 fee specified in the bill covers only a portion of the actual cost involved in issuing the permit, both the administrative cost as well as the cost of researching with the Federal Bureau of Investigation the potential criminal history of an applicant for a permit. I believe the testimony, as I recall from the Judiciary Committee, was that the actual cost of this permit is somewhere between fifty and a hundred dollars, possibly closer to a hundred dollars when we add it up.

"So the fact is that although we are imposing a fee, which I favor, we are, in fact, continuing to subsidize this aspect of government. I do not believe that we should be subsidizing this aspect.

"The second area of reservation has to do with the authority the bill extends to issue joint permits. Under the law as it stands today, one person gets one permit.

"The testimony in the Judiciary Committee was originally in favor of the permit system by such groups as the Attorney General, the Department of Health, the Hawaii State Commission on the Status of Women, the Police Department, et cetera. They opposed the joint permit because they believe that this may, in fact, increase the proliferation of firearms in this state. The testimony from the Police Department at least was that they were very unsure as to what the actual consequences of a joint permit might be.

"So I believe that this is probably the wrong move, and it certainly is a move taken without due deliberation. It was an amendment proposed by the Hawaii Rifle Association. I believe it's too hasty. I understand we're going into conference, but I think we owe this issue of whether to go in the joint permit direction much more deliberation before we vote on it.

"So, I have reservations in those two areas.

"Thank you, Mr. Speaker."

Representative Shon then rose and requested that Representative Case's remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Shon continued:

"I must say that the discussion that goes around this kind of a measure often is framed in terms of criminals versus noncriminals using guns. I would point out to everyone that there is a substantial number of people who are first-time offenders with guns. That means when the gun was put in their hand, they were not criminals. That means that they acted in a criminal way.

"The issue of fees. Proponents speak directly to the notion that there are an increasing number of people who, in possession of a firearm, have no criminal record but then behave in such a way as to commit a criminal act with that dangerous weapon. The notion that only criminals with previous records use firearms in a criminal manner is simply a ridiculous notion. And the struggle that society has over firearms is that they are a very tempting, easy way of asserting power and inflicting violence and that there are many members of society, when they come in possession of this easy, violent mechanism called the firearm, use it inappropriately and in a criminal manner, and it seems to me that that is the issue that we struggle with here. There are young people and not so young people who do not know how to behave when they possess a firearm and do not until they misbehave and have a criminal record.

"I think that as this bill proceeds, we need to keep that in mind, that society is not permanently clearly divided between the criminals who have guns and the noncriminals who have guns. That's why we have a Criminal Justice System; that's why we struggle with prisons and prison overpopulation because more and more people are crossing the line and when they cross that line carrying a firearm, they have gone from the innocent, that many are so anxious to protect, to the criminal who are threatening our very lives daily.

"These are very dangerous weapons. The notion that there is no difference between the possession of a knife and the possession of a firearm, I just find incomprehensible, so I would vote for this bill.

"Thank you."

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

"The main thrust of this bill is simply to reimburse the police for the money which they have to pay for the FBI check. Right now, you can go down and get a permit and you're not paying the \$24.

"So, regardless of what you think about firearms or permit, that is not the purpose of the bill. The purpose is to amend the law as it stands now so that the police will be reimbursed for these checks that they have the FBI do.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1214, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Hamakawa, Herkes and Saiki voting no, and Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1519) recommending that S.B. No. 1396, SD 1, pass Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1396, SD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"This bill is going to permit the Department of Health to provide residential housing at Hale Mohalu for persons with Hansen's disease.

"Those of us who have been in the Legislature for a couple of years know that the Legislature has supported strongly the Hale Mohalu facility. It finally is going to be built and will be able to provide the housing for Hansen's disease patients.

"I think we all owe a debt of thanks to Bernard Punikaia and to the other volunteers who have worked tirelessly for probably more than eight years to be able to establish Hale Mohalu for our elderly and disabled, including those with Hansen's disease.

"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. 1396, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HANSEN'S DISEASE PATIENTS," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1520) recommending that S.B. No. 1467, SD 2, HD 1, pass Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1467, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1521) recommending that S.B. No. 1484, SD 2, HD 1, pass Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1484, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1522) recommending that S.B. No. 1665, SD 1, HD 1, pass Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1665, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading by a vote of 47 ayes to 2 noes, with

Representatives Isbell and Takamine voting no, and Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1523) recommending that S.B. No. 1683, SD 1, HD 1, pass Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1683, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, I had not intended to speak on this bill and I'm afraid that my speech is going to reflect on my lack of preparation to speak. I do have preparation as a clinical psychologist, however, and training and experience dating back more than forty years.

"I speak against this bill because it has been interpreted as denying a person disabled by mental illness and receiving general assistance the right to choose his or her own therapist. Mr. Speaker, the relationship formed between patient and therapist is sometimes one of the most significant relationships in the patient's life. The matters discussed between patient and therapist may be the most intimate, delicate and private details of the patient's life. To deny the patient the right to choose who the patient shall share these matters with is inappropriate and may doom the treatment to failure, adding to the individual's misery and the anguish of the patient's mental state rather than reducing it.

"Mr. Speaker, if this bill passes and goes to conference, I urge that this flaw in the bill be corrected to allow the patient to choose his or her own therapist. However, the safer course is to vote no, and I urge my colleagues to join me in doing so.

"Thank you, Mr. Speaker."

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

"In addition to the points that were made by the Chair of the Health Committee, I think it's important to note that the reasons why this kind of a bill comes out of the public human services that is all across the United States and many of the states, the Medicaid deficits have become the driving force for so-called reforms, and they become reforms to the health care system even though they are driven by agencies which are primarily financial agencies in terms of allocating payments to providers and to individuals. They don't tend to deal well with the health care system and we've seen the shift in the initiatives across the states from public health departments to public Medicaid departments because it is the deficit that is driving it.

"In the State of Hawaii, our own Department of Human Services has essentially captured the initiative for health care away from the Health Department through the Health Quest system. And the Health Quest program has been designed to save money, and while there has been a lot of discussion about the health aspects, this kind of a bill is what emerges when you have 'bean' counter orientation which asks the question, not do you have health care in an affordable way, but rather, are you really eligible?

"The notion that by lottery your psychiatrist or psychologist will be picked for you, and now under the provisions of this bill, that person now has the right to treat you so they actually have a vested financial interest

in finding something that they can treat you for. You have no choice in that and, as mentioned by the previous speaker, this is of the most intimate kind of relationship. This is not a matter of fixing a broken bone.

"I've really urged that not only this bill, but others which are basically shredding the health care system in the name of no-fault insurance, workers' compensation and various other things, have to be looked at in terms of what is happening to health care, not just to the budget. They are interrelated of course, but when the budgetary concerns drive the entire policy, people get hurt.

"For this reason, I will be voting against it."

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

"As the initial speaker had mentioned, I, too, did not intend to rise and speak on this measure. However, I am concerned when the budget concerns begin to drive the fact that we are not going to be helping the individuals we are trying to help.

"My concern is that unless we begin to address these issues and look at the long-range effects that trying to save a penny here is going to cost the State in the long run, we are missing the entire point.

"In terms of treatment, as Representative Pepper pointed out, unless an individual feels comfortable with the person he is working with, the chances of recovery, or the chances of getting better, is quite slim.

"I am concerned about this measure, and I am hoping that through the process, these concerns will be addressed, and prior to the end of conference it is going to be deleted.

"Thank you, Mr. Speaker."

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

"The motivation behind this bill again is maybe budgetary and I think because of the shortfalls that the general assistance program has created, I think it is incumbent upon the Legislature to demand a little more accountability from the Department of Human Services and how these monies are allocated. So I think we are sort of headed in the right direction. We need to hold the department accountable, and we can't allow for this type of uncontrolled spending.

"I should also note that across the country, states are trying to phase out their general assistance programs, mainly because it is state-funded and there's no federal match.

"I guess my reservations come because as Chair of the Hawaiian Affairs Committee, I'm also cognizant of the problems we have with our homeless population. I just want to note that many of our homeless who do refuse treatment or who do not want to go into treatment either end up on the streets where they become a problem, or they end up in our prisons, and we all know about our prison overcrowding condition.

"So, I think we need to look really closely at what the impact will be on this program because I think many of these people who will not receive services will be ending up on the streets as homeless people, substance abusers, and mentally ill people.

"The only suggestion I want to make at this point is that, just as we try to deal with the Medicaid fiscal

problem with managed care, I think we also need to look at, you know, within a global budget how we can manage its population as best as possible. We need to look at also how we can provide case managers for these people who are substance abusers and mentally ill so that we can provide the services that are needed.

"Thank you, Mr. Speaker."

At 12:50 o'clock p.m., Representative McMurdo asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:51 o'clock p.m.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1683, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading by a vote of 44 ayes to 5 noes, with Representatives Kahikina, McMurdo, Pepper, Santiago and Shon voting no, and Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1524) recommending that S.B. No. 1688, HD 1, pass Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1688, HD 1, pass Third Reading, seconded by Representative Thielen.

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

"I do have a lot of care homes in my area. In 1988 or 1989, we followed the Auditor's recommendation to provide an increase in funding for the adult care home providers. At that time though, we only provided half of what was recommended by the Auditor.

"At this point in time, it looks like we may be looking at providing lower reimbursements for the care home operators. I think some of them may be justified because some of the patients do not need as much care as others. However, there are others, because of our nursing home shortages, that are requiring more care.

"I think we should also be cautious with this one because from what we hear, the next generation of care home operators -- the children of the care home operators -- aren't really thrilled about going into that type of business, and it's going to be really difficult to find people who are willing to take in the frail elderly and the mentally and physically disabled. Hopefully, we can keep that in mind.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1688, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1525) recommending that S.B. No. 1751, HD 1, pass Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1751, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL WITHIN THE DIVISION OF CONSUMER ADVOCACY," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1526) recommending that S.B. No. 1774, HD 1, pass Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1774, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIRING OF ATTORNEYS," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1527) recommending that S.B. No. 1939, SD 2, HD 1, pass Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1939, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Menor and Tarnas being excused.

The Chair directed the Clerk to note that S.B. Nos. 161, 559, 634, 928, 1214, 1396, 1467, 1484, 1665, 1683, 1688, 1751, 1774 and 1939 had passed Third Reading at 12:55 o'clock p.m.

Representative Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1528) recommending that H.C.R. No. 281 be adopted.

On motion by Representative Chun Oakland, seconded by Representative Saiki and carried, the report of the Committee was adopted and H.C.R. No. 281, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION TO PROVIDE FOR THE SAFEGUARD AND CONTINUATION OF BENEFIT PROGRAMS FOR VETERANS DISABILITY COMPENSATION AND SOCIAL SECURITY DISABILITY COMPENSATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES," was adopted.

INTRODUCTION OF RESOLUTION

H.R. No. 320, entitled: "HOUSE RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 1994 COMMISSION ON LEGISLATIVE SALARY," was jointly offered by Representatives Souki, Amaral, Anderson, Arakaki, Cachola, Case, Chang, Chun Oakland, Garcia, Halford, Hamakawa, Herkes, Isbell, Ito, Jones, Kanoho, Kawakami, Kawanakoa, Lee, Marumoto, McMurdo, Meyer, Nakasone, Okamura, M. Oshiro, P. Oshiro, Pepper, Saiki, Santiago, Say, Shon, Stegmaier, Suzuki, Takai, Takumi, Thielen, Tom, Ward, Yamane, Yonamine and Yoshinaga, and was read by the Clerk.

On motion by Representative Okamura, seconded by Representative Ward and carried, H.R. No. 320 was adopted.

ANNOUNCEMENT

Representative Herkes rose and requested waiver of the 48-hour hearing notice requirement to add H.C.R. No. 284, HD 1, to tomorrow's agenda for the Committee on Economic Development and Business Concerns, and the Chair "so ordered."

ADJOURNMENT

At 12:57 o'clock p.m., on motion by Representative Amaral, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 5, 1995.

FORTY-FOURTH DAY

Wednesday April 5, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:40 o'clock a.m., with the Speaker presiding.

The invocation was delivered by The Reverend Julia McKenna-Dubin of The Ministry for Divine Harmony, after which the Roll was called showing all members present with the exception of Representatives Herkes, Takamine and Tom, who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 417 to 433) were read by the Clerk and were placed on file:

Sen. Com. No. 417, transmitting S.C.R. No. 16, SD 1, entitled: "SENATE CONCURRENT RESOLUTION EXTENDING THE CHILD WELFARE SERVICES REFORM TASK FORCE TO DEVELOP A BLUEPRINT FOR REFORM IN CHILD PROTECTIVE SERVICES," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 418, transmitting S.C.R. No. 56, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIAL SELECTION COMMISSION TO DEVELOP, PUBLISH, AND UTILIZE STANDARDS FOR THE APPOINTMENT OF JUDGES AND JUSTICES," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 419, transmitting S.C.R. No. 128, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SUPPORT PAPA OLA LOKAHI IN ITS EFFORTS TO PLACE GRADUATES FROM THE NATIVE HAWAIIAN HEALTH PROFESSIONS SCHOLARSHIP PROGRAM," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 420, transmitting S.C.R. No. 162, SD 1, entitled: "SENATE CONCURRENT RESOLUTION DISAPPROVING THE RECOMMENDATION OF THE COMMISSION ON LEGISLATIVE SALARY," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 421, transmitting S.C.R. No. 183, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING BASELINE DATA ON THE AVAILABILITY OF TOBACCO PRODUCTS TO MINORS STATEWIDE AND URGING COLLABORATION BETWEEN THE PUBLIC AND PRIVATE SECTORS IN DEVELOPING PROPOSALS TO REGULATE AND REDUCE THE ILLEGAL SALE OF TOBACCO PRODUCTS TO MINORS," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 422, transmitting S.C.R. No. 198, SD 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING A TASK FORCE TO STUDY POTENTIAL USES OF THE WAHIAWA RESERVOIR," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 423, transmitting S.C.R. No. 206, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE REVIEW OF THE PENAL RULES COMMITTEE PROPOSAL TO PROVIDE FOR EXPEDITED TRIALS INVOLVING PERSONS WITH SPECIAL NEEDS INCLUDING THOSE INVOLVING CHILD VICTIMS OR CHILD WITNESSES," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 424, transmitting S.C.R. No. 208, entitled: "SENATE CONCURRENT RESOLUTION URGING THE JUDICIARY TO PROVIDE TRAINING FOR JUDGES ON THE APPLICATION OF THE HAWAII RULES OF EVIDENCE REGARDING THE COMPETENCY OF CHILD WITNESSES," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 425, transmitting S.C.R. No. 219, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INVESTIGATE METHODS OF DELIVERING MEDICAL SERVICES MORE EFFICIENTLY DURING WEEKENDS AND AFTER HOURS ON WEEKDAYS," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 426, transmitting S.C.R. No. 223, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE NORTH SHORE PAUKAULA STREAMBANK AND RIPARIAN AREA COMMUNITY RESTORATION PROJECT," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 427, transmitting S.C.R. No. 229, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL BUREAU OF PRISONS TO CHOOSE A SITE THAT IS MUTUALLY ACCEPTABLE TO THE STATE OF HAWAII AND THE FEDERAL GOVERNMENT FOR THE PROPOSED FEDERAL DETENTION CENTER ON OAHU," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 428, transmitting S.C.R. No. 238, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO DEVELOP 'BENCHMARKS' TO ACCOMPLISH THE STRATEGIC VISION OF THE STATE OF HAWAII," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 429, transmitting S.C.R. No. 243, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO REVIEW THE RESPONSIBILITIES AND FUNCTIONS OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 430, transmitting S.C.R. No. 249, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF 'GREENWAY' DEFINITION," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 431, transmitting S.C.R. No. 292, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, AND THE CITY AND COUNTY OF HONOLULU TO EXPEDITE THE IMPLEMENTATION OF RECOMMENDED STREAM BANK STABILIZATION AND EROSION PROTECTION MEASURES FOR MANOA STREAM, OAHU," which was adopted by the Senate on April 4, 1995.

Sen. Com. No. 432, transmitting S.C.R. No. 308, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO INVESTIGATE HUMAN RIGHTS ABUSES IN THE COMMON WEALTH OF NORTHERN MARIANAS," which was adopted by the Senate on April 4, 1995.

By unanimous consent, further action on S.C.R. Nos. 16, SD 1; 56; 128, SD 1; 162, SD 1; 183, SD 1; 198, SD 1; 206, SD 1; 208; 219, SD 1; 223, SD 1; 229, SD 1; 238, SD 1; 243, SD 1; 249, SD 1; 292; and 308, SD 1, was deferred until later in the calendar.

Sen. Com. No. 433, informing the House that S.B. No. 1680, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HEALTH," passed Final Reading in the Senate on April 3, 1995.

At this time, Representative P. Oshiro introduced to the members of the House Student Council Officers from Kaimiloa Elementary School, as follows: Monica Risner, Shannon Valencia, Tomar Macarag, Rhonda Diaz and Micah Nakagawa. They were accompanied by their advisors, Geri Chun and Jon Kimoto, and Principal, Stanley Tamashiro.

At 11:48 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m.

ORDER OF THE DAY

The following Senate Concurrent Resolutions were disposed of as follows:

S.C.R. Nos. Referred to:

16 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Legislative Management

56 Committee on Judiciary, then to the Committee on Finance

128 Jointly to the Committee on Hawaiian Affairs and Housing and the Committee on Health

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

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

162 Committee on Legislative Management

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

183 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

198 Jointly to the Committee on Water and Land Use Planning; the Committee on Ocean Recreation and Marine Resources; and the Committee on Energy and Environmental Protection, then to the Committee on Finance

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

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

206 Committee on Judiciary, then to the Committee on Finance

208 Committee on Judiciary, then to the Committee on Finance

217 Jointly to the Committee on Health and the Committee on Human Services

219 Committee on Health, then to the Committee on Finance

221 Committee on Human Services

223 Committee on Water and Land Use Planning, then to the Committee on Intergovernmental Relations and International Affairs, then to the Committee on Finance

229 Committee on Intergovernmental Relations and International Affairs, then to the Committee on Public Safety and Military Affairs

238 Committee on Human Services, then to the Committee on Economic Development and Business Concerns, then to the Committee on Finance

243 Committee on Health, then to the Committee on Finance

245 Committee on Health, then to the Committee on Finance

249 Committee on Transportation, then to the Committee on Water and Land Use Planning, then to the Committee on Finance

292 Committee on Water and Land Use Planning, then to the Committee on Intergovernmental Relations and International Affairs, then to the Committee on Finance

308 Committee on Intergovernmental Relations and International Affairs, then to the Committee on Judiciary

SUSPENSION OF RULES

On motion by Representative Amaral, 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

S.B. No. 1868, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1868, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECODIFICATION OF THE EDUCATION STATUTES," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Takamine and Tom being excused.

The Chair directed the Clerk to note that S.B. No. 1868 had passed Third Reading at 12:43 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1529) recommending that S.B. No. 287, HD 1, pass Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 287, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose to speak against the bill, stating:

"This matter has been before us several times, members, and it originally was called House Bill 704. What this does is allows the Department of Agriculture to have much more control over the existing irrigation systems that are in existence on the sugar plantations.

"The problem with that is, the Department of Agriculture is merely one player in a broad contested case proceeding that is going to be held where all of these issues are going to be addressed in a quasi-judicial forum. I think it is wrong to allow one of those players to step forward and become really in control of a system where it's supposed to be on level playing field with the other entities that are saying, we want to have our say in how our water resources are used.

"This is a matter that I know pits certain members on one side of the island against members on the other side of the island. I still believe that nothing should go forward out of this chamber until that contested case proceeding is concluded and we can see the results of that proceeding.

"For those reasons and more which I have enumerated before, I am not voting in favor of this measure.

"Thank you."

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

"Mr. Speaker, I have been known to say a number of times we should not be knee-jerk management, we should not be knee-jerk labor, and I would add today, we should not be knee-jerk Bishop Estate or knee-jerk anti-Bishop Estate.

"This bill affects them in such a way that, ironically we applauded them a few weeks ago when they went and bought up a lot of the Hamakua land. That was a great thing and now this bill kind of butts in and says, well, you know, the water and all the water rights we're going to have a bit of a trump card. I think the other private owners who, for the life of the land, actually reasonably managed their water and now that agriculture is declining, there's going to be more above and beyond what water we've ever had available in the state.

"Now the Department of Agriculture is going to come in and say, well, this is the way you can best manage your private water. I'm not sure that that's totally fair. I hope this bill, when it is implemented and the regulations come out, give a fair shake to all these private owners, particularly as the Bishop Estate just invested a lot of money into a place that they want to turn around and not waste the water or misuse it.

"Thank you, Mr. Speaker."

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

"Just for a point of clarification, this measure is not meant to, in any way, shape or form, regard water rights or any of those kinds of things. This measure is meant to simply give the Board of Agriculture the ability to take care of the water systems and the agricultural systems which are so important to Hawaii and are going to be so important in the future because we are losing sugar and we are losing the other agricultural things that were the root of our base here in Hawaii.

"Because of that, we need to take care of these systems so that when we come up with other alternative forms of agriculture, the water will still be able to get to those places.

"Thank you, Mr. Speaker."

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

"I want to speak against it only for financial reasons; specifically, the Hamakua Ditch has been poorly maintained in the recent last years and the cost of bringing it up to speed will be many millions of dollars. Just the breach at Waipio, to bring that up to standard, is many millions of dollars in itself.

"I think I would like us to look at other alternatives that might be less expensive to deliver the diminished amount of water needed for new agricultural proposals for that area.

"Thank you, Mr. Speaker."

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

"I feel that this bill is very premature. While I understand the concerns of letting a resource such as a ditch that has served the sugar companies well for years, and it still carries water very efficiently, the fear of having it just crumble in time is a real one.

"We're in a transition. Sugar is on its way out, pineapple is struggling. We're not sure how big a player agriculture will be in our economy in the future, whereas I am well aware -- I've grown up here and I know that agriculture was a big part of our economy and our culture -- times have changed.

I would urge people not to pass this bill on. It will only be a year before this body will meet again, a whole raft of new bills and many that were never heard this session will be heard again. I think it would be more prudent for the Department of Agriculture to assess the needs for agriculture, to get a far clearer picture of what are the prime fields, who are the players -- the companies willing to invest large sums of money into diversified agriculture. These things have not been completely done yet and I think that this year should be spent doing that.

"I have real questions about floating revenue bonds for this project. As my colleague from Maui has expressed, we're talking millions and millions of dollars, and we have yet to evaluate whether there is truly the necessity ... is this the best way to spend money? Revenue bonds imply that we will get enough revenue back from the delivery of this water. If we do not have enough companies involved in diversified agriculture, we will not have the revenues to float those bonds.

"I just feel we are moving far too hastily. I question, why? Why are we moving this fast?"

"I have true concern for the Bishop Estate who has spent millions of dollars buying the land at Hamakua. The ink was barely dry on signing the documents and they discovered numerous bills such as this one. This is not the only one going through this Legislature wanting to take away the ditch system, implying that they are doing a lousy job of taking care of it. They have just bought the land. They haven't had the opportunity to assess what's on their land.

"I just feel that we are moving too quickly. I think you can all relate to times that you perhaps bought a house -- a fixer-upper -- all the things you thought you were going to do. Once you moved into the house, you find ... boy, I'm glad I didn't remodel the kitchen or put this patio there because you begin to see what you're really dealing with.

"I would just urge the members of this chamber to think twice about this. I don't think these systems are in jeopardy if we wait another year.

"Thank you, Mr. Speaker."

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

"At this point, Mr. Speaker, I would imagine that you -- because I certainly am -- maybe are somewhat confused about what the intention of Senate Bill 287 is. And I would like to return back to the intention of this bill.

"I think, Mr. Speaker, that it is important that we, as policymakers, in being able to predict what the trends are in the future, in being able to look in the past and see the mistakes we've made, to lay the groundwork for some management and some plans to take place before we have to deal with the problem next session.

"And perhaps we have acted in the past so that people don't trust our motives, Mr. Speaker, but on the face of it, if you read Senate Bill 287, then I think it's pretty clear in laying out the problem that we have for sugar plantations ceasing operations, we have extensive agricultural water systems that were developed at or near the turn of the twentieth century, evidenced by one of the largest water systems that operates without any pumps whatsoever, that move the water from the Windward side here on Oahu over to the Leeward side. And in anticipation of the closing down of the sugar operations, these wonderful water systems -- agricultural water systems -- have to be somehow taken care of until the Commission on Water Resource Management can figure out who gets agricultural water.

"The intention of this measure is to give the authority to the Department of Agriculture to plan, acquire, manage, operate, maintain agricultural water systems -- simply that. They can do it in concert with the people that presently occupy the land; they can do it without them. They can talk to us; they can talk to the community, but somebody has to take responsibility. I don't know about the rest of the members, Mr. Speaker, but I know, come May 1st, I probably will not be here, and I am going to go back to work.

"In the meantime, we would hope that somebody is going to take care of the water systems that presently are not receiving sufficient water, that will crack in the sunlight, that will deteriorate faster. Instead of us having to come back here next session and now deal with putting money into repairing these marvelous systems, let us instead plan for it and use our time appropriately.

"You will be told that it is the intent of us to circumvent the contested case hearings that are presently going on, Mr. Speaker, before the Commission on Water Resource Management. The last I heard, those people were dealing with the in-flow stream standards. They are not dealing with this agricultural water management funds.

"I ask my members and you, Mr. Speaker, not to be distracted by this and for us to move forward in a responsible way to save what remains of some wonderfully engineered and managed water systems before they do crack and die as has the Kohala system.

"Thank you, Mr. Speaker."

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

"I remember when the Waianae Plantation went bankrupt, and when they went bankrupt there was a fantastic water system in Waianae and Makaha. After they closed down the plantation, the farmers along the water system had access to a lot of water coming down the hill. But what happened was there was no entity to maintain this system and after about four years, the system started deteriorating. Although the farmers tried to get together and go up there and fix the system, the water flumes and the ditches and keep the streams clean, after four years, it became a real impossible task. In the end, the system, in short, fell apart. And so today, in Waianae, there is no water system. The farmers pay 73 cents a thousand gallons to irrigate their lands, and it would have been great if we had an entity like what is being discussed in this bill at that time.

"So really, I don't think we should make the same mistakes that we did in the past. I think it's a good bill, and I urge everyone to support it.

"Thank you."

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

"Just a couple of points of clarification. The Hamakua Ditch system and a lot of these ditch systems ... there's a large concern for its maintenance because there really is nobody maintaining it right now. Bishop Estate is not maintaining Hamakua Ditch and so the concern is, like anything else, these things have to be upkept and if they are upkept, then the potential for the future is that agriculture can share in that benefit.

"Now, I think we all support the fair allocation of those waters but that's not the purpose of this bill before us. It's merely the maintenance of those systems, and I would also like to note that there is a great potential for agriculture in the central area of Oahu as well as on the neighbor islands and, in fact, there is a waiting list of farmers that would like to get on that simply are waiting to see if there's water.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER DEVELOPMENT," having been read throughout, passed Third Reading by a vote of 44 ayes to 4 noes, with Representatives Anderson, Halford, Meyer and Thielen voting no, and Representatives Herkes, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1530)

recommending that S.B. No. 853, SD 1, HD 1, having been read throughout, pass Third Reading

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 853, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1531) recommending that S.B. No. 1141, SD 2, HD 1, having been read throughout, pass Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1141, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, all this time we have been subsidizing the HSPA Experiment Station. In fact, I remember at one time, when I first got into this Legislature, we were funding it to the tune of \$4 million. We know very well that one of our biggest problems is sugar going out of business and if we continue to subsidize HSPA even if it is a matching mechanism, I think we should serve notice to HSPA that they better hep it up and get some other experiments going on.

"I'm afraid, Mr. Speaker, and I haven't had a chance to check it, but the question is -- are they doing the same experiment that the University of Hawaii is doing? If yes, then I think we should give all the money to the University of Hawaii to better benefit our students and probably have more control over them.

"I just wanted to make these commentaries, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1141, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representative Herkes, Takamine and Tom being excused.

The Chair directed the Clerk to note that S.B. Nos. 287, 853 and 1141 had passed Third Reading at 1:00 o'clock p.m.

Representative Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1532) recommending that H.C.R. No. 219 be adopted.

On motion by Representative Chun Oakland, seconded by Representative Arakaki and carried, the report of the Committee was adopted and H.C.R. No. 219, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO CONVENE A WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH IN 1996," was adopted.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1533) recommending that S.B. No. 201, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shon, seconded by Representative Chang and carried, the report of the Committee was adopted and S.B. No. 201, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION," passed Second Reading and was placed on the calendar for Third Reading.

ANNOUNCEMENTS

Representative Tarnas: "Just a reminder. We have a neighbor island meeting after session in Room 1008."

Representative Chun Oakland then gave an update of the Hawaii Foodbank Drive: "We have had very generous support from 45 members of our House so far and we have collected as of this morning, \$405 and 503 lbs. equalling 908 points. The Senate has collected \$645 and 413 lbs. for a total of 1,058. Our deadline is this Friday so, please, I urge everyone to contribute something to this worthy cause."

Representative Say then rose and requested waiver of the 48-hour hearing notice requirement to hear S.B. 1797; H.C.R. 57, HD 1; and H.C.R. 280, HD 1, tomorrow at 2:30 p.m., and the Chair "so ordered."

ADJOURNMENT

At 1:04 o'clock p.m., on motion by Representative Amaral, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Thursday, April 6, 1995.

FORTY-FIFTH DAY

Thursday, April 6, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:42 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Rabbi Jay B. Heyman, Lieutenant Chaplain Corps, United States Navy, after which the Roll was called showing all members present with the exception of Representative Marumoto, who was excused.

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

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 213 to 217) were read by the Clerk and were placed on file:

Gov. Msg. No. 213, transmitting copies of the **Report to the Legislature on the Authorization for Three Positions in the State Tourism Office**, which was prepared by the Department of Business, Economic Development, and Tourism, as required by Act 252, Section 18, SLH 1994.

Gov. Msg. No. 214, transmitting copies of the **Report to the Legislature on the Authorization for Three Positions in the State Tourism Office**, which was prepared by the Department of Business, Economic Development, and Tourism, as required by Act 252, Section 18, SLH 1994.

Gov. Msg. No. 215, informing the House that on March 30, 1995, he signed the following bill into law:

House Bill No. 1971 as Act 6, entitled: "RELATING TO ADULTERATION OF DRUGS AND MEDICAL DEVICES."

Gov. Msg. No. 216, informing the House that on March 30, 1995, he signed the following bill into law:

Senate Bill No. 1566 as Act 7, entitled: "RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE."

Gov. Msg. No. 217, informing the House that on March 30, 1995, he signed the following bill into law:

Senate Bill No. 1692 as Act 8, entitled: "RELATING TO THE MEMBERS OF THE HAWAII HOUSING AUTHORITY."

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 434 to 439) were read by the Clerk and were placed on file:

Sen. Com. No. 434, transmitting S.C.R. No. 117, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE IMPROVEMENT OF MENTAL HEALTH SERVICES IN HAWAII," which was adopted by the Senate on April 5, 1995.

Sen. Com. No. 435, transmitting S.C.R. No. 234, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OFFICE OF VETERANS SERVICES OF THE STATE DEPARTMENT OF DEFENSE TO ASSIST THE KOHALA COMMUNITY TO ERECT A MONUMENT AT VETERANS FIELD," which was adopted by the Senate on April 5, 1995.

Sen. Com. No. 436, transmitting S.C.R. No. 262, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A LEASE FOR THE PRIVATE DEVELOPMENT OF CERTAIN FAST AND SUBMERGED LANDS AT HONOKOHAU, HAWAII, FOR HARBOR EXPANSION AND RELATED PURPOSES," which was adopted by the Senate on April 5, 1995.

Sen. Com. No. 437, transmitting S.C.R. No. 269, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT FROM THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM ON THE POTENTIAL FOR DEVELOPING AN EXPORT HEALTH INDUSTRY IN THE STATE," which was adopted by the Senate on April 5, 1995.

Sen. Com. No. 438, transmitting S.C.R. No. 270, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP A PLAN TO MARKET THE EXPERTISE AND EXCELLENCE OF HAWAII'S HEALTH CARE," which was adopted by the Senate on April 5, 1995.

Sen. Com. No. 439, transmitting S.C.R. No. 291, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EITHER THE DEPARTMENT OF LAND AND NATURAL RESOURCES OR THE DEPARTMENT OF TRANSPORTATION TO ACQUIRE THE HANAIEI BOATYARD ADJACENT TO THE STATE PIER AND WHARF FACILITY AND BOAT LAUNCH RAMP AT HANAIEI, KAUAI," which was adopted by the Senate on April 5, 1995.

By unanimous consent, further action on S.C.R. Nos. 117, SD 1; 234, SD 1; 262; 269, SD 1; 270, SD 1; and 291 was deferred.

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

Representative Chang, on behalf of the Big Island delegation and Representative Morihara, introduced three anthurium farmers from the Big Island representing the Hawaii Anthurium Industry Association: Calvin Hayashi, President; Jason Hashimoto, Vice President; and Dan Hata, past President for the past 14 years and founder of the Hawaii Anthurium Industry Association.

Representative Arakaki introduced two special guests from the Philippines who are with the Consuelo Audre Foundation, an agency that helps the homeless with job training and other economic opportunity projects: Mr. Daniel Artico, Chief Operating Officer, and Child and Family Service Chairman in Baguio; and Miss Ann Marie Chunko, Chief Administrative Officer.

At 11:50 o'clock a.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.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)

H.R. No. 321, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING ARAKAWAS AND THE ARAKAWA FAMILY FOR GENERATIONS OF QUALITY SERVICE AND COMMITMENT TO HAWAII," was jointly offered by Representatives Takumi, Garcia and P. Oshiro and was read by the Clerk.

Representative Takumi moved that H.R. No. 321 be adopted, seconded by Representative Garcia.

Representative Takumi rose to speak in favor of the resolution, stating:

"Mr. Speaker, to have the privilege to speak about our honorees today is indeed something that I have looked forward to.

"All of us in Hawaii know about the Arakawas store. I remember during my hanabata days (my wife would say it was last week) once in a while, my Mom would take us to Arakawas. For those of us who grew up in town, going to Arakawas was a big adventure.

"I clearly remember walking through the aisles and coming across some strange metal thing that I had no idea what it was. I would ask my Mom and being Mom, she would know. Little did I know that years later, I would have the honor of representing the area of Waipahu where Arakawas is located.

"I went there recently with my son and as we walked through, my son pointed to some whatchamacallit and asked me what it was. Being the all-knowing parent that I am, I said, 'I don't know. Ask your grandma.'

"Seriously, though, Mr. Speaker, the passing of Arakawas is truly like the passing of a good family friend. There is a reason for this.

"The establishment and growth of Arakawas mirrored that of the sugar industry in Waipahu. The closing of Oahu Sugar and now of Arakawas truly signals the passing of a time gone by in Hawaii. We can mourn this passing but I prefer that we celebrate and acknowledge their contributions and their dedication to bettering the quality of life for us all.

"Lastly, we should learn from them the values and traditions of the plantation community. You know, the wooden washboard may fade from memory, but it is these values and traditions that will live on.

"Mr. Speaker, permit me to introduce the honorees on the floor today," and asked the following individuals to stand to be recognized: Mrs. Molly Arakawa representing Shigemi Arakawa, President; Mr. Goro Arakawa, spokesperson for the family; Joan Taba; Sei Kaneshiro and Rena Arakawa.

Representative Takumi then asked other family members who were seated in the gallery to stand to be recognized: Mr. Elden Arakawa, Mr. Lloyd Arakawa, Okiyo Tengan, and Ann Tamashiro who works in Representative Pepper's office.

Representative Garcia then rose to speak in favor of the resolution, stating:

"As the Representative also from the other part of Waipahu, I find it appropriate that I should stand and speak in favor of this resolution also, and for the fact that I was born in the year of the rooster and that is the endearing symbol of the Arakawa family store.

"I, too, Mr. Speaker, when I look at the Arakawas, I see my childhood. And I can still recall those days, as does Representative Takumi, when you could stretch what little money you had and go to a place like Arakawas. On the weekend, just before I went off to see my classmates play baseball at Hans L'Orange Field, I would go there to get some candies and some comic books before I went out to the field.

The closing of Arakawas is not the end of a tradition. Really, the values of the plantation are still alive in my hometown -- these values that Zempan Arakawa passed on to his progeny who faithfully operated his store and stuck to his tradition. Those values I speak of, Mr. Speaker -- hard work, of people caring for one another, of the respect for Hawaii and what makes it so special -- this is what Arakawas was all about, and what makes Waipahu a special place to live.

"So I want to commend the Arakawa family for what they have done not just for our hometown, but for our entire state, the state that values the kinds of beliefs that the Arakawa family so faithfully applied across the counter of the store.

"Thank you, Mr. Speaker."

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

"You know, the Okinawans have a word called 'chibario' and it sort of epitomizes, along with the Arakawas, the spirit -- the Uchinanchu spirit or the Okinawan spirit. The Okinawan spirit is not just for Okinawans. I think it sort of portrays the spirit of our immigrant families, and chibario means 'to go for it,' and I think that's the kind of spirit that lay the groundwork for many of our immigrant families who came here who were not afraid to venture forth into business and other areas and to succeed.

"So, to a large extent and as has been said many times, this is the closing of an era. And I mentioned a couple of weeks ago for a speech on the budget that perhaps we're closing the doors of an era of sugar with the closing of the doors of Arakawas. So it's a sad moment, but I am sure they have very fond memories of the many years that they have struggled to succeed. Even though we have many chain stores and discount stores coming into the state, and I suppose people will call it progress and people will say it's for the benefit of our consumers, I think, like our Finance Chair said, there's nothing like a local business to put money back into the community and to invest back in our future. So I think we owe a lot to that kind of spirit and philosophy as well.

"I also wanted to make note that because it's a general store, I think the products that Arakawas had reflect the multicultural and ethnic diversity that makes Hawaii such a special place. I think the people of Hawaii owe a lot because there is no store like Arakawas.

"I would like to say, 'ippei nehei deburu, maluming salamat po, and mahalo nui loa to the Arakawas.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise to commend the vigor, the intelligence, and the hard work of this family, and to assure the family and this body that those qualities are alive and well in the generation of which Ann Tamashiro is a member.

"Thank you, Mr. Speaker."

Representative Ward then rose to speak in favor of the resolution, stating:

"Mr. Speaker, small business is big business in Hawaii and it is indeed a sad day to see the passing of this store.

"Goro Arakawa has been an inspiration to me. We worked on a lot of small business issues, organizations, and the store was a legend in its own time. How many of you go door to door with palaka shirts on and where do you buy them? Many of us have seen that.

"Mr. Speaker, while I was contemplating what would be said on the floor, the theme and the tune of 'Don't Cry For Me Argentina' kept coming to mind because Hawaii weeps the loss of what is taking place. But I know the Arakawa family would not have us weep, but I think we weep now as we've seen the Willows fall, Payless is disbanding, and I think in this loss there is a message for us, not only in terms of childhood traditions and other things that were very meaningful to the community that you serve, but also that as you sit here today on the floor, you're sending a message out that small business needs to be paid attention to on this floor. You are a tradition but you also sound the alarm for another generation of small businesses that are still facing tough times. Bankruptcies are up all around us and I use this at a sad time for a good thing to come. But in the end, Mr. Speaker, I question ... where will we now buy our palaka shirts? Where will we hear the rooster crowing to wake us to know what is going on?

"Thank you, Goro; thank you Arakawa family, for giving of yourselves to Hawaii, for being the exemplary entrepreneurial team with an exemplary entrepreneurial spirit.

"Thank you, Mr. Speaker."

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

"I would be remiss if I didn't say anything on this occasion and I didn't want you all to feel that Dennis Arakaki is the only Uchinanchu (Okinawan) in this place. We have Dwight Takamine, Paul and Marcus Oshiro, Bob Nakasone and Len Pepper.

"First, I want to congratulate the Arakawa family for what you did for the community, for yourselves, your family, and for the State of Hawaii. It is a tremendous story of working hard and doing something for yourselves, putting on a great enterprise that we all know you and what you are known for, and I appreciate that very much.

"Especially to my good friend, Goro Arakawa, I would like to say a few words about Mr. Zempan Arakawa. He was one of the founders of the Nishihara Chojinkai, a province from where he came and of which I am a member, and our Niseis are Isseis and older Niseis -- those who came from Okinawa (first generation) -- remembers fondly Mr. Zempan Arakawa. And they remember when he first came over in 1905, working in the fields and later opening up the store, and also opening up his tailor shop with your uncle, Mr. Taro Arakawa, and from which, by the way, gave birth to the palaka shirts. He also tailored all of the working clothes for the sugar plantation workers.

"They all remember him for the kind of person he was, that he would extend credit to those who needed it at that time. My grandfather, my father, along with all of the other people in those generations, worked for as little as twenty-five cents a day, twelve hours a day for six days a week, so extending that credit and giving trust and confidence to sugar workers, and especially to the Okinawan immigrants, was something that they would never forget and they passed it on to the future generations. He, of course, worked very hard, and we all know him for the kinds of foundations he has laid for the family then to extend it and making it to the Arakawas we know today.

"I just wanted to say, thank you very much on behalf of all of us here. After all, Arakawas became a prototype, a model, because very few in history ... you were one of the first enterprises that we could say, eh, that's Arakawas, an Okinawan store. Today, there are enterprises with Okinawans all over the state and the United States and internationally, but we will always remember you for being one of the very first pioneers for making Hawaii a better place.

"So, congratulations again."

Representative P. Oshiro then rose to speak in support of the resolution, stating:

"Very briefly, with the mention by the prior two speakers regarding palaka shirts, myself being one who, for the past eleven years, have donned my green palaka shirt of which I have about 25 in my closet. But wearing my green palaka shirt during the times we were out in the community, it saddened me greatly to hear about the potential closing of Arakawas. That prompted me also to go there as quickly as I can to pick up all the green material and the green palaka shirts that they had left over so I have it stocked in my closet.

"As many of the previous speakers have mentioned, Arakawas also has meant much to me during my childhood, going there for tomo ame candy or seeds, or ling hing mui, or in my younger days, going there once a year to pick up my annual new baseball glove or baseball bat ... it was a big thrill and something that I will always remember and cherish in my heart.

"I would also like to commend the Arakawa family for all of their community service that they provided for years which has been exemplary, not just for the community of Waipahu, but for the entire state. I commend you for that.

"Thank you also for all the years that you provided us with your service, and best wishes in the future.

"Thank you."

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

"I also wanted to echo the commendatory remarks that have been made by the previous speakers. I also wanted to add that as the former Representative from Waipahu, I, too, had an opportunity to work with the Arakawa family on a number of community issues, especially with Goro Arakawa. And it really used to always impress me at how the family would find time to be able to give something back to the communities.

"So in addition to being a business-wise family, I'm sure that we will always remember the Arakawa family as being a very compassionate and caring family. But more

sorely, we're going to miss them and, again, we wish you our very best in your future endeavors.

"Thank you."

Representative Cachola then rose to speak in favor of the resolution, stating:

"I have a history with Arakawas. As you all know, I'm a first generation immigrant from the Philippines. Way back in 1971, I was working as a messenger in a savings and loan company. The following year, I was granted a chance to manage this branch in Waipahu. The first person who came to see me was Mr. Goro Arakawa. I guess the reason might be that he wanted to make sure that the lease rent was going to be paid because the land that the Territorial Savings and Loan building was located on is owned by Arakawas.

"However, I cannot forget this man. After two years, he came to see me and said, 'Romy, I want you to become the President of Waipahu Business Association.' I don't know what he saw in me at that time but he wanted me to be President of the Waipahu Business Association. I reluctantly said, 'yes.' What I can tell you, Mr. Arakawa, is that to me, you are my mentor. To me, you are Mr. Arakawa for believing in me, and I want to thank you for that.

"To all the Arakawas, aloha."

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

"This is from a different perspective in congratulating the Arakawa family. It is on behalf of my father-in-law, Mr. Steve Kotake, who is presently in the hospital.

"To Shigemi, Goro and Horace, thank you very much for the friendship for all these years in the support of the Kotake family and the Kotake Company.

"Thank you."

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

"All of our hearts were saddened and filled with much aloha at the closure of this time-honored institution and what it has meant to the people of Hawaii because it represents a story of immigrants who, through hard work, have succeeded so well. It is a story of our free enterprise system and the opportunities it provides to those who are willing to venture forth. This is also a story of individual integrity.

"I don't know Mr. Goro Arakawa that well but everytime that I have seen him at different business functions, I have always admired him for his manner and what he stands for in the spirit of aloha that is in his heart.

"It never ceases to amaze me how adversity do turn into opportunities. Often, the greatest setback causes us to take a different course which we would not otherwise take. With the same kind of resourcefulness, initiative and ingenuity that this family has displayed over the years, I am very confident that they will be as successful in the future, and with that our very best wishes.

"Aloha."

The motion was put by the Chair and carried, and H.R. No. 321 was adopted.

At this time, Representative Takumi presented a Certificate of Recognition to Mrs. Molly Arakawa representing Shigemi Arakawa, and floral leis were presented to the honorees by Representatives Chun Oakland, Kawakami, Garcia, P. Oshiro, Cachola and Arakaki.

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

The House of Representatives reconvened at 12:58 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Amaral, 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. 1502 and S.B. No. 82, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 82, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

Stand. Com. Rep. No. 1503 and S.B. No. 432, SD 2, HD 3:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 432, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

Stand. Com. Rep. No. 1504 and S.B. No. 443, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 443, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Shon rose to speak against the bill, stating:

"Mr. Speaker, the reason why I have some concerns about this at this time is, number one, the fear that somehow this attempt will be seen as an effective way of dealing with serious sex offenders when they come out of prison.

"Secondly, those who are on parole which I would assume most to be already registered.

"Thirdly, I think it does raise a very interesting question with respect to all serious felons who reenter the community and whether or not there is going to be an across-the-board consideration of registration, or keeping track of people and how this relates to their reintegration into society and how it relates with preventing future crimes.

"As far as I know, this is the first forage into this kind of a mechanism and they really are not very sure how this

makes a contribution, and whether or not this is a false hope to the community, and whether or not communities will interpret this to mean we will find out where these particular felons live after they reenter society. That would be a real serious problem and I understand that in other places where people do find out, there are all kinds of problems in the realm of vigilantism and other kinds of discrimination which is not helpful.

"I am very cognizant that this is aimed at people who, in the past, have had compulsive behavior. But I am also very cognizant that we have repeatedly put our resources and our attention on folks who have committed the most serious of sex crimes but have put almost no resources on people as they escalate in their compulsive behavior, misdemeanors and so forth.

"A few yers ago, we had some very serious problems with Peeping Toms who were actually escalating to breaking and entering and then assault in the lower Manoa area, but what we found is that most of these people, by the way, did not live in the area. It was not an issue of where they lived. They were attracted to the University area and other areas in their pursuit of their compulsiveness, and indeed it was very difficult and is very difficult to get treatment applied to these people while they are in prison to get the courts to acknowledge that this is the time when you might actually affect their behavior in the future.

"And so this notion of somehow we have made a major contribution to the sex offender problem in society, I think, is an illusion. I want to very strongly urge that we look with greater emphasis when needs of individuals are first detected in the criminal system, that that is where the major intervention can actually have an impact, subsequent to their being convicted of violent crimes, subjected to lots of treatment in the prisons. And that's where our resources are put, by the way, and those resources are well spent and they do affect these individuals so that when they come out, it is appropriate that they reenter the community.

"A final concern I have is that, in dealing with our Police Department and statistics and how they handle information, I am not really sure that they are capable, at this time, of gearing up for this, responding to it, or handling it appropriately. I don't know where it's going with them.

"And again, if there had been much more emphasis on the early intervention, early detection, early treatment of the offenders as they begin to escalate in their compulsive behavior, some of these folks might not have committed the most serious of crimes. Until we get to that point, I feel that we're pursuing an illusion that somehow people were coming out on parole, they were already registered, they were already kept track of for a number of years, that somehow this is just a duplication of that and has made a major contribution. And I realize there are other proposals that might deal with this but let's not delude ourselves that this particular approach is an effective one for this class of individuals. I know it is very difficult to 'treat' this kind of compulsive criminal behavior, but it is far more promising to try to do this at the earlier stages than to register people who presumably are being led out because they are determined to be safe and have undergone a certain amount of treatment in the prison itself. Let's look at those who are in the early stages of escalation and intervene real quick before they can commit the most violent crimes.

"For this reason, a small protest vote so that we can revisit the early stages of this criminal behavior.

"Thank you."

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

"Mr. Speaker, I think we really got to re-examine what we're talking about in this bill and to make it very clear -- crystal clear -- that the purpose is merely to require certain sex offenders -- those persons who have been convicted of a felony sexual assault -- to register with local law enforcement agencies in the particular county where the sex offender resides.

"What is this bill and what isn't it?"

"This proposal is not intended to let the general public know when a sex offender has come out into the community from incarceration. This bill is not that. And as all of you know, this Committee, the Judiciary Committee, has never passed bills that would create notice to the whole general public when something is happening when a person is trying to rehabilitate his life. This bill is not that.

"This bill is also not intended to stir up a vigilante-type of environment because it doesn't say, give notice to the whole world. That is not what this bill is. This bill is not intended to stigmatize sex offenders for the rest of their lives, even after paying the price for committing a sexual act. But let's be frank about it.

"This is merely a registration bill, like the AFIS bill we had earlier. It is not to let the whole world know that a certain individual, a sex offender who has committed a wrong, is now out of prison. He has paid the price. It is merely a registration bill.

"And you know what? When you talk about who this affects, what kinds of offenses, we're limiting it to felonies because that's where you have your rapes, that's where you have your sodomy -- not the sexual exposure. The kinds of crimes that an offender does to another person -- a victim -- that's the kind of crime we're talking about, and I don't think a registration in that kind of a case is so offensive. Yes, it is to help legal law enforcement -- so what? I think that's important. We're not trying to create a vigilante situation. I take offense to that.

"Who has access to these records? Do you think the whole world does? Forget it! The bill specifies that the Chief of Police, head of the law enforcement agency, or the designee has. He's the only one who can inspect the statements, photographs and fingerprints. And yes, the proposal also has a mechanism for a sex offender to apply to any circuit court so that he doesn't have to be registered any more. It also provides such a mechanism.

"False hope to the community? No, it's not a false hope. What are we afraid of? It's merely an important safety valve for registration of such persons who commit a violent offense to another person of a sexual act.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, it is important that this legislative body take whatever steps are necessary in order to reduce the growing crime problem in this state, but the bill before us today will not reduce crime, and instead will impose an unnecessary burden on the police and our court system. In addition, it raises some important constitutional issues which need to be carefully examined.

"Why are we requiring the registration only of convicted sex offenders? Why not require registration of

convicted murderers and drug traffickers? I believe that such registration of a single group may pose some constitutional questions.

"What benefit will result from this registration? The same information to be provided to the police will have already been provided to the individual's probation or parole officer. If the individual served his entire sentence and is not on probation or parole, then what grounds do we have to continue to monitor the individual's activities?"

"We are all aware of the backlog in our court system. This bill will make the backlog even worse by giving judges another function -- the duty to hold hearings to determine if the individual has been rehabilitated. Whether the judges are even in the position to make this determination, I think can be questioned.

"In conclusion, I believe that probation and parole officers should do their best to monitor the activities of the convicted sex offenders whom they supervise. They should make sure that these individuals comply with all of the terms of their probation and parole, including participating in treatment. I do not believe, however, that an additional registration requirement is beneficial, and I believe that it will pose an undue burden on our judicial system, and again I repeat, raise constitutional questions.

"And, Mr. Speaker, if this bill passes, what religious or ethnic group may be next to be asked to register; or what holders of some unpopular idea may be told to register with the police?"

"The bill doesn't seem to fit into the American tradition as I understand it.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, since I have been a freshman till now, one of the, I guess, complaints or problems I've had of being a legislator is that we do things on anecdotal, testimonial, warm and fuzzy, touchy-feeling kind of stuff and now, hard data.

"But on this issue, the data is there. The ACLU wouldn't even back it because the numbers are that a sex offender, before they get caught, has about five hundred per year offenses. After they get caught, the recidivism, Mr. Speaker ... and this is where the PhD. should have a real excitement about it ... the recidivism rate goes up with maturity which means when you're twenty, by the time you get out when you're thirty or forty, your amount of sex offenses increase and even at the age of sixty, like 70 percent recidivism.

"The data says a sex offender is a sex offender is a sex offender, and until we know the state of the art of your profession or others to increase a way of protecting our society, this bill is a way of saying, as Representative Tom said, let's register them, let's watch out if they're going to become teachers in our preschools or kindergartens. It simply is a protective measure which otherwise the data is so frightening we have no business other than what we are doing today.

"Thank you, Mr. Speaker."

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

"This bill deals, Mr. Speaker, with the registration of sex offenders with the Chief of Police in any county that they move to.

"The question and concern that I have with this bill is, what does it really accomplish in the form that it's being proposed? A felon who commits more felonies, who intends to, frankly, after moving will probably not register and threatening him or her with a misdemeanor, I don't believe would necessarily be such a useful deterrent.

"Furthermore, the bill states that any person required to register under this section who intentionally or knowingly fails to comply with any of the requirements of this section is guilty of this misdemeanor. This also, I believe, would mean that someone would have to track the paperwork to prove that the offender was aware and knowledgeable of this requirement, creating additional burdens and work for the police and the judicial system.

"I believe that this bill was written in anticipation probably of an on-line electronic data base, but currently I have concerns that it may create a duplication of paperwork for the police and will either create a backlog of files and data that must be stored, or take a great deal of valuable manpower from our already over-stretched police force. Therefore, I do believe that although the intent of the bill is good, I question the timeliness and capability of the parties that would necessarily have to be involved to properly handle and utilize all of this data at this time.

"During the hearing of this bill, the Prosecuting Attorney of the City and County stated that careful planning and development of adequate resources would be a necessary component for the successful implementation of this measure. I don't feel that we have made such a plan for allocating the necessary resources for such a measure at this time. Therefore, again, I do believe that in a time of fiscal constraint, that perhaps this bill is premature and needs to be re-examined on these issues. Again I ask -- would all this effort of paperwork, et cetera, produce any tangible results?"

"I would also like to point out that I am attempting to be proactive in the sense that there has been a measure, House Concurrent Resolution 275, which was signed by myself and twenty-two other Representatives that frankly would address these concerns that I have raised on the floor.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, in listening to some of the comments, you may perhaps be of the opinion that law enforcement and the Criminal Justice System would be opposed to this measure because it creates an awful lot of work for them. Nothing could be further from the truth. I think that law enforcement would be more than happy to deal with the piles of paperwork that will be before them in order to deal with this type of offender.

"We hear our colleagues, Mr. Speaker, likening the conduct of the sex offender to that of murderers, burglars, other similar criminals, and I think it's important to put in perspective the kind of offender we are talking about as was evidenced by my colleague across the way. We're talking about people whose behavior escalates. We are talking about some of the most dangerous offenders. We're talking about the kinds of victims that will not come forward to testify against these offenders because of public feeling and public shame regarding these offenses. We're talking about behavior that is excessive, that is

compulsive, that is difficult to control and, therefore, the importance of monitoring them that is raised to a new level.

"And, Mr. Speaker, this year, as we deal with the issues of prison overcrowding and ways of effectively dealing with criminals and criminality, somewhere out there, there has to be some hope for the people of Hawaii, that there is some intention to also safeguard them and their children and their families and to protect them from what I consider to be one of the most dangerous criminals here. I believe that the worries over bureaucracy, that the concerns about people having paid their debt to society and we continue to label them, are small compared to the kind of safety we can provide by simply giving law enforcement the tool of information that they need.

"That's what this measure does, and I hope that my colleagues will support it.

"Thank you."

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

"I think if we, those of us that are parents or might someday be parents and have the possibility or the occasion where one of our children was taken advantage of by a sex offender, and the possibility truly exists in every community in the State, that we might be taking a different action for those that have been opposing this bill. There is the possibility that this could occur.

"All this bill does is, if a child is molested in the park in a certain community and there tends to be a trend as to where this is happening, when this is happening, the police has the ability now to go to the books and look at those that have been registered and find out if there are any sex offenders that live in that community. This gives them a start. This gives them the ability to go to this person's home and ask them ... where were you on the day that this took place? I think this gives them a tool that is absolutely necessary to follow-up. If there's nothing wrong and the child was not molested by that person, then that person goes on and lives his life and no one in the community knows who that person is or was. That is not released, but at least the Police Department has a start.

"All the evidence that was given at the hearing is that this is the type of action that is not the same as murder. It is not the same as other crimes. The person who murders someone very possibly could not commit five hundred murders previous to that murder. The person who commits this type of crime could very well, the evidence shows, commit this crime over and over again before being caught. That places this offense in a very different category from other offenses.

"I think the police need the opportunity to protect our children and those that might have this type of action taken against them.

"Thank you."

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

Representative Saiki's remarks are as follows:

"Mr. Speaker, I rise in opposition to S.B. No. 443. Although I realize that the public is demanding control

over sex offenders, I cannot support this bill for three reasons.

"First, I believe this bill is unconstitutional because it constitutes an ex post facto law. Article I, Section 10 of the United States Constitution states in pertinent part that '[n]o State shall ... pass any ... ex post facto law.' Generally, this constitutional provision precludes a state from enacting a statute that increases the punishment for a crime after it has already been committed. State v. Nakata, 76 Haw. 360, 375 (1994). The purpose of this restriction is twofold. First, the ex post facto clause ensures that individuals will be given fair warning of prohibited conduct; and second, restricts arbitrary and vindictive governmental action. People v. McVickers, 13 Cal.Rptr.2d 850, 852 (1992).

"The registration requirement proposed in this bill violates the ex post facto clause because it provides for retroactive punishment. If this bill is enacted, it will apply to individuals who committed felony sexual assault offenses ten years prior to its effective date. It will also apply to persons who after serving sentences for a felony sexual assault, were released from a jail, prison, hospital, school, or other institution within ten years prior to the effective date.

"Individuals who were convicted and/or released over ten years ago would have received no notice of this registration requirement. More significantly, individuals who plead guilty to their felony sex offense charges would have done so without similar warning. As such, the issue of whether their pleas were voluntary and knowing will undoubtedly arise.

"A registration requirement constitutes punishment because 'the ignominious badge carried by the convicted sex offender can remain for a lifetime.' In re Birch, 110 Cal.Rptr. 212, 217 (1973). Under this bill, an individual's privacy is virtually eliminated. The bill calls for reporting of the individual's whereabouts even if he or she is on an extended neighbor island vacation, for example, as well as places of employment and vehicle registration information. An individual who fails to report any of the enumerated information will be guilty of a misdemeanor.

"I cannot support this bill for a second reason. At no time during our Committee proceedings did we receive an empirical basis for some of the major presumptions behind this legislation. For example, a major thrust behind this legislation is a belief that sex offenders are likely to recommit similar offenses. However, to my belief, the Judiciary Committee did not receive any expert testimony nor statistical information supporting this premise. I generally believe that such unsubstantiated assumptions do not lead to sound policymaking.

"My third reason relates to my second. If it is true that sex offenders tend to repeat their crimes, then our resources should be geared towards preventing such occurrences. This bill simply accommodates law enforcement officials after a sex offense has been committed. It does not prevent crime. On the other hand, because the registration requirement may not be conducive to rehabilitative efforts, it may be entirely possible that registration may instead exacerbate criminal tendencies. Again, the Judiciary Committee was not made aware of any evidence indicating that such a registration requirement will deter criminal behavior.

"Mr. Speaker, while I readily acknowledge the public's concern of crime and, in particular, sex-related offenses, I cannot support this bill for the aforementioned reasons.

"Thank you."

Representative Pepper, in rebuttal, stated:

"I think that the Minority Leader has misunderstood my speech. I'm extremely concerned about sex offenders and about repeat offenders. I believe, however, that the mechanisms are in place which provide opportunities to appropriately control such individuals, and that everytime we have a problem the solution is not to open the door to restricting not only the problem person's freedom, but the Minority Leader's freedom and mine.

"The problem, Mr. Speaker, is the slippery slope of losing our freedoms piece by piece because we want to solve problems in simple ways.

"Thank you, Mr. Speaker."

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

"I'm not terribly concerned about the slippery slope. I think we've seen a slope in another direction.

"When it comes to protection of our communities, I think we do need to have these safeguards. This registration process simply affords the police officers and law enforcement agencies to adequately protect our society, and I think if that's a slippery slope, well let's slip all the way we can.

"Thank you."

Representative Takai then rose to speak against the bill and requested that Representative Saiki's written remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Ward then rose and stated:

"Mr. Speaker, I just want to add a couple of ball scores because I told you I was impressed with the numbers that were on this, at least in the Finance Committee, they were really unequivocal.

"The ball scores are this. We've got five thousand sex offenders right now on the books; in fact, it's almost six thousand. If the studies that were scientifically done are exact and they do commit five hundred per year at sex twice a week, generally speaking, that means there are 2.5 million sex offenses waiting to happen.

"Now, if this bill prevents even a small fraction of those, Mr. Speaker, it will have done its good. But the data says they are there, that they are almost an incorrigible group until we know more in social or other psychological terms, can we decrease the recidivism now or actually increase it. The ball scores are very exact and very clear.

"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. 443, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDERS," having been read throughout, passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives Hamakawa, Pepper, Saiki, Shon, Takai, Yonamine and Yoshinaga voting no, and Representative Marumoto being excused.

Stand. Com. Rep. No. 1505 and S.B. No. 588, SD 2, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the

Committee was adopted and S.B. No. 588, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

Stand. Com. Rep. No. 1506 and S.B. No. 858, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 858, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE BENEFIT PLANS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

Stand. Com. Rep. No. 1507 and S.B. No. 1028, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1028, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A REPRESENTATIVE PAYEE SYSTEM," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

Stand. Com. Rep. No. 1508 and S.B. No. 1245, SD 2, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1245, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

Stand. Com. Rep. No. 1509 and S.B. No. 1559, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1559, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Ward rose to speak against the bill, stating:

"Mr. Speaker, this bill is a tax increase bill. The only difference is that it's coming in the back door, it's coming in the county door, and it's a tax on new vehicles of which we, having promised no new taxes, will have it laid at our door.

"I think it's not a good precedent. It's the same way we snuck in the mass transit tax. We said, okay counties, you can raise the taxes; we won't do it. I think we're doing the same thing with this bill. It's not good public policy.

"Thank you."

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

"As this is a tax increase, I will be voting against it.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1559, 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 45 ayes to 5 noes, with Representatives Anderson, Kawananakoa, Meyer, Thielen and Ward voting no, and Representative Marumoto being excused.

Stand. Com. Rep. No. 1510 and S.B. No. 1695, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1695, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRECINCT OFFICIALS AND OTHER ELECTION DAY OFFICIALS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

Stand. Com. Rep. No. 1511 and S.B. No. 1701, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1701, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

The Chair directed the Clerk to note that S.B. Nos. 82, 432, 443, 588, 858, 1028, 1245, 1559, 1695 and 1701 had passed Third Reading at 1:27 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1534) recommending that S.B. No. 493, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1534 and S.B. No. 493, 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. 493, 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. 1535) recommending that S.B. No. 1749, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1535 and S.B. No. 1749, 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. 1749, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1536) recommending that S.B. No. 961 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 961, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1537) recommending that S.B. No. 1381 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1381, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM COMMERCIAL CODE ARTICLE 3," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1538) recommending that S.B. No. 1638 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1638, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1539) recommending that S.B. No. 1722 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1722, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF CAPITAL OF A FINANCIAL INSTITUTION," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1540) recommending that S.B. No. 1723 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1723, entitled: "A BILL FOR AN ACT RELATING TO CONSENT ORDER OF REMOVAL OR PROHIBITION FOR ANY FINANCIAL INSTITUTION-AFFILIATED PARTY," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1541) recommending that S.B. No. 1725 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1725, entitled: "A BILL FOR AN ACT RELATING TO SUBMISSIONS TO THE COMMISSIONER OF FINANCIAL INSTITUTIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1542) recommending that S.B. No. 1726 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1726, entitled: "A BILL FOR AN ACT RELATING TO CLARIFYING THE REQUIREMENTS OF THE CODE OF FINANCIAL

INSTITUTIONS AS IT RELATES TO THE HAWAII BUSINESS CORPORATION ACT IN CONVERSION, MERGER, OR CONSOLIDATION SITUATIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1543) recommending that S.B. No. 1727 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1727, entitled: "A BILL FOR AN ACT RELATING TO FORMS OF DEPOSIT IN HAWAII FINANCIAL INSTITUTIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1544) recommending that S.B. No. 1728 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1728, entitled: "A BILL FOR AN ACT RELATING TO POWERS OF TRUST COMPANIES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1545) recommending that S.B. No. 1729 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1729, entitled: "A BILL FOR AN ACT RELATING TO CHANGES TO THE FIELD OF MEMBERSHIP OF HAWAII CREDIT UNIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1546) recommending that S.B. No. 1747 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1747, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1547) recommending that S.B. No. 433, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 433, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDOWMENT FUNDS," passed Second Reading and was placed on the calendar for Third Reading.

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

Com. Rep. No. 1548) recommending that S.B. No. 526, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 526, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1549) recommending that S.B. No. 532, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 532, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURES IN REAL ESTATE TRANSACTIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1550) recommending that S.B. No. 958, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 958, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITORY FINANCIAL SERVICES LOAN COMPANIES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1551) recommending that S.B. No. 959, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 959, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED INSURANCE LICENSES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1552) recommending that S.B. No. 960, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 960, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1553) recommending that S.B. No. 1368, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1368, SD 1, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES IN REAL ESTATE TRANSACTIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1554) recommending that S.B. No. 1744, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1744, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM LICENSING REQUIREMENTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1555) recommending that S.B. No. 1897, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1897, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1556) recommending that S.B. No. 1721 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and S.B. No. 1721, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE ORGANIZATIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1557) recommending that S.B. No. 1753 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and S.B. No. 1753, entitled: "A BILL FOR AN ACT RELATING TO CLIENT REFERRALS BETWEEN ATTORNEYS AND HEALTH CARE PROVIDERS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1558) recommending that S.B. No. 1560, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and S.B. No. 1560, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1559)

recommending that S.B. No. 1732, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and S.B. No. 1732, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING RECORDS OF MASSAGE THERAPISTS AND MASSAGE THERAPIST APPRENTICES," passed Second Reading and was placed on the calendar for Third Reading.

ANNOUNCEMENTS

Representative Pepper: "I want to announce that on KITV Channel 4, from 9:00 to 10:00 tonight, will be an ABC news special, entitled: **America's War on Drugs; Searching for Solutions.** I have been told that this is a very balanced presentation and it is a terrible problem for our entire community, and I urge the legislators to watch this program tonight."

Representative Kawakami then rose and requested waiver of the 48-hour hearing notice requirement to hear S.B. Nos. 887 and 1905, SD 2, HD 1, and reconsideration of decision previously made on S.B. Nos. 262; 1568, SD 2, HD 1; and 942, SD 1, HD 1, today in Room 908, beginning at 2:00 p.m., and S.B. No. 1461, SD 2, HD 1, to be heard on Friday at 1:00 p.m., and the Chair "so ordered."

Representative Ward: "There will be a Minority caucus immediately after session."

ADJOURNMENT

At 1:30 o'clock p.m., on motion by Representative Amaral, seconded by Representative Thielen and carried, the House of Representatives adjourned until 5:00 o'clock p.m. tomorrow, Friday, April 7, 1995.

FORTY-SIXTH DAY

Friday, April 7, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 5:00 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Robert N. Herkes, after which the Roll was called showing all members present with the exception of Representatives Isbell, Marumoto, M. Oshiro, Takamine, Takumi and Tarnas, who were excused.

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

On motion by Representative Amaral, 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 MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 218 to 221) were read by the Clerk and were placed on file:

Gov. Msg. No. 218, informing the House that on April 5, 1995, he signed the following bill into law:

Senate Bill No. 1594 as Act 9, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY."

Gov. Msg. No. 219, informing the House that on April 5, 1995, he signed the following bill into law:

Senate Bill No. 1680 as Act 10, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR HEALTH."

Gov. Msg. No. 220, transmitting copies of a report prepared by the Department of Business, Economic Development, and Tourism (DBEDT) on its loan programs, as required under the following statutes:

Section 210-8, HRS, requires an annual report on the progress made under Chapter 210, the Hawaii Capital Loan Program.

Section 189-26, HRS, requires an annual report on the progress made under Chapter 189, Part II, the Large Fishing Vessel Purchase, Construction, Renovation, Maintenance and Report Loan Program.

Section 189-46, HRS, requires an annual report on the progress made under Chapter 189, Part IV, the Hawaii Small Fishing Vessel Loan Program.

Section 209-5, HRS, requires an annual report from the Rehabilitation Coordinator. However, since DBEDT administers the Disaster Commercial and Personal Loan Program, an annual report on its progress is presented.

Chapter 211E, HRS, does not require an annual report, however, DBEDT included the Hawaii Innovation Development Program as part of their loan annual report.

Act 384, Session Laws of Hawaii 1988, requires an annual report on the progress made under Chapter 7, the Molokai Loan Program.

The separate reports have been consolidated into a single presentation and cover the calendar year ending December 31, 1994.

Gov. Msg. No. 221, transmitting copies of the **Tourism Marketing Council's Annual Marketing Report to the Legislature**, which was prepared by the Department of Business, Economic Development, and Tourism as required by Hawaii Revised Statutes 201-94, SLH 1994.

At 5:24 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 5:40 o'clock p.m., Representative Alcon introduced Alicia Alcon, his daughter, and her friend, Susan Arakaki.

STANDING COMMITTEE REPORTS

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1560) recommending that S.B. No. 1256, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1560 and S.B. No. 1256, 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. 1256, SD 2, HD 2, were made available to the members of the House at 5:00 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1561) recommending that S.B. No. 6, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 6, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," 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. 1562) recommending that S.B. No. 85, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

"On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 85, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," 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. 1563) recommending that S.B. No. 159, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 159, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Thielen.

Representative Kawanakoa rose to speak in support of the bill, with reservations, stating:

"I just want to note for the rest of the members of the House that what we're doing with this particular bill ...

while it does say extend the sunset in the title of the bill, what we have done by amendment is to completely take out the sunset provision.

"This is with regard to the expedited sentencing of, I guess, sexual abuse, child molestation, and intra-family situations. It may be a good program, it may not be a good program, but all of the statistics are not in yet, and I would feel much more comfortable in revisiting this particular expedited sentencing program in the following year or the year after.

"I think it's a bit imprudent for us to move so quickly and to take away the sunset altogether.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 159, 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 Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1564) recommending that S.B. No. 337, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 337, 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. 1565) recommending that S.B. No. 431, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 431, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," 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. 1566) recommending that S.B. No. 722, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 722, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS," 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. 1567) recommending that S.B. No. 945, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 945, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Thielen.

Representative Meyer rose to cast her no vote, stating:

"Because the prison systems are so very overcrowded right now and we've had any number of bills introduced that are trying to manage the population, I feel that to single out this one group of lawbreakers and throw them in jail for six months is a little heavy.

"Thank you."

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

"Mr. Speaker, my concern is that we're really sending a very strange message. We're saying that if you engage in prostitution, you'll go to jail for six months, but if you engage in domestic violence, you're only going to be jailed for 48 hours. I think it's very difficult to reconcile those messages.

"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. 945, 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 with Representatives Anderson and Meyer voting no.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1568) recommending that S.B. No. 1254, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1254, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1569) recommending that S.B. No. 1286, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1286, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Thielen.

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

"I just wanted to note that I am very pleased to see this sort of legislation being passed where we don't have the appearances of impropriety by the hiring of legislators or other employees of legislators by the private business to come here and lobby us once they've retired their seat.

"I would also like to see this bill further expanded. Right now, subsection (d) of page 2 of the draft does not prohibit any agency from contracting with a former Representative or employee. I'm not sure why we give the exclusion to a state agency. They should not be here lobbying unfairly with improper due influence.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1286, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRICTIONS ON POST EMPLOYMENT," 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. 1570) recommending that S.B. No. 1771, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1771, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF CHILD SUPPORT THROUGH INCOME WITHHOLDING," 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. 1571) recommending that S.B. No. 1773, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1773, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXTRADITIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Tom and McMurdo, for the Committees on Judiciary and Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1572) recommending that S.B. No. 92, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and S.B. No. 92, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTHFUL OFFENDERS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1573) recommending that S.B. No. 927, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 927, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1574) recommending that S.B. No. 1912, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1912, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD TENANT CODE," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1575) recommending that S.B. No. 487, SD 1, as amended in

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

Representative Amaral moved that the joint report of the Committees be adopted and S.B. No. 487, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Thielen.

Representative Meyer rose to register her no vote, stating:

"I feel that this bill is one that many of the members of this chamber are familiar with because a very similar bill passed in 1991 and another one in 1993 that extended the length of this divorce bill.

"I feel that it is anti-competition, it is harmful to consumers because we don't have open and free competition in the marketplace. We've already had three studies done in the last four years, all of them have conclusively said that divorce is a bad thing for the marketplace.

"Now this bill, as it's been amended, is certainly a far improvement over what it was originally. It's still anti-competition and is requiring another very large, extensive study and I feel that it is bad legislation.

"Thank you, Mr. Speaker."

Representative Yamane then rose to speak in support of the bill, with reservations, stating:

"Even though I am entering an aye with reservations, I would like to commend the Chair because this bill that was passed out of Committee and that you see before you is a vast improvement and, hopefully, this divorce will end within two years.

"Thank you."

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

"I would also like to commend the Chair for all his hard work on this particular bill in trying to find the median between the two disagreeing parties. However, I'll have to cast a no vote on this matter.

"Thank you."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 487, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Meyer, McMurdo and Kawanakoa voting no, and Representative Swain voting aye with reservations.

Representatives Menor, Tom and Say, for the Committees on Consumer Protection and Commerce; Judiciary; and Finance, presented a joint report (Stand. Com. Rep. No. 1576) recommending that S.B. No. 1762, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and S.B. No. 1762, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," 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. 1577) recommending that S.B. No. 1375, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1375, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Thielen.

Representative Ward rose to cast his no vote, stating:

"Mr. Speaker, the First Amendment -- the freedom of the press -- includes **The Honolulu Advertiser** and includes **The Honolulu Star-Bulletin**.

"This bill that has resurrected from a previous bill whereof these reporters, who are here or in the back of us, were requested that their assets be shown. And now this bill says ... well, we don't want your assets you reporters, we want the financial statements of your bosses or your owners.

"The unfortunate message is that this bill is when you don't like the message, you want to kill the messenger. It's continually evolving and I think it's an incursion against what the media is and stands for according to the Constitution and, hopefully, it will phase off every year a little bit farther into the sunset the way it has done this year. It keeps coming back and, hopefully, it will keep getting voted down.

"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. 1375, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Anderson, Garcia, Kawanakoa, Meyer, Shon, Thielen and Ward voting no.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1578) recommending that S.B. No. 1828, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1828, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," 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. 1579) recommending that S.B. No. 84, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEALERS," 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. 1580) recommending that S.B. No. 158, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 158, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," 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. 1581) recommending that S.B. No. 334, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 334, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONRESIDENT VIOLATOR COMPACT," 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. 1582) recommending that S.B. No. 1521, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1521, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA DISCOVERY," 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. 1583) recommending that S.B. No. 1778, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1778, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," 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. 1584) recommending that S.B. No. 171, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 171, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM INFORMATION PRACTICES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1585) recommending that S.B. No. 562, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 562, 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.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1586) recommending that S.B. No. 944, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 944, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY LAUNDERING," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1587) recommending that S.B. No. 365, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 365, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Thielen.

Representative Cachola rose and requested a conflict ruling, saying that he has a close family relative who is a contractor, and the Chair ruled "no conflict."

Representative Thielen rose and requested a conflict ruling, saying that she comes from a contracting family and that her son is head of a small contracting business, 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. 365, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATED INDUSTRIES," passed Second Reading and was placed on the calendar for Third Reading with Representative Meyer voting no, and Representatives Swain and Thielen voting aye with reservations.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1588) recommending that S.B. No. 500, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 500, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1589) recommending that S.B. No. 1161, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1161, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAVINGS BANKS INVESTMENTS," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1590) recommending that S.B. No. 1745, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and S.B. No. 1745, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1591) recommending that S.B. No. 807, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 807, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Takamine, for the Committee on Water and Land Use Planning, presented a report (Stand. Com. Rep. No. 1592) recommending that S.B. No. 15, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 15, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Thielen.

Representative Thielen rose to speak against the bill, stating:

"The concern with this bill is that it is telling the Land Use Commission that it must -- mandatorily must -- issue a decision within 365 days unless there is an intervenor, or a time extension is stipulated by the parties.

"There can be instances where the Land Use Commission will be dealing with a very complex major issue and one of the parties -- the applicant to the proceeding -- would refuse to stipulate to the extension. If there's not an intervenor, this would mean that the Land Use Commission will be forced to issue a decision where it may not be ready to do so. I don't think we will then get sound, thoughtful decisions. Instead, we will get decisions that are dictated by a calendar.

"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. 15, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," 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. 1593) recommending that S.B. No. 639, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 639, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Takamine, Shon and Santiago, for the Committees on Water and Land Use Planning; Energy and Environmental Protection; and Ocean Recreation and Marine Resources, presented a joint report (Stand. Com. Rep. No. 1594) recommending that S.B. No. 1645, SD 1,

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

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and S.B. No. 1645, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 183C," passed Second Reading and was placed on the calendar for Third Reading.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1595) recommending that S.B. No. 1367, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1367, HD 1, entitled: "A BILL FOR AN ACT REAL ESTATE SALES," 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. 1596) recommending that S.B. No. 872 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 872, entitled: "A BILL FOR AN ACT RELATING TO A SECTION OF THE HAWAII REVISED STATUTES AMENDED BY ACT 221, SESSION LAWS OF HAWAII 1994," 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. 1597) recommending that S.B. No. 873, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 873, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A SECTION OF THE HAWAII REVISED STATUTES AMENDED BY ACT 8, SPECIAL SESSION LAWS OF HAWAII 1993," 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. 1598) recommending that S.B. No. 1806, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1806, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE GOVERNMENT FUNCTIONS," 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. 1599) recommending that S.B. No. 1797, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1797, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, a laborer is worthy of his or her wages, and those who work for the government of the State of Hawaii are worthy of their wages. They work hard; they make us look good; they do the job of servicing the 1.2 million people in the State of Hawaii. But I ask you and all of my colleagues ... can we afford an eight percent increase in their wages?"

"This is a two percent raise over the next four years, or an eight percent raise which now, with the \$350 million deficit, even Judge Moon, even to this day I understand, Mr. Speaker, unless this is rumor, has either called for or asked for the removal or the holding of any Judiciary salary increases. He has voluntarily pulled that back and I commend him.

"The question is ... can we afford this and should we be raising by eight percent anyone's wages as we here, in that resolution, asked that our wages not be raised? So should we be making exceptions, and should we be paying when in effect the cupboard is bare?"

"Thank you, Mr. Speaker."

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

"With an eight percent increase over a four-year period at a time when we have a possible \$350 million deficit, \$12 million is a lot of money. And I don't see how we can, in good conscience, pass 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. 1797, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representative Meyer voting no.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1600) recommending that S.B. No. 1930, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1930, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Thielen.

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

"It is very important to dredge the Ala Wai Canal, Mr. Speaker, because I am afraid that Representative Yoshinaga may cross the canal over and over again.

"Thank you very much."

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

"This is about the only environmental bill left this session and I think we should pass it.

"Thank you."

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

"This is very, very important for the future of tourism in this state. It's important for Waikiki, for Moiliili, for that whole area, and it certainly will be an asset to any convention center if we don't have garbage and orange peels floating right past where the people are walking on the promenade.

"I'd like to thank Chairman Calvin Say and his Committee for having the foresight to pass this bill out.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1930, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI CANAL," passed Second Reading and was placed on the calendar for Third Reading.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1601) recommending that H.R. No. 295 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 295, entitled: "HOUSE RESOLUTION REAFFIRMING THE LEGISLATURE'S COMMITMENT AND URGING THE GOVERNOR AND THE UNIVERSITY ADMINISTRATION TO INVOLVE STUDENTS IN THE BUDGET AND LEGISLATION OF THE UNIVERSITY OF HAWAII," was adopted.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1602) recommending that H.C.R. No. 319 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 319, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING THE LEGISLATURE'S COMMITMENT AND URGING THE GOVERNOR AND THE UNIVERSITY ADMINISTRATION TO INVOLVE STUDENTS IN THE BUDGET AND LEGISLATION OF THE UNIVERSITY OF HAWAII," was adopted.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1603) recommending that H.R. No. 219, as amended in HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 219, HD 1, entitled: "HOUSE RESOLUTION URGING THE PROMOTION OF DUAL-USE TECHNOLOGY," was adopted.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1604) recommending that H.C.R. No. 198, as amended in HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 198, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PROMOTION OF DUAL-USE TECHNOLOGY," was adopted.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report

(Stand. Com. Rep. No. 1605) recommending that H.R. No. 239, as amended in HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 239, HD 1, entitled: "HOUSE RESOLUTION URGING THE ADOPTION OF A STATEWIDE POLICY TO SUPPORT SMALL BUSINESS IN HAWAII," was adopted.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1606) recommending that H.C.R. No. 251, as amended in HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 251, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADOPTION OF A STATEWIDE POLICY TO SUPPORT SMALL BUSINESS IN HAWAII," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1607) recommending that H.C.R. No. 57, HD 1, be adopted.

By unanimous consent, consideration of Stand. Com. Rep. No. 1607 and H.C.R. No. 57, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.C.R. No. 57, HD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1608) recommending that H.C.R. No. 280, HD 1, be adopted.

By unanimous consent, consideration of Stand. Com. Rep. No. 1608 and H.C.R. No. 280, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.C.R. No. 280, HD 1, were made available to the members of the House at 5:00 o'clock p.m.

ANNOUNCEMENTS

Representative Okamura: "Copies of the bills and the Order of the Day will be on your desks by 12:00 o'clock tomorrow. And for the Majority members, there will be a Majority caucus at 10:00 a.m. in Room 1111."

Representative Ward: "The Minority will meet on Sunday at 1:00 p.m. in Conference Room 1008."

Representative Santiago then stated:

"Members, I want us to acknowledge in our presence today, one of our own who was honored at a luncheon by the National Association of Social Workers today, and this year's recipient of the National Association of Social Workers' Friend of Social Work is none other than our Suzanne Chun Oakland."

Representative Say then rose and requested waiver of the 48-hour hearing notice requirement for decision-making on S.B. No. 1720, SD 1, HD 1, immediately following session in Room 908, and the Chair "so ordered."

At 6:04 o'clock p.m., Representative Pepper asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:05 o'clock p.m.

Representative Amaral moved to keep the Journal open until 12:00 midnight this legislative day for the purpose of receiving Committee Reports and bills to be decked for Third Reading, seconded by Representative Thielen and carried.

At 6:06 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Standing Committee Reports.

STANDING COMMITTEE REPORTS

The following Standing Committee Reports (Stand. Com. Rep. Nos. 1609 to 1672) were received in the Clerk's Office up until 12:00 o'clock midnight this legislative day, and subsequent to its recessing at 6:06 o'clock p.m., the House of Representatives took the following actions:

Stand. Com. Rep. No. 1609 (HED) and S.B. No. 1433, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1610 (CPC) and S.B. No. 867, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A SECTION OF THE HAWAII REVISED STATUTES AMENDED BY ACT 268, SESSION LAWS OF HAWAII 1991," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1611 (CPC) and S.B. No. 926, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1612 (CPC) and S.B. No. 1742, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACISTS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1613 (CPC) and S.B. No. 1746, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A REQUIREMENT TO OBTAIN AN ACUPUNCTURE INTERN PERMIT," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1614 (CPC) and S.B. No. 1748, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1615 (FIN) and S.B. No. 310, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS AND THE AUTHORIZATION FOR ISSUANCE THEREOF," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1616 (FIN) and S.B. No. 1022, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS AND THE ISSUANCE THEREOF TO ASSIST NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1617 (FIN) and S.B. No. 1627, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

THE ESTABLISHMENT OF THE UNIVERSITY OF HAWAII GRADUATE APPLICATION REVOLVING FUND," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1618 (FIN) and S.B. No. 1699, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1619 (FIN) and S.B. No. 1712, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1620 (TRN) and S.B. No. 1320, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ROADSIDE HERBICIDE USE," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1621 (CPC) and S.B. No. 995, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE SCHOOLS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1622 (CPC) and S.B. No. 1743, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AN EXEMPTION FOR PHYSICAL THERAPIST SUPPORT PERSONNEL," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1623 (CPC/JUD) and S.B. No. 244, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1624 (CPC/JUD) and S.B. No. 1846, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO RADIATION SAFETY," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1625 (JUD/PSM) and S.B. No. 1766, HD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CORRECTIONAL CENTERS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1626 (JUD) and S.B. No. 288, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTERS AND FISHERMEN," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1627 (JUD) and S.B. No. 385, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO WELFARE FRAUD," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1628 (JUD) and S.B. No. 647, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1629 (JUD) and S.B. No. 828, SD 1, HD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1630 (JUD) and S.B. No. 865, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY IMMUNITY," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1631 (JUD) and S.B. No. 1291, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF THE STATE ETHICS CODE," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1632 (JUD) and S.B. No. 1642, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1633 (JUD) and S.B. No. 1814, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1634 (FIN) and S.B. No. 336, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER EDUCATION AND TRAINING FUND," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1635 (FIN) and S.B. No. 424, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1636 (FIN) and S.B. No. 458, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1637 (FIN) and S.B. No. 478, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ACCESSIBILITY OF STATE AND COUNTY BUILDINGS AND FACILITIES," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1638 (FIN) and S.B. No. 889, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO SPORTS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1639 (FIN) and S.B. No. 1331, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1640 (FIN) and S.B. No. 1410, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1641 (FIN) and S.B. No. 1520, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1642 (FIN) and S.B. No. 1674, SD 2, HD 1, as amended in HD 2, entitled: "A BILL

FOR AN ACT RELATING TO COMMUNITY HOSPITALS." were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1643 (FIN) and S.B. No. 1763, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1644 (FIN) and S.B. No. 1262, entitled: "A BILL FOR AN ACT RELATING TO THE SECONDARY MARKET SERVICES CORP.--HAWAII," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1645 (FIN) and S.B. No. 102, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1646 (FIN) and S.B. No. 396, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PERSONNEL OF PUBLIC SCHOOLS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1647 (FIN) and S.B. No. 596, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1648 (FIN) and S.B. No. 869, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO A SECTION OF THE HAWAII REVISED STATUTES AMENDED BY ACT 164, SESSION LAWS OF HAWAII 1991," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1649 (FIN) and S.B. No. 887, as amended in HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO SECTION 11 OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF HAWAII," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1650 (FIN) and S.B. No. 942, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1651 (FIN) and S.B. No. 987, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1652 (FIN) and S.B. No. 1298, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1653 (FIN) and S.B. No. 1650, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1654 (FIN) and S.B. No. 1670, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1655 (FIN) and S.B. No. 1717, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPORTING REQUIREMENTS FOR CAPTIVE INSURERS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1656 (FIN) and S.B. No. 1739, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1657 (FIN) and S.B. No. 1905, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FACILITIES," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1658 (FIN) and S.B. No. 1920, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE WAIKIKI AQUARIUM," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1659 (FIN) and S.B. No. 68, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1660 (FIN) and S.B. No. 550, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF SCHOOLS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1661 (FIN) and S.B. No. 1568, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BULK SALES," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1662 (FIN) and S.B. No. 593, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1663 (FIN) and S.B. No. 1336, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1664 (FIN) and S.B. No. 1910, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO TRANSFER THE DEL MONTE CAMP AT POAMOHO AND KUNIA FROM COMPANY HOUSING TO COLLECTIVE OWNERSHIP," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1665 (FIN) and S.B. No. 1509, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF VETERANS' SERVICES," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1666 (FIN) and S.B. No. 1720, SD 1, HD 1, entitled: "A BILL FOR AN ACT

RELATING TO BUSINESS REGISTRATION," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1667 (FIN) and S.B. No. 937, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1668 (FIN) and S.B. No. 1804, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1669 (FIN) and S.B. No. 1218, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1670 (FIN) and S.B. No. 1626, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1671 (FIN) and S.B. No. 1233, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE REGULATION," were placed on the calendar for Third Reading on Monday, April 10, 1995.

Stand. Com. Rep. No. 1672 (FIN) and S.B. No. 1461, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," were placed on the calendar for Third Reading on Monday, April 10, 1995.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m. on Monday, April 10, 1995.

FORTY-SEVENTH DAY

Monday, April 10, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 10:16 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Chaplain Wayne Andersen of the Castle Medical Center, 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-Sixth Day.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 440 to 445) were read by the Clerk and were placed on file:

Sen. Com. No. 440, transmitting S.C.R. No. 9, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO SUPPORT SENATOR DANIEL K. AKAKA'S FEDERAL LEGISLATION (S. 2428) TO PROVIDE FOR THE MANAGEMENT OF THE AIRSPACE OVER UNITS OF THE NATIONAL PARK SYSTEM," which was adopted by the Senate on April 7, 1995.

Sen. Com. No. 441, transmitting S.C.R. No. 22, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING USE OF THE STATE'S WAIPAHU CIVIC CENTER FOR AFTER HOUR MEETINGS," which was adopted by the Senate on April 7, 1995.

Sen. Com. No. 442, transmitting S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO EXERCISE THEIR BEST EFFORTS TO HAVE A NEW WAIPAHU POST OFFICE CONSTRUCTED," which was adopted by the Senate on April 7, 1995.

Sen. Com. No. 443, transmitting S.C.R. No. 76, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII, THE CITY & COUNTY OF HONOLULU, AND THE HAWAII VISITORS BUREAU, TO HEREAFTER USE THE NAME MOKOLI'I WHEN MAKING REFERENCE TO THE ISLAND MORE COMMONLY KNOWN AS CHINAMAN'S HAT," which was adopted by the Senate on April 7, 1995.

Sen. Com. No. 444, transmitting S.C.R. No. 127, entitled: "SENATE CONCURRENT RESOLUTION URGING CONTINUITY OF MENTAL HEALTH SERVICES FOR HIGH RISK SPECIAL EDUCATION CHILDREN," which was adopted by the Senate on April 7, 1995.

Sen. Com. No. 445, transmitting S.C.R. No. 288, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT LEGISLATION TO SAFEGUARD VETERANS' DISABILITY COMPENSATION AND SOCIAL SECURITY DISABILITY COMPENSATION FROM ELIMINATION, REDUCTION, OR TAXATION," which was adopted by the Senate on April 7, 1995.

By unanimous consent, further action on S.C.R. Nos. 9; 22, SD 1; 46; 76; 127 and 288 was deferred until later in the calendar.

At 10:20 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:26 o'clock a.m.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

| <u>S.C.R. Nos.</u> | <u>Referred to:</u> |
|--------------------|--|
| 9 | Committee on Transportation |
| 22 | Committee on Finance |
| 46 | Committee on Labor and Public Employment |
| 76 | Committee on Hawaiian Affairs and Housing, then to the Committee on Water and Land Use Planning |
| 117 | Committee on Health, then to the Committee on Finance |
| 127 | Committee on Health, then to the Committee on Education, then to the Committee on Finance |
| 234 | Committee on Human Services, then to the Committee on Finance |
| 262 | Jointly to the Committee on Water and Land Use Planning and the Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance |
| 269 | Committee on Health, then to the Committee on Tourism, then to the Committee on Finance |
| 270 | Committee on Health, then to the Committee on Tourism, then to the Committee on Finance |
| 288 | Committee on Human Services |
| 291 | Committee on Transportation, then jointly to the Committee on Water and Land Use Planning and the Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance |

COMMITTEE REASSIGNMENTS

The following Senate Concurrent Resolutions were referred as follows:

| <u>S.C.R. Nos.</u> | <u>Re-referred to:</u> |
|--------------------|--|
| 115 | Committee on Human Services |
| 249 | Committee on Water and Land Use Planning, then to the Committee on Finance |
| 308 | Committee on Judiciary |

SUSPENSION OF RULES

On motion by Representative Amaral, 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. 1534 and S.B. No. 493, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 493, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE REPORTING OF SCHEDULE II CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1535 and S.B. No. 1749, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1749, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYMENT STATUS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1560 and S.B. No. 1256, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1256, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HANSEN'S DISEASE," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 493, 1749 and 1256 had passed Third Reading at 10:28 o'clock a.m.

Stand. Com. Rep. No. 1607 and H.C.R. No. 57, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 57, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A LEASE FOR THE PRIVATE DEVELOPMENT OF CERTAIN FAST AND SUBMERGED LANDS AT KAWAIHAE, HAWAII, FOR MARINA PURPOSES," was adopted.

Stand. Com. Rep. No. 1608 and H.C.R. No. 280, HD 1:

Representative Amaral moved that the report of the Committee be adopted and H.C.R. No. 280, HD 1, be adopted, seconded by Representative Thielen.

Representative Isbell rose to speak against the concurrent resolution, stating:

"This relates to submerged lands at Honokohau and it's calling for the state to lease. . .the authorization to lease that property. I would like to suggest to you, Mr. Speaker, that this is a premature resolution.

"During the hearing, we found that it will take two years before they are even ready to lease, but there are

many things that need to be done first which includes determining where a channel should be because if we're going to expand Honokohau Harbor, it's just as if we're doing the same with the Ala Wai Canal. There's no outlet and where that outlet is going to be has been a big problem at Ala Wai so it's the same problem at Honokohau. And once that is determined, then I believe the people will be more in favor of it.

"I think that there should be an expansion at Honokohau but not until those kinds of things have been determined, and that would be my main concern. I have others but that would have to be my opposition, Mr. Speaker.

"Thank you."

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

"I duly respect the concerns of my neighboring Representative, and I share those concerns in that the public has not completely agreed upon and decided upon the location of the entrance channel to Honokohau. The state has had, in its master plan for Honokohau Harbor, an expansion of the basin for many, many years.

"In the great debate about the private marina development in West Hawaii, the consensus of fishermen, conservationists and others was that we need to expand existing facilities rather than build new ones. Expanding Honokohau is important. And I know because I am trained as a coastal planner, that there are great challenges in building any sort of marina.

"I understand that the community must be very closely involved in the design of the expansion and also the native Hawaiian groups, agencies, need to be involved in any decisions about ceded lands.

"I pledge to continue this process of community meetings and begin in earnest a very careful community-based planning effort to agree upon the scale of the harbor basin and the location of the entrance channel. And in these discussions, this would include and certainly not be limited to those folks who would be using the harbor and those who would be using the shoreline. And, of course, the great concerns would be addressed concerning historical sites.

"I would certainly encourage my colleagues to vote for this. I recognize that this is the beginning of a process, and I pledge to carry this through so it would indeed be a community-based planning effort.

"Thank you very much, Mr. Speaker."

Representative Thielen then rose and asked that a no vote be cast for her, and the Chair "so ordered."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 280, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A LEASE FOR THE PRIVATE DEVELOPMENT OF CERTAIN FAST AND SUBMERGED LANDS AT HONOKOHAU, HAWAII, FOR HARBOR EXPANSION AND RELATED PURPOSES," was adopted, with Representatives Isbell and Thielen voting no.

Stand. Com. Rep. No. 1609 and S.B. No. 1433:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1433, entitled: "A

BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1610 and S.B. No. 867, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 867, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, I rise as the proud father of an adopted child that will be covered by this bill, which means it will be very timely for those of us who have chosen the adoption route of which took 24 months of our time. Interestingly, Mr. Speaker, it was 24 months ago that I similarly introduced a bill like this and, fortunately, they both arrived on time. This is the first step in the adopted child's bill of rights.

"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. 867, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A SECTION OF THE HAWAII REVISED STATUTES AMENDED BY ACT 268, SESSION LAWS OF HAWAII 1991," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1611 and S.B. No. 926:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 926, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1612 and S.B. No. 1742, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1742, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACISTS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1613 and S.B. No. 1746, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1746, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A REQUIREMENT TO OBTAIN AN ACUPUNCTURE INTERN PERMIT," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1614 and S.B. No. 1748, SD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1748, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1433, 867, 926, 1742, 1746 and 1748 had passed Third Reading at 10:35 o'clock a.m.

Stand. Com. Rep. No. 1615 and S.B. No. 310, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 310, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS AND THE AUTHORIZATION FOR ISSUANCE THEREOF," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1616 and S.B. No. 1022, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1022, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS AND THE ISSUANCE THEREOF TO ASSIST NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1617 and S.B. No. 1627, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1627, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE UNIVERSITY OF HAWAII GRADUATE APPLICATION REVOLVING FUND," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1618 and S.B. No. 1699, SD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1699, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1619 and S.B. No. 1712, SD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1712, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1620 and S.B. No. 1320, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1320, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ROADSIDE HERBICIDE USE," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1621 and S.B. No. 995, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 995, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE SCHOOLS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1622 and S.B. No. 1743, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1743, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AN EXEMPTION FOR PHYSICAL THERAPIST SUPPORT PERSONNEL," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 310, 1022, 1627, 1699, 1712, 1320, 995 and 1743 had passed Third Reading at 10:36 o'clock a.m.

Stand. Com. Rep. No. 1623 and S.B. No. 244, SD 1, HD 2:

By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 1624 and S.B. No. 1846, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1846, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RADIATION SAFETY," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1625 and S.B. No. 1766, HD 1:

Representative Amaral moved that the joint report of the Committees be adopted and S.B. No. 1766, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Herkes rose to speak against the bill, stating:

"Mr. Speaker, what is the Department of Public Safety's job? They have the responsibility of custody of detainees of all types. Their officers are trained to handle prisoners; they are trained in detention; they are trained to prevent suicides; and they are trained to prevent escapes. Police officers don't necessarily have this same level of training.

"The counties used to operate jails. The Legislature, some years ago, in its wisdom transferred facilities, funding and responsibility of the detention of prisoners to the state.

"Now, as a member of the Prison Population Commission, I understand the problems of prison overcrowding. We have no place to put people, and they all have to share some responsibility in that. The community says we don't want any more jails in our backyards; the Legislature has been reluctant to fund more beds. So, in answer to that, the Commission came up with a series of recommendations. The majority of those recommendations have the safety of the community in mind. Senate Bill 1766 does not.

"Now, for background, the department searched for a number of ways to reduce prison population. 'Look here,' they said, 'on the islands of Hawaii and Kauai, we are handling pre-arraignment detainees. We'll solve our problem. We won't handle them anymore.' Now the problem has gone away. Well, the problem has not only gone away for the community, but the problem of public safety has not gone away.

"The sad part about this is that the county and the department were working together at the county level, and

they were helping each other out. But, unfortunately, the order comes down from above not to handle these pre-arraignment detainees, circumvents the work in the field, circumvents the work that Judge Ricky Amano is doing and continues to do by bringing together all segments of the criminal justice system on the Big Island. All that is out the window because 'big brother' decided that some other guy was going to handle it.

"The department's attitude is out of sight, out of mind. As a result, the county sues the state. Now, I did not support that ... I don't support lawsuits between counties and the state. Both sides said, well it's just a friendly suit to determine what the law really says. So the county prevails. The county rules the suit. Now this is a state judge and a state court that rules against the state, not a county judge. And the judge ruled it is the state's responsibility. Now, this puts the state in a real pickle. They've gone out on a limb -- now they've lost in the court of law.

"If this decision holds, then the City and County of Honolulu can take the same position that Hawaii county did and require the state to house pre-arraignment detainees here in the City and County. This is an enormous problem for the state.

"So the state appeals the ruling to the Supreme Court. Now the state, not being sure of their position, comes running to the Legislature to bail them out of a mess that they got themselves into in the first place.

"Here is a legal dispute under appeal, so we change the law to satisfy the appellant. How many times does this ever happen? Does this create a precedent that when the state is sued, we change the law to guarantee that we will prevail? This is bad public policy.

"Lost in all of this is the matter of public safety. Right now on the Big Island, there are no outstanding warrants because the state is abiding by the court order and they are accepting all the pre-arraignment detainees. On the Big Island, there are fifty to seventy a month; the Hilo jail has five cells. When you have a mix of prisoners between male and female, one of those cells in between them has to be empty so that leaves four. Those cells were built just to detain people for a few hours. Who feeds them? Well, when that happens, the state supplies the food. What's going to happen when we pass the bill is that the county is not going to be able to handle the pre-arraignment detainees and as a result, they will be picked up. Now the people in the affected district could have worked it out but in my view, instead, the Department of Public Safety made a very serious error in judgment.

"Sorry folks, this Representative says go get yourself out of your own mess. You opened the cover to the pickle jar and you climbed right on in and you're in a pickle. What you ought to do is stick to your job of providing public safety involving all detainees.

"One last point, Mr. Speaker. How can the Attorney General objectively rule on this bill prior to making a recommendation to the Governor for signature when they represent the defendant appellant in this case?

"Thank you."

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

"Mr. Speaker, I think my learned colleague -- the previous speaker -- has outlined the problem very, very well for all of us and highlights part of the tension between a state function and a county function in dealing with pretrial detainees. I am grateful that one of the

things we have going for us is that we have a Corrections Population Management Commission that can deal with these problems in a deeper way than perhaps we deal with them here.

"However, that set aside, I need to support this measure because, for one thing, Mr. Speaker, what it does is, it serves to clarify what we believe to be an obscure writing of the law. The intention is to draw a clear line between the county and the state and who is responsible for what system. Whether we like where that line is drawn or not, at least now, should this measure move forward, it will be clear as to what the county's responsibility is from the state.

"I point out also that not only is there a clarifying language in the Standing Committee Report, but the committee report refers to the original master plan around prison management that was created, and in looking through that master plan I note that part of the vision for those people who have not yet been arraigned, as well as pretrial detainees, was to allow for short-term community-based residential intake centers. It is an opportunity for the counties to diagnose what the needs are of that pretrial arraignment person to see whether or not long-term counseling or servicing are needed for that person, to see if that person should be put into a non-detention pretrial program prior to their appearance in court, and to create responses that are basically community-based. That goes a long way into filling the prison system with people that actually don't belong there, giving the power back to the counties, giving the control back to them, and helping the counties to better assess who it is they've got in their community.

"With respect to not enough beds or not enough cells, certainly that's something we have to work on, and I think the state is committed to assisting the counties with that in the long run. But I believe that this is a significant step towards trying to fulfill the dream that was in the original corrections master plan and, therefore, I support this measure.

"Thank you."

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

"First of all, I want to state that I understand and can appreciate and empathize with the feelings expressed by the good Representative. In fact, this was probably one of the most difficult decisions that I had to make this year because I could have slipped in a bill that we were concerned with that didn't even mention pretrial detainees or pre-arraigned detainees.

"But, Mr. Speaker, in my study of it, it is clear to me anyway that the intent of the Hawaii Correctional Master Plan was very clear, and that was that the county was supposed to be responsible for the pre-arraigned detainees. That, to me, was very clear. And why it was very clear today, Mr. Speaker, is that Maui county and Honolulu are still taking care of their pre-arraigned detainees. They know what the master plan was. In fact, Mr. Iranon who then was on the Big Island realized what the master plan was. We can argue about this all day, but I think the counties understand. I think what we've tried to emphasize to the state and to the counties is that we have to collaborate, we've got to cooperate. Maybe the state was too benevolent for a couple of years, taking care of the counties and what have you.

"It's still doing it for Kauai county, and Kauai even recognizes the fact that they don't have holding cells but when they do and have the money, that they're going to do it too.

"It's a matter of economics. Let's be blunt about it. It's a matter of economics and I think I have a responsibility to think of the entire state and not merely county by county. I cannot do that. And as far as I am concerned, if Maui and Honolulu were to take the same steps now on this case as was done on the Big Island, the state would have to lose another seven to eight million dollars, and I could not risk that at this time because I know what the initial intent was of the master plan.

"I just wanted to point out that I think it is very important that we keep working together, we keep collaborating because the Representative is right -- public safety is at stake.

"So I just had to say that this Committee did make it very clear in its intent. The Committee wanted to make it very clear and I think now it is very clear in this statute now as we proposed it.

"One final thing about the courts. Courts are made up of men and women, too. That's why we have the appeal process, and I'd like to see this thing go to the Supreme Court because I think that we have to find out whether the state was right or wrong, and this was one man's opinion that the state was wrong, and I don't think that's enough at this point in this case in my reading of the law.

"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. 1766, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CORRECTIONAL CENTERS," having been read throughout, passed Third Reading by a vote of 40 ayes to 11 noes, with Representatives Chang, Hamakawa, Herkes, Isbell, Lee, Saiki, Takai, Takamine, Tarnas, Thielen and Ward voting no.

Stand. Com. Rep. No. 1626 and S.B. No. 288, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 288, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, this bill came to our Committee along with Water Land in which we reluctantly added a great many conditions to this bill as to whether or not it would proceed at all. One little legal comment I just noticed is that while we took out all references to fishermen, the title still says, fishermen. I don't know what that does to the legal status of the bill; however my concerns are for merely this.

"We were very reluctant to grant to the hunting community a right of privilege which was not granted to recreational communities or anyone else. And one of the dynamics of this had to do with whether or not someone who happens to be hiking in an area, by virtue of their simply hiking, might not indeed interfere with the ability of someone to take game. Mr. Speaker, in my younger years I was a deer hunter, and I can tell you anyone walking around in the wilderness can interfere with you taking game, that being very quiet sometimes and still is essential for successful hunting.

"As this bill left our Committee, it made it very clear that any of these conditions that you see on page 1 would have had to make it impossible to take game. Now it is

substantially more difficult to take game. And also, we had added a provision which very explicitly told the Department of Land and Natural Resources that this was not intended and shall not be implemented in any way that would interfere with anyone's First Amendment rights to protest because we know that on the mainland, there have been instances where groups opposed to hunting did protest and indeed interfered with it.

"I think we're on a very, very slippery slope when we enact legislation that favors one group over another and which may indeed involve significant First Amendment rights. I would have felt much more confident if this bill had retained the language of the First Amendment prohibiting any implementation that would interfere with it. I would have felt more confident if some of the other safeguards were retained in it. I must acknowledge and slightly protest that there were no discussions between the subsequent Committee and certainly myself as to the proposed amendments. In fact, the Chair of Water and Land Use can attest that it was only with great reluctance and with many conditions that the bill emerged at all.

"I am continually concerned that this bill goes out of its way in such a way that may actually discourage or prevent the use of our parklands or wildernesses by people who are not hunters because if you create a visual or oral stimulus that affects the behavior of the game, that may make it substantially more difficult to take the game. You may come under this statute. Can you imagine the breath of this?

"Now, of course there is the language to intentionally prevent. I'm not exactly sure how you intentionally or how you determine intention. But if you are a member of a group that is on record for opposing hunting and you happen to be out in the wilderness creating a visual distraction that makes it substantially more difficult for someone to take game, presumably you would be under the statutes.

"So I think, as this bill proceeds, we're going to have to be very cautious. I hope sincerely that it goes to conference, and I would urge the Speaker and all of leadership that where there is a controversial bill, and I can tell you there aren't very many bills left on the environmental agenda, but where there's a controversial bill, an attempt is made to check with the previous chairs. I think that this is properly not only the responsibility of the other chairs who received the bills, but also all of leadership who's tracking these things simply can ask ... are there bills you're concerned about? Here's the list. Here are the amendments that are proposed. Do you have any concerns? Can we have a discussion? This is something that we need to improve, and so with these reservations I will reluctantly go up on this bill.

"Thank you."

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

"We have to take a look at this bill. It says that the person with the gun has rights that are superior to people that might want to protect the lives of animals. And it says those that are trying to protect the lives of the animals can be subject to a fine of five hundred dollars, thirty days imprisonment, or both.

"I think that it's a bad bill, Mr. Speaker, and on this one, I vote with Bambi and against the bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 288,

SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTERS AND FISHERMEN," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

The Chair directed the Clerk to note that S.B. Nos. 995, 1743, 1846, 1766 and 288 had passed Third Reading at 10:55 o'clock a.m.

Stand. Com. Rep. No. 1627 and S.B. No. 385, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 385, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WELFARE FRAUD," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1628 and S.B. No. 647, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 647, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"This bill adopts the Federal Gun Free Schools Act and I am in strong support of this bill, Mr. Speaker.

"The former Attorney General, Edwin Meese, estimated that by this year, 270,000 children will be carrying weapons to school. That figure is the equivalent of one-half of the United States Army. We have to get control over this.

"I believe by adopting the Federal Gun Free Schools Act, we are taking a strong step toward getting control over this problem.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 647, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1629 and S.B. No. 828, SD 1, HD 1:

"On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 828, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1630 and S.B. No. 865, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 865, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Shon rose to speak against the bill, stating:

"My concern, Mr. Speaker, is not what is purported to be the intent of the bill, but rather the premise that the tort system is an evil to be abolished here.

"It seems to me that as government shrinks, we must acknowledge that we cannot have an army of regulators combing through every public or private premises to protect consumers and the public, that indeed the tort system is perhaps one of our most effective deterrents to irresponsible behavior, and one of the most effective extensions of the common sense decency of not doing harm and respecting others. As we examine many facets of enforcement, we must be aware that we are entering a new era of cooperation with the private sector and we must be aware that we must find and enhance and improve alternatives to pure regulation.

"The tort system, in spite of anecdotes to the contrary, is not out of control in Hawaii. The tort system provides protection for each and every member of this body, each and every constituent of each member of this body. As consumers, as citizens, we hold dear the knowledge that there is justice in this world that can be pursued through the judicial system if someone, through negligence, has resulted in the harm of us or our families.

"It seems to me that we are moving down the road to a philosophy that says this kind of justice is inappropriate, but I ask all of you ... what is the alternative? If we pare back law after law, limit our recourse to the courts again and again, eventually we are going to be back here with demands that we substitute that protection by government programs which, to me, is a far more expensive alternative and far less just onerous.

"Please be careful when we start removing the recourse of every citizen and every consumer, and please be careful when we start removing the incentive for each property owner, business establishment, individual, the incentive to pursue their lives and their livelihoods with care. We care for each and every individual who may come on that property. As government, we also have an obligation if we do not consider ourselves above that standard of justice.

"So with these remarks I will vote no, and I urge all of you to reconsider what I consider the beginning of a stampede to remove an essential foundation of justice and recourse that we have in this country and which is one of the most effective nonbureaucratic, non-governmental way of ensuring that each consumer can live their lives in safety.

"Thank you."

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

"Mr. Speaker, the fact that we live in a litigious society ... it says in this bill that if a visitor comes and sees a sign that says 'Dangerous Surf,' then they should be aware. And then they in effect swim and they drown, this bill says you cannot sue the counties and, quite frankly, we've lost a lot of money on those suits of people who are quite frankly negligent.

"The problem is, and I stand as one who represents a district that has hillsides and floods, and in the flood of 1988, Hahaione Valley in particular, with this same definition of what a public land is and the same definition of what a hiking or recreational use is, I am afraid, Mr. Speaker, may be covered by this particular bill that says, when there is a fear of drainage and when there is something in the natural, if you will, in those areas that come down and inundate houses, as it did in Kahena Street and other areas in Puuomao which is right next door to me, this bill is saying, well, this is an immunity that we're given.

"Now I say this with reservations, but I encourage anyone to respond to that because I have asked the trial lawyers, and they said if I was in court, I would use this bill, which is mostly for beaches and parks, to say that those of you in Manoa who have hillsides, this bill is going to be used against you. Those of us in the Hawaii Kai area, it's going to be used against us. And I think somebody needs to stand and say, hey, it's not intended for you and here's the reasons why because no one so far has said that.

"I think its initial intent is terrific. Don't let capricious suits when beach accidents happen go to the point of the government having to pay. But when it comes to residences on hillsides that have inferior drainages and then their houses get inundated and they say, well, look, we're not liable, this bill is going to protect us and endanger 1.2 million citizens of the State of Hawaii.

"So I really seek that clarification and I really have serious reservations. Otherwise, the bill is greatly intended except for that purpose.

"Thank you."

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

"I appreciate and support the idea of removing liability for the counties for any sort of injuries caused by natural conditions along the shoreline because that has been a problem in the past.

"However, my reservations are stated and that is that I want to make sure that county governments and, for that matter, other government agencies still have the incentive to put up warning signs and provide lifeguard services where there are popular beaches because there are plenty of folks who are visitors here and they just don't understand the ocean and they do need to have some sort of warning.

"Those are my reservations; however, I think this is a step in the right direction.

"Thank you, Mr. Speaker."

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

"As the Representative from Aina Haina mentioned, it is not absolutely clear if this will eliminate the liability of a county from some other type of responsibility that they have.

"I represent the Coconut Grove area that experienced very severe flooding, Mr. Speaker, and part of the cause of that flooding was the county's failure to maintain certain drainage areas and storm drains.

"I read the language on page 4 of the bill, and it says it will remove the 'liability for providing public services, including, but not limited to...' Then it goes on to list public services which mainly deal with beach areas, but did not limit it to is the area that is of concern.

"I would hope, as the measure goes forward to Conference Committee, that the bill could be tightened to focus on the ocean and shoreline areas that it was meant to focus on, and not hit areas like the Representative from Aina Haina's district or the Coconut Grove area. Otherwise, those homeowners in Coconut Grove would have been left without any recourse because the City would have claimed it was exempt from liability.

"Thank you, Mr. Speaker."

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

"Not at great length, Mr. Speaker, but simply to clarify that I think the stated purpose, at least as drafted in House Draft 2 of this bill, is to limit the liability of government for certain injuries at recreational sites. The bill, Mr. Speaker, goes on then to define recreational purposes.

"If the feeling of some of the Committee members was that this is ambiguous, certainly there is sufficient time to deal with it. But to simply clear the record, it should be understood that government entities in Hawaii have been sued for conditions for which for all practical purposes are beyond their control, and there was a need to try to clarify the responsibility of government with respect to rendering these recreational places safe. Government was at odds with trying to figure out how adequate signage and warning was going to be able to reduce the amount of litigation it was faced with.

"This measure, I believe, is an attempt to try to rectify balance and, hopefully, to deal with conditions that we didn't take care of in the previous session.

"I think it is an excellent measure and I hope that the members will support it.

"Thank you."

Representative Tom then rose and stated:

"I just want to clarify for the members that if there is any ambiguity or over-broadness, we will fix that up; however, I think you have to read this bill in conjunction with the chapter which is 520 regarding responsibilities of private landowners to those who come on the land. And I think it's very clear from Chapter 520 that we are trying to address issues that are not created by the county entity but those issues or conditions that are natural conditions like the ocean and is beyond the control and responsibility of the entity, whether it's an individual or government. I just want to point out that this bill is intended to address such areas as the ocean.

"I think what has to be pointed out is that when we talk about the tort system, the tort system is a very good system. But I think that in certain instances, it needs to be modified when you're dealing with unknown kinds of measures or things that are beyond the control of individuals or persons such as hundreds and hundreds of miles of shoreline. I think we have to come to the expectation that our counties cannot be everywhere at all times.

"I think that there is an added amount of responsibility, whether it's a tourist or resident, or a parent whose child is in the water, that when you go and deal with Mother Nature in any way, when you go into the ocean, when you have currents, when you have dips and all kinds of things that can happen far beyond the control of the City or the state, these are times when we, too, have to be more accountable and responsible for our actions. And I think that's what we're dealing with here as an entity or body when we're dealing with the tort system.

"Thank you, Mr. Speaker."

Representative Ward, in response, stated:

"We hillside Representatives have no problem with the intent of this bill -- that is very clear. However, on page 3, there is a definition that worries me because 'land' is defined as 'land, roads, water, water courses, private

ways,' et cetera 'including land owned by the government.'

"The other problem on page 3 is the definition of recreational purpose. It includes hiking. People hike in the back of Hahaione Valley all the time and if you take these two definitions and what comes to its land under this bill for immunity, i.e. government is not liable for any floods or any injuries that may have natural disaster's result, this is what needs to be tightened up.

"The intent of the bill, we entirely agree with you, but there's been so many floods in so many areas due to negligence. Right now, in my district I've got an area with a very small flood control reservoir. It's just another accident waiting to happen if the hundred year floods return and they return every five years now. If this thing is then held in the face of my constituents, they'll say, well look, you voted for this and opted out because you wanted to save a visitor on the beach but yet sacrificed the thousands of people who live on the hillside. I think it's a misstatement of what we intend to do.

"Again, we agree entirely with the intention. I appreciate the Chair's saying he will have a look at it in conference, but we have to be clear that this doesn't endanger all those hillside residents in the event of floods, Mr. Speaker.

"Thank you."

Representative Thielen then rose and stated:

"I also agree with the stated purpose of the bill, and I appreciate the Judiciary Chair's acknowledgement that he is willing to look at the impact upon other areas such as Coconut Grove and other places which the bill should not cover. It should not be that broad.

"Then we can work on crafting language that will make it absolutely clear to county administrations and other government entities that those areas are not under the purview of the bill, and those counties will be liable if they don't properly maintain storm drains, sewers, et cetera.

"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. 865, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY IMMUNITY," having been read throughout, passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Hamakawa, Saiki, Shon, Takai and Takumi voting no.

At 11:29 o'clock a.m., Representative Okamura asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:30 o'clock a.m., Representative M. Oshiro was permitted a late introduction and he introduced a group of students from the National Guard Youth Challenge Program, saying:

"These special guests are high school students from the Youth Challenge Program. It is a program that focuses upon 'at risk' high school students and provides them the opportunity to obtain a GED or Competency Based High School Diploma. This program was started in 1994 and is totally funded by federal dollars. Hawaii is one of 16 states that was selected by the National Guard Bureau to administer the program.

"Mr. Speaker, did you know that every eight seconds in our country, a student drops out of high school? Did you also know, Mr. Speaker, that eighty-five percent of our prisons are filled with high school dropouts? In Hawaii, approximately 5.5 percent of our students drop out of school every year. For the past hour-and-a-half we have been sitting here, approximately 550 students in our country have dropped out of high school.

"This is a very important program and the students, at this point in time, are in their initial five month phase of living in military barracks out in Waimanalo. During this program, Mr. Speaker, they are learning self-discipline, leadership skills, responsibility, personal growth, and teamwork. To be involved in this program, Mr. Speaker, one must be drug-free, not involved with the courts or any crime, and most importantly, Mr. Speaker, motivated to complete this program.

"Mr. Speaker, may we welcome and show our support for these brave young men and women by a round of applause, please."

The members of the House then gave the students a round of applause.

Representative M. Oshiro then introduced 2nd Lt. Lynn Ishii, Sgt. Francis Tav'a and Sgt. Maaele Fonoti, Commanding Officers, and asked them to stand to be recognized.

Representative McMurdo then rose and stated:

"Just a few words about this Youth Challenge Program and about the first class. I believe this is the second class that the National Guard has been working with.

"In the first class, they started out with 48 people -- young men and women -- who were supposed to be in the first class. Forty of them finished the whole course. Out of forty who finished, thirty-five of them were able to obtain a high school diploma. Of the other five, I believe there were two or three who were sixteen years old and therefore not eligible. So the program is really working out.

"There were many of us from the Public Safety Committee who went out and saw the program in action and all I have to say to this class is ... just remember, you have a precedent which has already been set. Maybe you can get your entire class through. That's something to strive for, and good luck.

"Thank you."

Representative Arakaki then rose and stated:

"I think it's a blessing that when I was talking about looking for more alternatives and I mentioned the Youth Challenge Program and they come and show up.

"I just wanted to mention that Representative McMurdo and I and several of your Representatives did go and visit the program in Waimanalo. We've been invited back again, perhaps during the interim, to visit the program out at Barber's Point so for those of you who are interested, Representative McMurdo and I will be setting up another visit to the program.

"Thank you."

At 11:36 o'clock a.m., Representative Amaral asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:37 o'clock a.m.

Stand. Com. Rep. No. 1631 and S.B. No. 1291, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1291, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF THE STATE ETHICS CODE," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1632 and S.B. No. 1642, SD 1, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1642, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Meyer rose to speak against the bill, stating:

"Senate Bill 1642 is additional legislation that creates another crime in our state that could be punishable by hefty fines and jail time. This bill will make it illegal for any recreational boater to go out on a sunny Saturday and have a few beers on his or her boat. This will make something a crime in our state that does not seem to be causing a problem.

"There was no testimony in Committees indicating a problem in Hawaii state waters. No testimony indicated that this will eliminate any person from operating a vessel under the influence. In fact, the Honolulu chapter of the organization MADD, nationally known for its information on drunk driving, testified that they have no 'local information concerning a problem with DUI and with boating...' This bill will add additional cost for enforcement of this new crime and will not be a benefit to anyone.

"This weekend, there was a free concert at the sand bar in Kaneohe Bay. Kapena was just one of the groups that played there -- free of charge -- and people were there simply by word of mouth. There must have been over a thousand residents of the Windward side that enjoyed a wonderful, sunny day with marvelous music. Some people drank sodas, some people drank beer; the Public Safety people were there in a boat but they were just standing by. There was not one accident that day and there was a lot of alcohol consumed. But if this bill had been in place, they could have just parked there at the boat ramp and with a huge bus taken these people away because so many of the people would not have passed a test at .08 for alcohol consumption.

"The other thing that I see here is, at a time of overcrowded correctional facilities and a budget deficit, Mr. Speaker, I think we can find better ways of spending our time and money than enacting legislation that is unwarranted.

"Thank you."

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

"Mr. Speaker, I am a lifelong boat owner, fisherman, boat operator. Alcoholism and driving boats is a very, very serious problem in our state, and I know from personal experience.

"I'm not proud to say that I have been behind the wheel when I had no business being so but I haven't had a drink for twenty years so it's out of mind. But I have seen too many accidents, too many tragedies, too many instances where people that had absolutely no business operating a fairly large oceangoing craft while they're drunk, and I am fully in support of this bill and I have personal experience to back up my conviction on this bill."

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

"I would like to point out that there really is no difference between a recreational boat or who's drunk and someone driving for recreation in driving a car. If a person is impaired, a few beers is fine, but impairment could cause danger.

"I also want to point out, Mr. Speaker, that there are huge amounts of federal funds. Like it or not, if we don't pass this bill, we're going to lose a lot of funds for transportation, so there was an extra reason for this bill and I think a good one.

"Thank you."

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

"As a boat owner myself and one who has seen the problems that are there on the ocean, I am quite surprised at some of the misinformation that might have been offered this morning.

"There is a problem out there. I have seen people fall off boats that had to be rescued because they were intoxicated. I have seen other boaters put in jeopardy because the person behind the wheel of an oncoming boat was intoxicated, didn't know how to handle the rules of the road, placing the other boat owners and other boat operators who were not intoxicated in a situation where they don't know where to turn. Do they turn to the left or do they turn to the right? This person is so erratic that there is no option for them.

"There is a problem. I am just surprised that some of the things that have been mentioned in an area on Oahu where you have more boats than any other areas throughout the state, I would think there is potential for some real disasters if this isn't addressed immediately, and I think this is our first step. It's an excellent piece of legislation.

"Thank you."

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

"As the Chairman of the Committee that this bill came to initially, as I understand it, the Committee received testimony that was quite contrary to what was said earlier by the speaker opposing this bill.

"The Coast Guard came in and said, don't wait for the problems to get to the point where they are in some of the mainland states. We are one of the few states that did not, in fact, have this type of law enacted. We are an island state here and there are many boaters out there and we need to take this problem very seriously.

"We have tried for years to get this bill passed. This is the first year we have come this far. I truly hope that the members of this body will see the true meaning behind this bill and the value behind it because we're talking about lives here -- many have been lost. We do have a

very serious problem. It was brought up in my Committee with very, very strong testimony from those in favor of this bill.

"In the Committee that it was referred to, the testimony was different. I had expected the Judiciary Committee to deal with the issues of the blood alcohol content which the Chair of that Committee very ably did. In my subject matter Committee, we dealt with the need for this type of legislation. I want to make that very clear to the members of this body.

"Thank you very much."

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

"As we all know, Senate Bill 1642 will impose criminal penalties on a person operating a recreational vessel under the influence of an intoxicating liquor.

"I personally being a boating sort of person all my life, brought up sailing, yachting, the beaches, and actually holding a position as a sailing instructor for a few years, I realize the importance of protecting swimmers and other boaters from intoxicated captains of vessels. So I think this is a good bill. However, I think it might go too far.

"Under the proposed legislation, any boat -- eight feet or longer -- would be included in the parameter of the bill. These will include kayaks, row boats, canoes, inflatable boats. And in effect, someone fishing in a small vessel like a row boat with a six pack of beer, minding their own business out in the middle of a bay, could be committing a criminal act.

"I'm afraid, today, with the state of affairs, many of our current boaters -- yachters -- would be breaking the law if we pass this legislation, and it is not necessary. I don't think we need to go that far so I would hope that when it does reach Committee, we would take a look at redefining the parameters so we'll have a more well-crafted bill to protect our oceangoing population from the hazards of intoxicated drivers of large vessels, of motorized vessels, but not necessarily taking in everything that floats on the ocean.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1642, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Meyer voting no.

Stand. Com. Rep. No. 1633 and S.B. No. 1814, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1814, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Three bills being considered today -- Senate Bill 942 which improves the training and effectiveness of security assistance; Senate Bill 647, the gun-free schools act which establishes a no tolerance policy for students in possession of firearms on school grounds; and this bill, Mr. Speaker, which attempts to strengthen our schools' efforts at establishing discipline, especially at our secondary schools -- all attempt to create an improved atmosphere for learning by reducing disciplinary problems, especially at the secondary school level.

"Among the main features of this bill, several hold parents accountable for the negative behavior of their children. Provisions in the bill allow the Family Court judge the discretion to impose fines of up to a thousand dollars against parents who have been negligent in getting their kids to school. Other remedies included in the bill include requiring parents or legal guardians to attend parenting classes and to do community service.

"In addition, as a means of encouraging students to attend school, the Family Court judge has given the discretion to revoke for up to a year the drivers' licenses of those students who regularly absent themselves from school.

"Mr. Speaker, the Committees on Education and Judiciary both felt that suspension of driving privileges is an effective deterrent against truancy. Students highly value their opportunity to drive and they would likely use the risk of losing their license as a means of resisting the pressure from their peers to skip school.

"Mr. Speaker, the provisions in this bill were not arrived at cavalierly. Most were recommended by educators who are out there in our schools, dealing with the problem of discipline on a daily basis.

"I want to commend the Chairman of the Judiciary Committee, his Committee members and the Committee staff for spending the time and effort to go over this bill and making some important improvements in House Draft 2.

"Thank you."

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

"I just want to raise just a few concerns and I want to commend the House Education Chair for his efforts in dealing with the persistent and escalating problems of truancy and dropouts in our schools, especially our high schools.

"From my many discussions with the Education Chair, I realized the amendments made to the bill was aimed at making parents more responsible for their children and the actions of their children. And I agree that the message needs to be sent loud and clear to parents that there are certain amount of responsibility and accountability that comes with having and raising children. There should be a caveat, however, that this is not a panacea but an alternative.

"The point I want to make is that we need to provide our parents and kids with more alternatives. For those of us who have worked with troubled kids, for those of us who represent areas with high percentages of families living in poverty, we also realize that there are many other issues that suspension, expulsion, or a fine will not dissolve. Believe it or not, there are parents out there who are too afraid or even intimidated by their children to discipline them. Some of it is due to lack of parenting skills, some of it is because their kids have severe emotional and mental disorders and need help. There are kids on the run, on the streets, and in runaway shelters who have been basically abandoned by their parents. They refuse to attend school, knowing that if they do they will probably be arrested. There are kids in our detention centers and youth correctional facilities who are primarily incarcerated because they refuse to obey the judge's orders to attend school.

"I am not just talking about a handful of kids because there are hundreds of de facto dropouts that the

Department of Education refuses to acknowledge and they keep them on the rolls because of statutes. Statutes do not allow them to say that we do have dropouts.

"And to those hundreds, Mr. Speaker, there are hundreds more who are in so-called special motivation and alternative education programs, and I don't know how many of you have been to these special motivation classes, but I think those that do visit know that these kids are not there to learn. They are just there to take up space and to fulfill the requirements for mandatory education laws. So when we take all of these kids into account, we get a better perspective of the scope of the problem.

"So why do we feel that values that most of us, if not all of us, hold near and dear will make a difference when it imposes sanctions to those who take little stock in middle-class values in education, money, or even a driver's license. We need only to look at our high rates of uninsured motorists to realize that some people rather take chances on being caught.

"Why do we insist on fitting round pegs into square holes, and when do we realize that not all students are fit for the traditional classroom model? When do we realize that learning does not occur just between the hours of 8:00 a.m. to 2:00 p.m. or from September to May?

"Rather than trying to force round pegs into square holes, we need to look at more alternatives; we need to look at programs like Youth Challenge that provide residential settings and disciplinary modes of educating these kids. We need to look at forestry programs and farming programs for kids who want to get into the earth. We need to put our kids into ships and canoes for those who want to learn about the ocean.

"We definitely need more parenting programs for those parents who need guidance on how to raise their kids. We need to consider youth services for parents who do have trouble with kids.

"So, I am not against this measure. I am very supportive of this measure. I think it will help families and children, especially the part about having parents and their kids attending community services together or parenting classes together. But I would just like to see us start looking at the causes of these problems and not just at the symptoms.

"Thank you, Mr. Speaker."

Representative Alcon then rose to speak in support of the bill, with reservations, stating:

"This bill seems to be a good bill, Mr. Speaker, but then I have some reservations about it, and my reservation is the fact that the parents will have to be fined. You have to know, Mr. Speaker, that some of those people are working three jobs and to have them fined one thousand dollars or whatever is the amount is a big burden to the parents or guardians.

"I would suggest, Mr. Speaker, that we should put in another remedy to the students. Let's build some trade schools, some vocational schools, Mr. Speaker. You know, the philosophy of education today is everybody must go to college. That's false, Mr. Speaker. Some people are very skillful with their hands in coordination with their minds, but then we refuse to recognize these people. I think it is incumbent upon the Department of Education to provide programs for these people instead of penalties, et cetera, et cetera.

"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. 1814, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 385, 647, 828, 865, 1291, 1642 and 1814 had passed Third Reading at 11:37 o'clock a.m.

Stand. Com. Rep. No. 1634 and S.B. No. 336, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 336, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER EDUCATION AND TRAINING FUND," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1635 and S.B. No. 424, SD 1, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 424, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

Representative Stegmaier's remarks are as follows:

"I rise to speak in strong support of S.B. No. 424, SD 1, HD 1. During this legislative session, we have all heard complaints about the lack of available funds and resources for various projects throughout the State. People often seek out the Legislature to provide the solutions to various needs, but are not willing to contribute constructively to help reach these solutions.

"However, I take great pride in the measure before us because it is the result of the exemplary efforts of the Aikahi Elementary School Community. Instead of complaining, the Aikahi Elementary School Community is prepared to bring improvements to the public school system by using its own community assets and resources rather than just asking for financial support.

"We know that the education of our young people is the most pressing challenge that the State faces. The responsibility for improving our educational system flows from the student's house to the schoolhouse to the State House without loss of accountability. Although it requires the commitment of the Governor and the Legislature to fund the costs, the simple infusion of dollars is not enough. School communities such as Aikahi recognize the severe shortage of classrooms, special education space, and library facilities, and are also cognizant of the monumental costs in providing these facilities. Therefore, the Aikahi Elementary School Community is willing to take the initiative to assist in improving the schools and reducing the costs of construction to the State.

"It is not only refreshing, but very inspiring, that the Aikahi Elementary School Community has the courage and foresight to explore innovative alternatives to procure and develop school projects. I sincerely hope that this honorable body also has the vision to support such a tremendous effort."

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

"Mr. Speaker, this has been my fight with the Department of Education ever since I came back to the Legislature, so it has been for ten years now. Whenever I ask the Department of Education why they wouldn't allow the residents to help in building or even improving the school buildings, the DOE always use the excuse of liability. I don't see any liability. The liability stands in the fact that we are not giving the students proper facilities.

"I'd like to, at this point, Mr. Speaker, thank the Chairman of the Finance Committee for gutting the Senate bill and putting back our House bill. I think it takes a lot of guts to do that.

"This is a good bill. In fact, the only shortcoming it has, Mr. Speaker, is that it did not include all the schools, but I can live with this.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 424, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1636 and S.B. No. 458, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 458, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"I've not said very much throughout the year regarding the shutdown of the Waiialua Sugar Company but I want to take this opportunity, Mr. Speaker, to say a few words.

"For years now, we have been dealing with the end of an era. Oahu Sugar just shut down a day ago. In a year and during the next year, there's going to be massive layoffs occurring in my area. I ask all of you here, Mr. Speaker, to try to imagine the devastating effects that this will have on our community. I look over to my right and I see that we have had experiences in other communities in the state.

"Throughout the whole discussion, and every time I speak to people, the number one concern is housing. What are we going to do -- where are we going to live? This issue has not been resolved. We have attempted on numerous occasions to bring in the private sector to assist. We have attempted on numerous occasions to get some idea as to the direction that's going to occur for the companies that will remain in existence after they shut down sugar operations.

"This is a very important bill. I know the Chair of the Finance Committee will do everything in his power to see to it that if we do have funds to make this work, he will find them. And I ask the members to support this bill and to understand that this may be the only hope that some of the community members that will be displaced when the sugar company shuts down will have to continue to remain in their homes, whether they're renting or whether they owe a small mortgage.

"Thank you, Mr. Speaker."

Representative Garcia then rose and stated:

"Mr. Speaker, I rise to speak in support of this bill for all the reasons that the previous speaker spoke of. He noted that a footnote in the history of Waipahu came just this past weekend with the closing of Oahu Sugar -- the last harvest is in.

"Although the impact of the closing of the plantation, Mr. Speaker, is not going to be felt as deep or as wide as the case will be for Waialua as it was for Hamakua, there's still people who are hurting out at Waipahu.

"I want to commend the Chairs of the Housing Committee as well as the Finance Committee for their input and their recommendations with regard to this measure, to see that even those who are hurting and left displaced without a provision for housing with the close down of Oahu Sugar, that even they are going to be addressed with this measure.

"Thank you, Mr. Speaker."

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

"I hadn't intended to speak on this measure but I have very strong feelings about this as your Chair of the Hawaiian Affairs and Housing Committee.

"We had a chance to visit the sites in question -- the Waialua community -- and I think those of us who did go on that site visit were very affected by what we saw. Like the Representative from Waipahu said, also looking at the Waipahu and the Oahu Sugar closing down, I think there's a realization that we're closing down an era in the history for Hawaii.

"But I think what's really important is that instead of abandoning these people, and many of these people are elderly or advanced in years, we have taken a proactive position that we are going to provide some support. I think when we talk about HFDC, there is a public purpose in asking HFDC to look at how they can provide housing options to these people so they don't get left holding the bag after the sugar companies shut down.

"I would like to echo the two previous speakers in asking everyone to strongly support this measure.

"Thank you."

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

"Mr. Speaker, I know that we had just passed a bill which subsidizes the HSPA to the tune of millions of dollars. I'm just hoping that when it goes into conference, that we will be able to take that millions of dollars and provide it to this particular project because I feel that it is more important than subsidizing HSPA.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 458, 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. Nos. 336, 424 and 458 had passed Third Reading at 11:41 o'clock a.m.

At 11:42 o'clock a.m., Representative Okamura asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:43 o'clock a.m., Representative Yoshinaga was permitted a late introduction and she introduced students from Kaimuki High School, as follows: Noa Hussey, Michele Abelaye, Laura Musick, Alicia Miller-Moylan, Shane Shimamoto, Jeremy Pippin, Craig Lee, Mary Borabora, Cassie Betts, Victor Straley, and Mrs. Thelma Nip, Principal, saying:

"Mr. Speaker, I would just like to give the membership here who have not been in dialogue with these students some background of why I feel that they deserve some special recognition for their efforts.

"The bill, Senate Bill 942, addresses these students' concerns for the security and safety of Hawaii's schools. The bill is intended to increase the training for school security and more importantly asks the Department of Education, the Department of Public Safety, and the county police to work together in creating a safer environment for the children of Hawaii.

"I believe that these children should be commended for their efforts as many people have given up on government, as I have learned as I walked my district, and I think that these children are future leaders, showing us that there is hope in government participation and with the encouragement of such educators as Mrs. Chee and Mrs. Nip who are in the system and willing to take the time and effort to work together with us in ensuring that the schools are a better place to learn.

"Thank you, Mr. Speaker."

Representative Yamane then rose and stated:

"I rise in recognition of the students also. I was lucky enough to attend a class with Representative Yoshinaga and Representative Saiki and got educated by them.

"I commend them for their perseverance and knowledge of the subject, and one thing that the body here should realize also, that the knowledge imparted by the students bring serious questions, in my mind anyway, as far as DOE's administration.

"Thank you, Mr. Speaker."

Representative M. Oshiro was permitted a late introduction and he introduced additional students from the National Guard Youth Challenge Program.

Stand. Com. Rep. No. 1637 and S.B. No. 478, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 478, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ACCESSIBILITY OF STATE AND COUNTY BUILDINGS AND FACILITIES," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1638 and S.B. No. 889, SD 2, HD 3:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 889, SD 2, HD 3, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Shon rose and stated:

"Very briefly, a couple of reservations, speaking in favor of the bill.

"I just want to note I'm not really sure that the duties of the stadium director are in any way, shape or form 95 percent as burdensome as a director of a department, particularly a larger department.

"Secondly, I hope that at some point, we will return to this if we are encouraging them to promote the stadium at all cost because I believe it is extremely seductive to be drawn in to the potential revenues of both alcohol and tobacco promotions at the stadium. If the future director and deputy are listening, I hope they will acknowledge that we just heard that the Yankee Stadium just went smoke free.

"Thank you."

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

"The timing of the bill couldn't be worse, Mr. Speaker. Section 1, paragraph 5 of the bill proposes to increase the salaries of the manager and deputy manager of the Aloha Stadium Authority, and this is at a time when the Legislature is having to make budget cuts in worthy programs, is considering furloughs and layoffs of state employees, and the Chief Justice has rejected pay raises for the Judiciary.

"If the bill passes, the salary of the manager of Aloha Stadium Authority will increase to \$81,037, while the deputy manager's salary will increase to \$74,067.

"I don't think we can justify this at this time, Mr. Speaker, and I would ask that the balance of my remarks be inserted in the Journal," and the Chair "so ordered."

Representative Thielen's remarks are hereby inserted:

"Can we justify this salary increase in light of the \$350 million deficit which we are currently faced with over the next two years? Can we truly say that these two positions should be exempt from the belt-tightening that is constricting all other departments and agencies? Are we prepared to answer why we voted for these salary increases, but cut funds for human services, health, and education?

"This portion of the bill makes no sense except perhaps as a continuing vehicle to be available for 'High-3' pensions of retiring legislators.

"For these reasons, I am voting no on Senate Bill 889, SD 2, HD 3."

Representative Shon then rose and stated:

"Mr. Speaker, with the additional information provided by the Minority Floor Leader, I would like to change my vote to a no.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 889, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO SPORTS," having been read throughout, passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Anderson, Halford, Kawanakoa, Meyer, Pepper, Shon, Stegmaier, Thielen and Ward voting no.

Stand. Com. Rep. No. 1639 and S.B. No. 1331, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1331, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"I strongly support the passage of this measure to remove the elections functions from the Office of the Lieutenant Governor to an independent office.

"I am really glad to see the admission in the purpose clause that allows that there does exist 'the appearance of a possible conflict of interest on the part of the Lieutenant Governor' when handling elections.

"I am happy to see that full-time employees of the Office of Elections cannot support, advocate or aid in the election or defeat of any candidate for public office. I think this is a good improvement over the present way of doing things.

"I especially applaud the section which precludes the members of the Elections Appointment Panel from taking an active part in political management or in political campaigns.

"Regarding the drop dead clause, I am not sure we need it, Mr. Speaker, but perhaps we can dispense with this clause later.

"Thank you for allowing me to express these sentiments."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1331, 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.

Stand. Com. Rep. No. 1640 and S.B. No. 1410, SD 2, HD 2:

Representative Amaral 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 Thielen.

Representative Kahikina rose to speak in support of the bill, with reservations, stating:

"Mr. Speaker, I support my colleagues from the neighboring House districts' intentions to keep unsafe industries ever being built near any residential area. However, through the process of this bill, it has left me doubtless of the need of another medical waste incinerator to begin with.

"However, we have identified the public need to remove the existing facilities that have been given approval through the existing permit process, and these are the reservations I wanted to express.

"Thank you."

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

"The funding of a medical waste facility, as the previous speaker has indicated, through the use of special revenue bonds is specifically the type of projects that these bonds were designed for. And basically, I just want to support that concept that the need for such a medical waste facility as evidenced by syringes and other medical

waste showing up on our beaches and illegally at our dumps indicates that it is in the public interest at this time.

"And besides medical equipment, there is a need to dispose of highly toxic chemotherapy solutions, body parts, and contagious blood samples, and if there is not a facility capable of handling these items in accordance with EPA standards, what will we expect to happen to these items?"

"Hopefully, I believe that this measure is a positive step which provides a minimum of support from the Legislature to provide such a solution for Hawaii.

"Thank you."

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

"I just wanted to echo the sentiments of the Vice Speaker when the House version of this measure came before us earlier, Mr. Speaker. We recognize the concerns of the Representative from Nanakuli, and we have tried to address those concerns as best we could in trying to also keep to the intent of the measure.

"I can see with the Senate version that we have passed out, that we have incorporated those same concerns that hopefully will be more acceptable of this facility out in the previous speaker's district. If one could read the bill, you can see what we have gone through to address those concerns, addressing not just environmental but fiscal matters as well.

"Mr. Speaker, I urge my colleagues to support this measure as amended.

"Thank you."

Representative Amaral then rose to speak in support of the bill, with reservations, stating:

"I've tried very hard to stay out of this discussion, Mr. Speaker, but I think it's important to clear the record up a little bit.

"There is no crisis on the treatment of medical waste. We have three companies out there right now dealing with it adequately. The crisis that is in fact before us and what draws this bond issue to the Legislature is that permits were given for the siting of a medical waste treatment or disposal center that actually was quite close to the homes at West Loch, albeit that the area is designated as an industrial area. This is basically one of the worst kinds of conflicts that happens where the zoning of land is in direct conflict with the actual use of the land, and West Loch has been growing tremendously.

"To add to the discussion, nobody notified the public that this facility was going up, and a great deal of pressure was brought to bear to move the facility. That is the public interest issue here, that we need to move a facility that's already built near West Loch to another site. The other site, of course, is in my neighboring colleague's district and close to my district. And quite frankly, the residents there are none too excited.

"The issue however, and we don't want to get into territorial issue with all of you members here, but the issue before us is ... what is the compelling public interest to justify us to bring in these bonds forward? And if we can satisfy an answer to that in a positive way, then by all means, this measure should move. But lest you be confused, there is no loss for sites to treat medical waste. There are more than enough sites for that. I ask you

instead to look at some of the other burning issues here as this moves forward in conference.

"Thank you, Mr. Speaker."

Representative Takai then rose to speak in support of the bill, with reservations, and requested that the remarks of Representative Amaral be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Takai continued:

"I would also like to mention that one of the reasons why I am rising today is because I read this article in yesterday's **Advertiser**, and I do have some questions regarding this bill.

"Thank you."

Representative Shon then rose and stated:

"I'm rising to speak in favor of the bill and provide a positive reason and a positive public purpose for this, and to clarify the matter.

"If this bill does not pass, a new medical waste burning facility will begin operation almost immediately in its existing location with very little long-term guarantee that that facility will not expand its operations into the burning of other more objectionable waste such as hazardous waste. That is the issue.

"The issue of whether or not there is an additional medical waste facility is moot. There will be one. It will either be where it is today or where it moves. That, to me, is not the justification for this bill.

"The justification for this bill is that, in granting the authority for special purpose revenue bonds, we are able to put conditions on that facility -- for the life of the facility. And one of the most important conditions is that it will not, in its entire life, be allowed to burn hazardous waste which are far more dangerous to the public.

"Secondly, that the medical waste that are not burned by them will only be burned by H-Power with far less environmental controls than would be if placed on this particular facility. So what comes out of the smokestack will be less toxic and what goes in will be far less toxic. That, to me, is the public environmental benefit to this bill.

"I would also like to add that we've added what I hope is a positive precedent, that as we grant special purpose revenue bonds -- the authority for this -- that we look carefully at the projects to see if there are other public purposes that we can encourage. In special purpose revenue bonds, a few years ago it was proposed for a hospital. Some of us felt that we should have encouraged that hospital to open a child care center for its employees. In another situation where there was an elderly care home to be built, some of us felt we should have encouraged that they incorporate energy conservation and solar energy into their facility. There are lots of public purposes that we can encourage and facilitate when private operations come to us for special purpose bonds.

"It seems to me that one of the most important ones in this is to prevent as best we can the issuance of hazardous waste permits for the life of this facility. We have put language in it that ties the bond to this restriction; we've put language in that refers to the entire life of the project. We must realize that while the current owner or the current operator may be there in one year or two years or five years, suppose they sell it. Then what happens? We want to ensure that there is no great temptation for us to

be burning much more toxic waste in the vicinity of homes and we also must realize that in this issue of competition, some of the existing facilities are in fact fifty feet away from residences -- fifty feet away -- where the dilemma mentioned by the Majority Floor Leader exists, for zoning is so close to existing residences.

"It is my belief that the location where this is going to go and the environmental controls and the policy controls we've added clearly makes this a public policy benefit for us.

"Again, if we do not pass such a bill, the company will initiate its operations almost immediately -- almost immediately -- with very little assurance that down the road we can prevent more objectionable hazardous waste incineration. That is why our Committee passed the bill out and that is why, in spite of all the misgivings, it is worth passing.

"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 AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

The Chair directed the Clerk to note that S.B. Nos. 385, 647, 828, 865, 1291, 1642, 1814, 336, 424, 458, 478, 889, 1331 and 1410 had passed Third Reading at 12:05 o'clock p.m.

Stand. Com. Rep. No. 1641 and S.B. No. 1520, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1520, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, this bill is an attempt to deal, at least in part, with the issue of the tremendous rise we've had over the years in health care costs. It does this by doing three things. It establishes a uniform standard claims form; it establishes a public health dataset; and it establishes the Hawaii Health Council.

The first of these -- the uniform standard claims form -- will make it easier and simpler for all patients and physicians. . . health care providers in general, in fact, to make claims for insurance reimbursement rather than the current rather complicated set of forms which are in use.

"The second will provide us with a uniform set of information about health care and will enable us to assess the health of our state more accurately to develop policy based upon data, and to provide the consumer with information by which the consumer can make reasonable decisions about their own health care.

"The third feature of the bill -- the Hawaii Health Council -- is an entirely privately supported group of individuals from business, from labor, and from the public sector, to analyze both health care quality and cost containment.

"Mr. Speaker, I feel the really significant part of this measure is that the private sector has taken responsibility for something which probably in previous years they

would have expected the public sector to do. They recognize, to some extent at least, the current financial crisis of the state and this Hawaii Health Council will enable us to move forward with a cost containment system, or at least to look at health care costs, at a time when, normally I guess, people would say, we can't afford to do this kind of thing.

"Mr. Speaker, we can't afford not to do this kind of thing. I think it is a credit to the private sector that they recognize this, and this comes out of the work of the Division 2000 committees.

"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. 1520, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1642 and S.B. No. 1674, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1674, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HOSPITALS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1643 and S.B. No. 1763, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1763, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1644 and S.B. No. 1262:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1262, entitled: "A BILL FOR AN ACT RELATING TO THE SECONDARY MARKET SERVICES CORP.--HAWAII," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Pepper and Shon voting no.

Stand. Com. Rep. No. 1645 and S.B. No. 102, SD 1, HD 3:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 102, SD 1, HD 3, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"This is to acknowledge the selfless commitment of the parents of the hundreds of students who are now enrolled in Papahana Kaiapuni Hawai'i, the Hawaiian Language Immersion Program, without whose initiative, resourcefulness and dedication to their children, this important program would not have met with success so far, or be looking at such a promising future.

"Thank you."

Representative Kahikina then rose and requested that Representative Stegmaier's remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 102, SD 1, HD 3, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1646 and S.B. No. 396, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 396, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"This bill will require the Department of Education to provide schools that have only one class per grade level from kindergarten to sixth grade a minimum of one full-time teacher for every grade, provided there are at least twelve students in the class.

"Under the present DOE regulations, many of Hawaii's small schools are facing class size and teacher allocation problems. One of these schools -- Waihole Elementary School which is in my district -- the parents, the teachers and the principal, for the last few years, have had to go to the Board of Education and make special requests so that they could have a homeroom teacher for every class. Other rural schools affected are Kilohana and Maunaloa on Molokai, Haaheo on the Big Island, and Wailupe and Liholiho on Oahu. At any rate, this is a very fine bill and these schools, if this bill is passed, will have their needs met and this is a very good thing.

"Thank you."

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

"Mr. Speaker, there is a saying that 'small is beautiful' and Wailupe School in Aina Haina is a beautiful school. However, as the previous colleague had mentioned, there is a short-circuiting of resources to these small schools and this bill will fix it.

"I think it's a step in the right direction and we know that the students who progress, there's a strong correlation with the size of the classroom plus parental interest. These small schools deserve as much as we can provide for them.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, what this measure will do is it will provide the small schools with classroom size of twelve for some classes. I think this is grossly unfair to students in other schools who are struggling with rather large class sizes.

"I really think that this measure is designed, primarily in the urban areas at least, to provide the Department of Education with an excuse not to consider consolidation of schools.

"I recognize the problems of the rural areas, but I think that this bill could be crafted to respond to their needs without giving the Department of Education the out of not looking at consolidation because I think, in some cases, it is not justified to have such small class sizes when some of us in the more urban areas are struggling with very large class sizes.

"Thank you."

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

"A very significant aspect of this measure is the initiative which is being taken by the House Finance Committee Chairman to transfer no less than a hundred and ten resource teachers into the classrooms, and I think that will more than address the problem, and it is a big step forward.

"Thank you."

Representative Ward, in response, stated:

"Mr. Speaker, as the Representative from Kauai just mentioned, there are a hundred and ten resource teachers that are going to be sent, because of this bill, to all of the different schools, and I commend the bravery of the Finance Chair for taking such a bold measure. They were only asking for six. He said, let us get the resources down to the schools where they need it. Project Ke a hou was doing that; this is an extension that the Finance Chair independently made.

"So the Representative's comments should say that these small schools have leveraged teachers for the big schools that are overcrowded. It has, in effect, done what he wished that it would do.

"Thank you, Mr. Speaker."

Representative Pepper, in rebuttal, stated:

The Minority Leader's comments are very interesting, but the placement of 110 resource teachers into the schools is probably going to be a waste of the talents of the resource teachers. They probably should more appropriately be placed at the complex level where last year's omnibus bill will place them.

"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. 396, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PERSONNEL OF PUBLIC SCHOOLS," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Pepper voting no.

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

The House of Representatives reconvened at 12:13 o'clock p.m.

Stand. Com. Rep. No. 1647 and S.B. No. 596, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 596, 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. Nos. 1520, 1674, 1763, 1262, 102, 396 and 596 had passed Third Reading at 12:15 o'clock p.m.

Stand. Com. Rep. No. 1648 and S.B. No. 869, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 869, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A SECTION OF THE HAWAII REVISED STATUTES AMENDED BY ACT 164, SESSION LAWS OF HAWAII 1991," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1649 and S.B. No. 887, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 887, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO SECTION 11 OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF HAWAII," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1650 and S.B. No. 942, SD 1, HD 3:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 942, SD 1, HD 3, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Firstly, I would like to thank Mrs. Chee and, most importantly, the students of Kaimuki High School who are the authors of this bill and invited some of the Representatives from the various districts surrounding to get involved in its passage. The students who I mentioned earlier not only wrote the bill, but worked on every level to get the bill passed. They had it introduced, they testified before us, and even lobbied. I think that these kids have shown us the first step in addressing problems within our schools.

"We must all become involved at all levels to make our schools a safe place to learn. These children have presented this bill before us to let us know that there is a concern, but whether they know it or not, they have also shown us that they are willing to get involved.

"I think that this legislative body is passing a great bill, and I urge all my colleagues to support it not only because of its substantive content, but also its message to all of us. This measure is a proactive step in helping our children in getting involved and creating a better Hawaii and a safe school environment.

"It is bills such as this that I ran for office earlier last year. It has renewed my spirit and reinvigorated me for our long hours here and reminded me of why I came.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, a few days ago I participated in a Lumaphone Project and had students from all over the state ask us questions, and one of the questions was specifically about this bill. The question that was raised by the student was ... were we supportive of this, and is

this going to be addressing the issue of discipline and security on the campuses because they were afraid, et cetera. And I was really, really impressed with the depth of knowledge shown by the students, and thanking us for beginning the great debate, for beginning the process of trying to once again make the schools safe for the kids who want to learn because what will happen as a result of this -- the beginning of retraining security attendants -- we are focusing in on the fact that there are a number of students who come to school not ready to learn. There are a number of students who have some serious problems.

"What began as a question simply in dealing with discipline or dealing with security on campuses -- some very serious and troubled kids causing problems -- evolved into the request by the students for not only security attendants, but to also have qualified social workers or others who are there to deal with those problem kids who are identified so that they can deal with the causes and not just the symptoms of their acting up behavior in the schools.

"So I thank the students for beginning that great debate, and I look forward to next year as we begin to address the causes and go deeper into this problem.

"Thank you, Mr. Speaker."

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

"I look forward to, Mr. Speaker, just some day when we can talk about focusing the curriculum in our education system on alternatives to violence, giving kids some skills and dealing with difficult matters in ways other than reacting physically, and on the day when we will not need security people on our campus at all.

"Thank you."

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

"The purpose of this bill is to improve the effectiveness of the school security program in which there are approximately 156 permanent school security personnel involved.

"There are several points that I just want to address very quickly. First is that the training program would be conducted by the Department of Education, but in consultation with the Department of Public Safety and the county Police Departments. In addition, the amount of training that would be provided to the security assistants would increase significantly from ten to twelve hours to seventy hours minimum.

"Another positive feature of this bill is that there would be a collaborative effort to include everybody in the school community in school security so that everybody would know what their role would be if something were to go awry and if there was a need for people to assist.

"Lastly, for those situations where there was a need for immediate attention to a situation that's gotten out of hand, the bill does require the Department of Education to develop criteria to secure ten special duty police officers at selected schools to provide special law enforcement for the time being.

"Mr. Speaker, all of this is to be done with existing financial resources -- just a better use of current moneys.

"For all of those reasons, I am very much in support of this measure.

"Thank you."

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

"I would also like to commend the students -- these young people -- for the poise, the knowledge, and the enthusiasm which they showed when they gave testimony before the Judiciary Committee. They were excellent in their testimony, and I think their teacher should be commended for having had such an excellent program.

"I hope that they will all continue the zeal that they showed at this point for legislation and if we had more informed citizens, we would have a better legislator and a better state in the long run. So I hope they keep up their interest.

"Thank you."

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

"In the Committee hearings that we had, one of the questions that was asked of the Department of Education was why they hadn't dealt with these problems sooner, and they couldn't answer that.

"It was my conclusion that it was really the acts of these students, by bringing this bill to our door, that forced the Department of Education to make some changes in a problem that has been occurring statewide that they weren't willing to take the necessary steps to change and to make the campus a better place for these students to learn, and to change the environment on the campus. The students saw a problem -- they changed it. The Department of Education wouldn't change it just by the students asking them so they had to come to the Legislature.

"The bill proposes many different things that have already been mentioned so I don't need to mention. Originally, the students asked that the security attendants have the arrest powers like the policemen out there. They have seen the evolution of a bill -- the changes, the frustration, the disappointments that go along with it. They have accepted that as part of the process. It now stands where ten people have arrest powers and those would be put on those campuses that have the worst problems. It is something that probably is necessary. When I originally went before their class and spoke to them, they asked me direct how I felt about arrest powers and I didn't think that was something that should be done. I didn't think the staff had the necessary training and would not have the necessary training even with the changes in the bill.

"But I think some of the amendments that have been made are for the better, and I think these kids have taken things into their own hands and these students have created a will that will be the start of creating an atmosphere and environment that will allow them to do what they go to school for, and that is to learn.

"Thank you."

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

"I'm glad that the students have initiated this process. I'm also very proud and pleased that the Legislature has responded to their initiative. I just hope that the Board of Education and the Department of Education will likewise look very closely at not only training, but also their policy regarding the use of security.

"I'm especially concerned because earlier last year, one of our students at Farrington High School was beaten mercilessly. He is very fortunate to be still living and now he's at a point where he's receiving rehabilitation. The reason why I bring this up is because, when I asked why there was no security provided, they said it's really up to the school. When I asked the school why they didn't provide security, they said they didn't have any policy and they didn't have any funds for it.

"So basically, if we look at these situations, I think registration is a school event, and the Department of Education and the Board of Education should be looking at policy on when security should be provided and it shouldn't depend on the school's resources. If it is needed, then it should be provided.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I think this is another evidence of the fact that school-based management is beginning to pick some speed. The only reason why the students have initiated this bill is because of the fact they are beginning to run their own campuses. But I wish that the Department of Education will hire people with heart instead of just bullies who use their strength as a means of dealing with problems in the schools.

"Mr. Speaker, we have discussed another measure a while ago regarding all of these lack of initiative on the part of the Department of Education. We talked about the Waiahole problem and some other problems, but I must congratulate the Chairman of the Finance Committee for being able to transfer 110 teachers from the bureaucrats down to the classrooms.

"Mr. Speaker, it takes a lot of guts to do it, and I support it.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 942, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1651 and S.B. No. 987, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 987, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1652 and S.B. No. 1298, SD 2, HD 3:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1298, SD 2, HD 3, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Senate Bill 1298, SD 2, HD 3, would transfer the responsibility for setting public school teacher certification standards from the Department of Education to a Hawaii Teacher Standards Board.

"Presently, the Department of Education acts as both the certifying agency and the employer. It establishes standards, issues certificates, and then hires the newly certified teachers.

"The problem, Mr. Speaker, with such a system is that in periods of teacher shortages, there is a strong temptation for the Department of Education to lower standards in order to have a teacher in front of every classroom. The Department of Education admits to hiring uncertified teachers.

"With the Teacher Standards Board, qualified teachers meeting the entry standards of the profession are available to be hired. Through an established alternative certification program, a sufficient pool of teachers will be available for the shortage area.

"According to the 1988 Berman Report on Education to the Hawaii Business Roundtable, and I quote: 'It will continue to be hard to attract and retain quality teachers in public education unless professionalism is increased. . . We recommend that a Hawaii Teaching Standards and Certification Board be established to further the professionalization of teaching.'

"Mr. Speaker, a Teacher Standards Board will grant teaching the same respect given to law and medicine. Board certified teachers will be required to meet high and rigorous standards, giving the public confidence that Hawaii's teachers have a high command of their subject area, know how to teach, and are excellent in their work.

"Other states that have autonomous Teacher Standards Board and have not suffered shortages are Nevada, California, Minnesota, Iowa, Kentucky and Oregon.

"The bottom line, Mr. Speaker, is that Senate Bill 1298, SD 2, HD 3, will ensure that the children of Hawaii will benefit from having a qualified teacher in every classroom.

"Thank you, Mr. Speaker."

Representative Alcon then rose and requested that Representative Ito's remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Meyer then rose and stated:

"Mr. Speaker, I rise to support Senate Bill 1298 to establish a Hawaii Teacher Standards Board and a mechanism for licensing and credentialing public school teachers. However, I have the following reservations.

"A Teacher Standards Board isn't going to be a quick fix to the problems in our public schools. I think the purpose clause of this bill is a little naive in its statement that the further professionalization of our teachers will ensure that qualified teachers will be employed to educate Hawaii's public school children. Does that mean that our current teachers are not qualified simply because they are not licensed and credentialed by the Department of Education?

"I want to see public confidence in the teaching profession and education grow, but I want it to grow because our children are growing and learning, not because Hawaii now has a Teacher Standards Board. A Hawaii Teacher Standards Board is but one small piece in the educational reform puzzle. Let us remember that."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1298,

SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1653 and S.B. No. 1650, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1650, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, very briefly, I support this legislation and ask my colleagues to do so.

"Basically, this extends the deadline for the land exchange between the Galbraith Estate and Kapolei lands. This is pursuant to Act 177 which the Legislature, in its wisdom, passed out last session.

"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. 1650, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1654 and S.B. No. 1670, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1670, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 869, 887, 942, 987, 1298, 1650 and 1670 had passed Third Reading at 12:33 o'clock p.m.

Stand. Com. Rep. No. 1655 and S.B. No. 1717, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1717, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPORTING REQUIREMENTS FOR CAPTIVE INSURERS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1656 and S.B. No. 1739, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1739, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1657 and S.B. No. 1905, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1905, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FACILITIES," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1658 and S.B. No. 1920, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1920, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE WAIKIKI AQUARIUM," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1659 and S.B. No. 68, SD 2, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 68, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1660 and S.B. No. 550, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 550, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF SCHOOLS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1661 and S.B. No. 1568, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1568, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BULK SALES," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1717, 1739, 1905, 1920, 68, 550 and 1568 had passed Third Reading at 12:34 o'clock p.m.

Stand. Com. Rep. No. 1662 and S.B. No. 593, SD 1, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 593, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1663 and S.B. No. 1336, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1336, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, I just want to thank the Finance Chair and the Committee for giving us an opportunity for further discussion on the Sovereignty Elections Council. Basically, two years ago and last year, you and your members made a commitment in recognition of, I think, the Hawaiians' right to pursue sovereignty through self-determination. It makes this addition a very important one because we need to have this discussion continue.

"We recognize the need for such a body because there is a lack of resources in the community for education and

to do this education in the quickest way possible, so I think the plebiscite needs to happen, the question needs to be asked, and once that's done, then we need to allow our Hawaiian community the ability to pursue sovereignty through a Constitutional Convention.

"So I would like to thank you, Mr. Speaker, and my colleagues for supporting this measure, and I would like to ask everyone's help, as well as the Hawaiian community, to convince our counterparts in the Senate to also support this measure.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1336, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1664 and S.B. No. 1910, SD 1, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1910, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, this bill is an appropriation to plan the transfer of the Del Monte Camp housing to a collective ownership. It provides the residents of Poamoho with the assurance of housing stability which is very well taken and is very important.

"I think there's a problem, however, because this is related to the previous bill -- Senate Bill 1650 -- of which my colleague just spoke of, which is a land exchange and there's some questions about the land exchange. It's going to exchange land at the Galbraith Estate and Kapolei lands with 35 acres at the Del Monte Camp being ceded, or given to, or otherwise transferred to a nonprofit corporation.

"What's being unanswered in the Committee hearing so far is that ... is this going to be an exchange free of any charge and simply giving land away to the pineapple company of which is now not under any threat of closure? It has no intention of closing. I certainly agree we have to secure the housing of those people, but if we're exchanging land and giving them land that's basically a 'free lunch,' you know, I have a lot of people in Hawaii Kai who would love to have us buy their land and get them from underneath the Bishop Estate leases.

"So I think there's some questions that this bill raises, particularly also because on this particular bill, Poamoho housing in the Hawaiian Affairs and Housing Committee, not one testifier showed up. In the Finance Committee, one testifier from the ILWU showed up, so if these people are fighting for housing and land, where are they? Even when the kids come out to say we need security, they're there. If housing and this issue are so keen, where's all the people?

"So, Mr. Speaker, there's some questions about this which I hope some of those in the know, or who know that the land exchange is a legitimate land exchange and not just a bail out or another subsidy for agriculture, but that it's substantive and it's going to secure housing, and it's not a 'free lunch,' Mr. Speaker.

"Thank you."

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

"First, Mr. Speaker, I need to say, when the question is asked -- where are the people that need this legislation? They were in the fields, working, is where they were. It's hard to get the time off. They counted on the union to be here to represent them.

"One of the real benefits to plantation living, Mr. Speaker, as I understand it, is the ability to be able to get low-cost housing from the company. They also usually have on site the plantation store, plantation health services, all in one location, that support the plantation workers.

"The drawback, when the plantation closes down, is then that people must emerge into the real world outside of plantation life and compete with what are already incredibly low wages, compete in the marketplace for affordable housing, and it is very difficult for these people to be able to manage to pay what we call 'affordable' rental rates. That's why I would urge that we maintain cooperative housing plans for our plantation workers for the Del Monte Camp, and it is my understanding that Del Monte is phasing out.

"We, in Kunia, hope to be able to continue to keep this prime agricultural land in diversified agriculture, and we hope to be able to retain the housing that exists there in the Kunia Camp.

"I urge all my members to please support this measure, whether the workers come to see you or not.

"Thank you."

Representative Ward, in response, stated:

"The question is ... is the State buying the camp? Are we buying the land to give to the people versus leasing it to them, or the nonprofit having some kind of a reimbursement to the state?

"Even on the Big Island in Hamakua, Bishop Estate bought the land and is arranging where there can be mortgages and purchasing of their own lots. My question is simply ... is it where we are going with the pineapple company, which by the way, Mr. Speaker, does not have any intentions of going out of business? This is a pineapple company, it's not a sugar company. It has no intention of closing down. We have to secure the housing for these people. But should the state come in and throw them a fee simple ownership of their land versus getting the money to get them the mortgages for the housing?

"The previous bill on the Galbraith exchange and this bill seem to be not clear and I am simply asking ... are we giving the land to the people, or are we renting it to them, or are we leasing it to them, are we having somewhere it's not a 'free lunch'? Because again, as I said, I've got people who are under the threat of twelve, thirteen, fourteen hundred dollar leases per year of lease rent that the Bishop Estate is charging them. They say, why don't you people buy it out and get us out from underneath those oppressive conditions.

"Thank you, Mr. Speaker."

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

"I think it's a little disjointed to try and compare the incomes and the housing needs of the people of the

Representative's district to people at Poamoho and Kunia. I think there's a world of difference.

"In answer to his questions, I think we're also referring to a previous bill on Waialua and other areas where. . . I think the main thing is that we want to provide these people with options, and we're looking down the road when I think these people are going to need help, and there is a public purpose. It's not a hand out; it's providing options -- different options -- for housing needs. But, of course, also being able to provide things such as low interest loans so that they can afford. And again, it's because they don't have the same kind of incomes as the people in the district of the Minority Leader.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1910, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO TRANSFER THE DEL MONTE CAMP AT POAMOHU AND KUNIA FROM COMPANY HOUSING TO COLLECTIVE OWNERSHIP," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1665 and S.B. No. 1509, SD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1509, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF VETERANS' SERVICES," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1666 and S.B. No. 1720, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1720, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1667 and S.B. No. 937, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 937, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Shon rose to speak against the bill, stating:

"The reason for this, Mr. Speaker, is not that I oppose some tuition increases or not, that I think there shouldn't be differentials between local students and outside students, but that the University has testified to us that the net result of this particular bill will be a high tuition policy. And I think that it's quite different from saying we need to readjust our tuition. This is a policy decision that will result in high tuitions.

"And I would also note, Mr. Speaker, that while foreign students are not particularly singled out in this bill, the formula for people coming to our state for education is, I believe, something like two-and-a-half times local students' tuition so rather than the need of graduate students and others who come to our University and add an invaluable mix, rather than their financial needs, if we adopt a high tuition policy or a bill which results in that, we will, I think, given our high cost of living, be discouraging high quality students from coming

and pursuing higher learning along with our students who were born here.

"The University has, I think up until now, maintained a very reasonable, affordable policy. With this bill, we will encourage all of us to think those thoughts ... well if you need more money, just raise tuition. And I think that we should pause before that.

"The University of Hawaii is a very valuable resource in a high cost of living state. The very least we can do is to ensure that the business of higher education is pursued with less of the disadvantage and many of the other businesses we have here.

"Education is a business. I believe that it is to our great advantage to be able to say to the next generation ... we encourage you to be involved in the pursuit of knowledge and in higher education as a career. Our University depends upon not only individuals from this state, but from outside of the state.

"Let's not be too enthusiastic about policies which will result in high tuition and, therefore, discourage the best and the brightest of the world from coming to Hawaii.

"Thank you."

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

"The bill permits the University to exercise fiscal autonomy and allows the University to retain all its tuitions and fees. It allows the University a further step forward towards lump-sum budgeting, to making priorities among the different areas of its competence.

"It is not a bill for higher tuitions. You can set any definition you want, then argue from that.

"What we meant to say here is, if higher education is a business, if we need to reflect the bottom line of anything we do, we must look at how much the taxpayer is paying for the privilege of better advantaged students to obtain a higher education and thus increase their earning power.

"At the present time, the University of Hawaii system is one of the lowest, the cheapest, public school systems throughout the United States. The average student in the undergraduate area pays only eight percent to twelve percent of the cost of education. The rest of it is paid by taxpayers.

"By allowing the University its flexibility, its autonomy, the University will make its own decisions on priorities. And we would like to point out that there are many students, whether they're from outside of the state or from inside the state, who can afford to pay more than eight percent of the cost of their education, and they should do so because they're going to earn substantially more money than the average counterpart who does not obtain a higher education.

"In this day and age, as we move towards more complicated and more diverse communities, it is time that we examine how we can give that effect to our universal principle in Hawaii, that all citizens have access to an affordable education, beginning from kindergarten to twelve, or the next four, five or six years. This bill is aimed to do that and I am certain that those who can pay will continue to pay, whereas those who cannot pay, the University, and indeed the Legislature, has adopted measures to make education accessible.

"In this respect, may I remind you that there are over seven thousand tuition waivers to the University system,

and that is a lot. We have provided a lot of free education in various different categories, and that principle will continue to be applied whether the University has its own fiscal autonomy, or whether the Legislature continues to exercise its own prerogative.

"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. 937, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Shon voting no.

Stand. Com. Rep. No. 1668 and S.B. No. 1804, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1804, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Yonamine 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 Yonamine continued:

"A quick note that last year, we took care of the unfunded liability of \$1.6 billion for the Employees' Retirement Fund.

"My friends, next year we will be faced with an anticipated approximately \$80 million to fund the next phase of this health contract with the public employees' health fund, so I think this is a good step in the right direction in looking at the problems and solutions.

"Thank you."

Representative Yonamine's remarks are as follows:

"I speak in favor of that portion of Senate Bill 1804, SD 1, HD 1, which mandates that the Governor appoint a commission to explore different funding eligibility requirements, and benefit structures, and the actuarial effect of these alternatives with regard to the Hawaii Public Employees' Health Fund.

"Cost of health fund benefits for active employees is negotiated through collective bargaining; the Legislature determines retiree costs/benefits.

"Over the past decade, both health fund enrollments for active and retired employees together with their related costs have risen dramatically. For example, enrollments have grown from 47,000 in 83/84 to 73,000 in 93/94, an increase of over 55 percent while employer contributions have gone from \$36 million in 83/84 to \$197 million in 93/94, or an increase of almost 450 percent.

"The 1993 Segal Study requested by the Department of Budget and Finance recommended that former Governor Waihee authorize a special commission to study present and future retiree costs. Unfortunately, that commission was not established.

"This year, I wrote to the state and county Directors of Finance requesting they submit proposed health fund legislation to control costs and to explain their ability to fund future retiree costs.

"The State and the City and County of Honolulu proposed 'retiree contribution reduction' bills. However, none of the public employers were able to clearly identify their future liability for active and retired employees.

"I urge passage of this bill which will authorize Governor Cayetano to appoint a commission to examine different funding methods and I further recommend the appropriation of \$100,000 from the Hawaii Public Employees' Health Fund to conduct the study.

"It is vitally important that the commission report its findings and recommendations together with proposed legislation prior to the 1996 session so that we may take appropriate action on this significant issue."

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

"Mr. Speaker, that portion of the bill to which the able Chair of the Labor Committee has just referred is one that I provide my unqualified support.

"In essence, in my brief tenure on that committee, I have come to realize more fully what I only suspected earlier, which is that one of the largest mid- to long-range problems we face in this state is our basic ability to fund some of the benefits that are statutory today. We still have time to unravel this problem in a deliberate way.

"For example, if you take a look at the demographics of our state labor force, I believe you'll find that we have a large bulge in the distribution right around the eighteen to nineteen years of service mark right now. If you take the normal rules of that system right now and calculate it out, you'll find that perhaps we have a few years to affirmatively and meaningfully control what may happen when that group hits retirement age. So I believe that this particular portion of the bill is one that is extremely necessary, and I believe we all have to keep very close tabs on the evolution of this entire area because it will impact our state's finances severely down the road.

"The portion of the bill with which I have some reservations is that portion which basically clarifies that one hundred percent of certain vacated positions may be refilled by the heads of their respective departments.

"I think we all realize that one of our constituents' primary concerns is to effect a reversal of the increase in the size and expense of state government that occurred over the last seven or eight years. Certainly, in my district, it stands at the top of my constituents' list of priorities.

"My concern is that this bill essentially goes against that effort because it does allow certain categories of state employees to be rehired at one hundred percent and thereby essentially reverses part of the efforts of Act 212 which we enacted recently. I understand the categories, and I understand that the exceptions are necessary exceptions. None of us can disagree, for example, that we need more adult corrections officers in our corrections systems, and none of us can disagree that we need to fund and find a way to fill more positions in our state hospitals.

"My problem basically is that I had hoped or would hope that when we fill positions in state government that are necessary, as necessary as we regard these positions, that we do so by hiring from within our state government, from positions that are already existing, employees that are already there who we may simply make the judgment no longer fit our list of priorities in state government, because I think it is becoming clear, if it's not already, that we simply cannot afford to fund every effort that we

would otherwise like to make in state government. And I think that our effort in terms of reducing the size and expense of state government should be driven essentially by moving people around within state government rather than hiring from the outside.

"So, for example, if there are people within state government who, with some modicum of retraining, can function within the public health system, I think that what we should be trying to do is to transfer them into that position rather than to exempt those positions from the applicability of Act 212. By doing so, we can essentially accomplish both purposes, which is to direct personnel where needed, at the same time reducing the size and expense of government.

"I also have to ask the question ... if these positions need to be added back into the system because they were necessary, why did we cover them under Act 212 to start with? We essentially provided a bonus which we paid for out of public funds to allow early retirement in those categories, and now we are losing the benefit of having paid that bonus by rehiring. So I think that possibly we should have taken a slightly different tack in Act 212 when we did that.

"Although I do vote in favor of this provision as well, I guess my comments are borne out of some sense of frustration, having sat here for the few months that I have, and dealt with the problem of the size and expense of state government. I can't help but feel that somehow we're sitting on a big oil tanker that's been moving forward very steadily over the past couple of years, and we may be turning off the engine but the boat is still moving, and my frustration is how to stop it in its tracks. I think maybe what we have to do is to start putting the engine in reverse rather than taking a neutral stance.

"I ask that my comments be considered by all of us as we move forward with any aspect of our deliberations that regards the size and expense of the government.

"Thank you."

Representative Pepper then rose to speak in support of the bill, with reservations, stating:

"Mr. Speaker, my reservations are essentially those of the previous speaker.

"I would hope that the administration will consider prioritizing their needs and redirecting their resources to the highest priority items rather than asking for exemptions from what, in my judgment, was a well-conceived early retirement bill.

"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. 1804, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 593, 1336, 1910, 1509, 1720, 937 and 1804 had passed Third Reading at 12:55 o'clock p.m.

Stand. Com. Rep. No. 1669 and S.B. No. 1218, SD 1, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1218, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"The intent of the bill is to provide additional bargaining units with compulsory arbitration procedures as the means to resolve labor disputes. I agree, however in view of the enormous impact of such changes on Chapter 89, Hawaii Revised Statutes, Collective Bargaining in Public Employment, an interim House-Senate legislative committee would be best to review these proposed changes.

"This joint committee could address many of the issues currently before the Legislature such as negotiation of health fund contributions and benefits; retirement plans and benefits; redefining essential employees; prohibiting the public employers from permanently replacing employees who participate in strikes, whether legal or illegal; should all public employees be prohibited from striking and be allowed compulsory arbitration.

"These are all very important questions that need special consideration and substantial study.

"We need a collective bargaining reform measure that all parties can find a common ground.

"We do not need to rush into passing this bill, Mr. Speaker. The impact of this bill, if passed, would affect 87.23 percent of the state work force.

"I think there are still many problems with this bill, that we should consider a legislative review of whether to continue to strike or to settle to an arbitration.

"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. 1218, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1670 and S.B. No. 1626, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1626, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Ward rose to speak against the bill, stating:

"In speaking against the bill, I want to reiterate my support for affordable housing for University faculty, and as someone said earlier, we should attract the best and the brightest to the University of Hawaii.

"However, I have two strong reservations which make me vote against this bill. Firstly, this is a nonaccountability bill in that, once we remove oversight of these funds, the legislative scrutiny of that revolving housing fund is gone. In other words, the previous speaker said that the Hawaiians have the right to sovereignty; I would submit, Mr. Speaker, that UH, as well as DOT, are well on their way to declaring independence already. We barely look at the programs sometimes under those particular areas.

"I want to also note for the historical record that this is the very fund of which you, Mr. Speaker, and a lot of us committed \$26.5 million to build the UH-Manoa faculty housing which, as we speak, sits 80 percent empty.

"This bill says, hey, you don't have to watch over us anymore. Look what we've done with the money you've already done, and I'm saying, Mr. Speaker, that is an embarrassment to you, me, and everyone in this room who backed that housing and put \$26.5 million towards it. Because of rates and misunderstanding of the market, the lack of flexibility to adjust to the market conditions, that housing is sitting there now, empty.

"Now I know this body is renowned for renting buildings and keeping it empty for many months before we use it, but to have all those housing units empty is an embarrassment and something that, quite frankly, I see is not reason to lift the accountability from this fund but, in fact, we should be scrutinizing it more. Instead of every two years, every year, we should do it monthly until they fill that housing. In fact, when they do fill up the housing, that's probably when we should pass this bill but not before that.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I've been looking as closely as I can at the UH-Manoa housing issue and I have found that indeed the University administration seems to be quite over its head in dealing with this. There's untold liabilities that they have coming due, I believe in June. They did not even get permission to borrow money when they should have.

"As I look at the facilities management for the University of Hawaii, I think we have to be very cautious in our enthusiasm for autonomy. I can tell you that, with respect to simply saving money and energy, the University is the biggest energy user of the state, and yet, is the biggest resister to the use of energy conservation measures.

"I can tell you that, with respect to this housing project, it is hard to associate the word 'competence' with the University when you look at how they have mismanaged this. Either we need to get better staff or we need to get out of the housing business, with respect to the University. Something has to give.

"As the previous speaker noted, there are large numbers of units that are unfilled. I am told by members of the faculty that the conditions which the University continues to insist upon are so onerous that banks will not -- banks will not -- loan money to faculty to purchase these units. When the prices of housing somewhat stabilized, we are asking for higher rents, we're asking people to buy these units for the privilege of, if they should ever sell, they have to share equity with us, whereas at a cheaper cost, they could buy units free and clear out in the Ewa area.

"So what have we offered to folks?. This was, in fact, justified as a way to attract newer faculty to the state. Now, they're heavily trying to recruit existing faculty, with permission from the Deans and recommendation from the department heads, that indeed existing faculty might qualify for this housing.

"What happened to the whole point of building it? We're supposed to be attracting new faculty. I'm told that the faculty has been given misrepresented proposals about this, that they will be living in a wonderful enclave of academic families, and what they found was essentially a high-priced barracks.

"Mr. Speaker, I think that this project deserves a lot more scrutiny. This fund deserves a lot more scrutiny. The University operations for facilities deserve a lot more scrutiny. I have always been one of the greatest proponents of autonomy, but I am beginning to have a lot of second guesses about that. And come June or July, the University of Hawaii is going to owe HFDC something like. . . I don't know, millions and millions of dollars -- millions! Where are they going to come up with it? And is the current Board of Regents personally liable for this -- for this spending of money that was not authorized by the Legislature?"

"For these reasons, Mr. Speaker, I think that we should be very, very cautious about the pursuit of more autonomy until the University can show us that they are far more competent in facilities management.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1626, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Alcon, Anderson, Halford, Kawanakoa, Shon and Ward voting no.

Stand. Com. Rep. No. 1671 and S.B. No. 1233, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1233, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE REGULATION," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1672 and S.B. No. 1461, SD 2, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 1461, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1218, 1626, 1233 and 1461 had passed Third Reading at 1:09 o'clock p.m.

At 1:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:05 o'clock p.m., the Vice Speaker assumed the rostrum.

THIRD READING

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

S.B. No. 201, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 201, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION," passed Third Reading by a vote of 51 ayes.

S.B. No. 961:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 961, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed Third Reading by a vote of 51 ayes.

S.B. No. 1381:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1381, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM COMMERCIAL CODE ARTICLE 3," passed Third Reading by a vote of 51 ayes.

S.B. No. 1638:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1638, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION," passed Third Reading by a vote of 51 ayes.

S.B. No. 1722:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1722, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF CAPITAL OF A FINANCIAL INSTITUTION," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 201, 961, 1381, 1638 and 1722 had passed Third Reading at 2:06 o'clock p.m.

S.B. No. 1723:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1723, entitled: "A BILL FOR AN ACT RELATING TO CONSENT ORDER OF REMOVAL OR PROHIBITION FOR ANY FINANCIAL INSTITUTION-AFFILIATED PARTY," passed Third Reading by a vote of 51 ayes.

S.B. No. 1725:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1725, entitled: "A BILL FOR AN ACT RELATING TO SUBMISSIONS TO THE COMMISSIONER OF FINANCIAL INSTITUTIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1726:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1726, entitled: "A BILL FOR AN ACT RELATING TO CLARIFYING THE REQUIREMENTS OF THE CODE OF FINANCIAL INSTITUTIONS AS IT RELATES TO THE HAWAII BUSINESS CORPORATION ACT IN CONVERSION, MERGER, OR CONSOLIDATION SITUATIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1727:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1727, entitled: "A BILL FOR AN ACT RELATING TO FORMS OF DEPOSIT IN HAWAII FINANCIAL INSTITUTIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1728:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1728, entitled: "A BILL FOR AN ACT RELATING TO POWERS OF TRUST COMPANIES," passed Third Reading by a vote of 51 ayes.

S.B. No. 1729:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1729, entitled: "A BILL FOR AN ACT RELATING TO CHANGES TO THE FIELD OF MEMBERSHIP OF HAWAII CREDIT UNIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1747:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1747, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," passed Third Reading by a vote of 51 ayes.

S.B. No. 433, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 433, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDOWMENT FUNDS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1723, 1725, 1726, 1727, 1728, 1729, 1747 and 433 had passed Third Reading at 2:07 o'clock p.m.

S.B. No. 526, HD 1:

Representative Amaral moved that S.B. No. 526, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Senate Bill 526 will increase the amount of malt liquor allowed to be produced by brewpubs from three thousand barrels a year to five thousand barrels a year.

"Mr. Speaker my concern pertains to the over regulation and micro-management of micro-breweries. This is a new and growing industry, and frankly, our job is to foster economic growth and encourage new businesses, not over regulate and dictate production of a product. We have allowed brewpubs to be established and operate legally in Hawaii; now we must give them the freedom to succeed financially. Limiting production of a product in any industry makes no sense. We must allow brewpubs to operate as any other business with the basic economic principles of supply and demand. Let us stop trying to control; instead, let us encourage businesses and create a business climate in Hawaii that is conducive with economic growth and recovery.

"Thank you very much."

The motion was put by the Chair and carried, and S.B. No. 526, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Shon, Swain and Takai voting no.

S.B. No. 532, SD 1, HD 1:

Representative Amaral moved that S.B. No. 532, SD 1, 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:

"The Real Property and Financial Services section of the Hawaii State Bar Association has expressed some concerns. Their basic concern is that the entire chapter needs amendments, beyond those amendments proposed in this bill that is before us today. They say that Chapter 508(d) contains a significant number of technical flaws that will create legal and financial difficulties that will serve only to frustrate the public.

"What they've done is volunteer to work with the Legislature -- at no cost. This is a great cost saving approach to how we can examine an entire chapter and get rid of the ambiguities and the technical flaws. And so their committee has requested that in Conference Committee, that the effective date of this bill before us today be moved to July 1, 1996. This will enable that committee of the Hawaii Bar Association to work with legislative committees and members and look at the whole chapter, make the recommendations to amend the chapter so it really works properly. And we wouldn't, in the meantime, be enacting another law that would further obfuscate matters.

So I would hope, as this bill goes on to conference, that the conferees will look at making the effective date one year off from what it is presently in the bill.

"Thank you."

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

"In response to the remarks made by my colleague from Kailua, I just wanted to point out the fact that the Committee did in fact take into account the concerns of the Hawaii Bar Association.

"If you look at page 2, line 22 of the bill, it indicates that 'this Act shall take effect on July 1, 1996.'

"Thank you very much."

Representative Thielen, in response, stated:

"I thank the Chair of the Consumer Protection Committee. When I was looking at it, I saw the year 1995, so I am glad that we've already taken into account what I was concerned about.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 532, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURES IN REAL ESTATE TRANSACTIONS," having been read throughout, passed Third Reading by a vote of 51 ayes.

At this time, Representative Say was permitted a late introduction and he introduced to the members of the House, Senate President Norman Mizuguchi and his aide, Janelle, who were seated in the gallery.

S.B. No. 958, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 958, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITORY FINANCIAL SERVICES LOAN COMPANIES," passed Third Reading by a vote of 51 ayes.

S.B. No. 959, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 959, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED INSURANCE LICENSES," passed Third Reading by a vote of 51 ayes.

S.B. No. 960, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 960, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed Third Reading by a vote of 51 ayes.

S.B. No. 1368, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1368, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES IN REAL ESTATE TRANSACTIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1744, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1744, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM LICENSING REQUIREMENTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1897, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1897, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," passed Third Reading by a vote of 51 ayes.

S.B. No. 1721:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1721, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE ORGANIZATIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1753:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1753, entitled: "A BILL FOR AN ACT RELATING TO CLIENT REFERRALS BETWEEN ATTORNEYS AND HEALTH CARE PROVIDERS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1560, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1560, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Third Reading by a vote of 51 ayes.

S.B. No. 1732, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1732, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING RECORDS OF MASSAGE THERAPISTS AND MASSAGE THERAPIST APPRENTICES," passed Third Reading by a vote of 51 ayes.

S.B. No. 6, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 6, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed Third Reading by a vote of 51 ayes.

S.B. No. 85, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 85, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 159, HD 1:

Representative Amaral moved that S.B. No. 159, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Kawanakoa rose to speak in support of the bill, with reservations, stating:

"This particular bill is eliminating the sunset provision on expedited sentencing procedure of Chapter 706 regarding intra-family sexual assault. This measure, I think, goes a little too far. The bill actually removes the sunset provision from the statutes which allows an expedited sentencing option for cases in intra-family sexual assaults.

"The verdict for me is not in yet as to whether this option meets the needs of child victims and public safety, and as a prime example of making decisions and taking action with little or no information.

"Testimony in that Committee was received but the sunset provision might not be prudent at this time, and we actually had various testifiers and experts come in from all directions. Some wanted to do away with the expedited sentencing option altogether, regardless of the sunset provision or otherwise at this time.

"Some wanted to make it a permanent option by deleting the sunset provision which actually is what is occurring by this measure, and some others still wanted to simply extend the sunset provision so we could give more information on this particular legislation as being used by our prosecutors in various counties.

"I would like to note that the largest Prosecutor's Office here in the City and County of Honolulu doesn't use the statute at all. They have serious reservations about whether or not this is an effective use of deterring or stopping child abuse and sexual assaults on children. Of the other three prosecuting attorneys from the various counties, only seven cases have used the program -- seven cases!

"So, over two years, these seven cases is what we're justifying the termination of the sunset clause, by simply extending it infinitum -- forever -- and perhaps never to review it again. The logic and prudence of this course of action escapes me. I know after I'm finished with my reservations, I'm sure they'll be people on both sides of the fence, just to show you, Mr. Speaker, how contentious this particular issue is. Some people believe we should do away with this process -- don't allow it. Others are going to say it is a good process and it affords an opportunity for the prosecutors to at least put away intra-familial abuser for one year with probation of twenty.

"In my response, I would simply suggest that we, at conference, hopefully extend the sunset provision for another two years. Give us some more opportunity to

take a look at some of the cases and see what direction this particular process is going.

"With that, I think I'll leave it to my other colleagues to perhaps debate the merits of whether or not we should have this process at all.

"Thank you, Mr. Speaker."

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

"I just would like to express my grave concerns on this measure.

"I've been in contact with a number of people, both directly involved in the program, and they have expressed their concerns about available resources with respect to full implementation of this as an alternative option in our criminal justice system by providing alternatives to sentencing or expedited sentencing.

"This measure, by deleting the sunset of the expedited sentencing program, will not allow for a review of the amount of resources necessary to continue this program and will make it permanent. I was informed that this may also cause an increase in participants in the program. The concern that there are not enough resources to handle the increase in participants will cause the program, perhaps, to relax its standards and prematurely release participants into the community on probation. In my view, this undermines the whole intent of the program and, more importantly, may endanger the community.

"Some members of my colleagues mentioned that this program is voluntary but this is only partly true. While it is voluntary for the offender because they must first agree to a guilty plea, to my knowledge, the institutions that must review and treat these offenders and which must provide the necessary resources are not necessarily choosing on a case by case basis for these voluntary situations.

"Finally, Mr. Speaker, this program is only two years old and also, in my view, there has not been a thorough collection of evidence to show that the program has the necessary resources to support prospective demands.

"Therefore, for all of the foregoing reasons, although I do believe the intent of the bill is good to provide program alternatives, we must first study the availability of sufficient resources and weigh the cost of deleting the sunset and the effects it may have on our community.

"Thank you, Mr. Speaker."

Representative Marumoto then rose in opposition to the bill and requested that Representative Kawanakoa and Representative Yoshinaga's remarks be entered into the Journal as her own, and the Chair "so ordered." (By reference only)

The motion was put by the Chair and carried, and S.B. No. 159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Anderson, Marumoto, Meyer, Thielen, Ward and Yoshinaga voting no.

S.B. No. 337, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 337, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 431, SD 1, HD 1:

Representative Amaral moved that S.B. No. 431, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"This measure, I believe, is a good step and I commend the Chair in sending a message to the public that we will not let criminals go unpunished. I would also like to commend the Chair's efforts to help offenders by allowing them to be placed into counseling programs to get them the help they need on this measure.

"I believe that we need to punish repeat offenders, to let them know that we in society, as a whole, will not tolerate this type of criminal behavior.

"I strongly support this measure because it sends the right message to our community, and it moves us one more step in the right direction.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 431, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," having been read throughout, passed Third Reading by a vote of 51 ayes.

S.B. No. 722, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 722, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS," passed Third Reading by a vote of 51 ayes.

S.B. No. 945, SD 1, HD 1:

Representative Amaral moved that S.B. No. 945, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Marumoto rose to speak against the bill, stating:

"This bill, Mr. Speaker, supposedly gets tough on prostitution, but I have my doubts. I am very much opposed to prostitution, to street hustling, and to aggressive and obnoxious soliciting, and I support the police in their efforts to round up the offending parties and get them off the streets.

"I believe that this bill will not address any of the aforementioned abominations. It is a weak, see-through, window dressing that promises to help Waikiki hotels, businesses, and residents, but I don't think it will. It won't help them at all. It is business as usual -- for us, and for the pimps and prostitutes.

"In the interest of time, I would ask that the remainder of my remarks, which are based on the testimony of the Public Defender's Office, be placed in the Journal," and the Chair "so ordered."

Representative Marumoto remarks are hereby inserted:

"First, the penalty structure created by this new offense is not in concert with the Hawaii Penal Code. No other misdemeanor offense is penalized with a mandatory minimum prison term of six months; misdemeanor or petty misdemeanor offenses is thirty days or less.

"Second, the bill completely deprives defendants convicted of this offense of the right to bail pending appeal. This is the only offense in which bail pending appeal is prohibited.

"Third, the new offense will make street prostitution activity a full misdemeanor offense which will clearly accord persons charged with this offense of the right to jury trial.

"Currently, all persons charged with the petty misdemeanor offense of prostitution have their trials held in the district court and these trials are non-jury trials. There may be delay in disposition of these cases due to the current backlog of jury trials in the circuit courts."

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

"To put prostitutes in jail for six months is not appropriate; we all know our prisons are overflowing so as we incarcerate these women, who gets let out?"

"The Pimps and Johns are very rarely put in jail or fined. If anything, the Pimps should be the ones that are in jail -- individuals who control the women and take most of their income.

The harassment factor in Waikiki is not pleasant, but why not ask community members to walk the streets and hover around the prostitutes and gentlemen accepting their services to remind them that this activity is illegal and not appropriate in Waikiki. This reverse harassment might embarrass the men to not accept the offer.

"Mr. Speaker, rather than send the prostitutes to jail, let's encourage the men of Hawaii to just say, 'NO THANK YOU'."

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

"Mr. Speaker, for the past 20/25 years, we've all heard that Waikiki has a constant problem of prostitution. We've gone to dinners with the Waikiki Improvement Association to show legislators that the problem is leading to drugs, leading to robberies, robberies leading to thefts, and the interesting thing about it is that it is Waikiki and no other part of the state other than Waikiki, where ninety to ninety-five percent of the prostitutes there are not from here. They're from a national chain from Washington. It's a circuit from Washington to Oregon to California, and they come here for one specific reason -- to make a buck, to make a dollar.

"As a result, let's not play around with words on this. This is not a local problem where we're trying to rehabilitate people, because these people that are coming here are coming here for one purpose only, and that's to do it in Hawaii as part of this circuit. It's been going on for over twenty/twenty-five years. We've done everything from community service to fines to everything under the books, and it hasn't worked.

"And also, this bill does not mention women once; it's not a one sex race or bill. It's not a one gender bill -- it can apply either way to men or women who come here and decide that they want to earn a dollar by harassing tourists and residents in this state, in Waikiki.

"It does not penalize the entire state. It's here for one reason only -- to clear up a problem that the Waikiki residents and the Waikiki merchants have talked about and the people who come and visit here. And I don't equate this overcrowding with that of domestic abuse or DUIs because I'll tell you, you arrest one prostitute for six

months, and that signal that Hawaii would not tolerate these kinds of harassment in Waikiki will get through that circuit of states quicker than anything else, quick as the coconut wireless.

"So I'm saying that I don't think the overcrowding problem will be a problem because I think this message will be sent loud and clear to the rest of the country ... it doesn't pay to do business of this nature in Waikiki and Hawaii.

"Thank you very much."

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

"I think that this bill is flawed in a number of ways; just the fact that it selects one particular part of the island. What about prostitutes on Hotel Street? Would they be meted out a different fine than a prostitute in Waikiki? That seems very troublesome to me.

"Even though we say that all prostitutes are not female, about ninety-five percent of them are, and while prostitution is against the law, most of the time it is only one party who breaks the law that is picked up and taken to jail, and that's the female prostitute, not the John and the Pimp, so justice is not meted out equally in this situation.

"What message is being sent out when prostitutes are given six months jail time and a family abuser who beats his wife gets forty-eight hours? This doesn't seem like a fair type of punishment.

I would say that I'll have to vote no on this measure.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 945, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Anderson, Marumoto, Meyer, Pepper, Shon, Takai and Thielen voting no.

S.B. No. 1254, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1254, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed Third Reading by a vote of 51 ayes.

S.B. No. 1286, HD 1:

Representative Amaral moved that S.B. No. 1286, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"I think this is a very necessary measure in order to prevent influence-peddling or its appearance in our State Legislature, so I am very supportive of this bill.

"I think that influence-peddling or its appearance erodes public confidence in government, and potentially allows a particular company or individual to have an unfair advantage over other companies or individuals in the conduct of its business. So if lobbyists are here, if they are former legislators, they certainly have a great amount of respect, or perhaps influence over current legislators and may be able to forward bills improperly, or perhaps to the unfair advantage of other companies.

"While I think this is an important bill, I think it's very important that perhaps we apply its intent in an expansive manner so that it will cover all state employees and in all situations. What I am referring to is that subsection (d) of this bill specifically exempts state departments and agencies from using former legislators to come here and lobby on behalf of the state. I think while we're trying to make a level playing field for all the companies and individuals so that they are not unfairly lobbying before us, plus we should consider that in some manner with regard to the state departments. Should they have the upper hand in coming in to lobby their positions over companies, over individuals, over various community organizations? I think not.

"So with those concerns and perhaps hopes that we could expand this legislation to somehow incorporate the curtailing of former legislators lobbying on behalf of the state, I support this measure.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 1286, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRICTIONS ON POST EMPLOYMENT," having been read throughout, passed Third Reading by a vote of 51 ayes.

S.B. No. 1771, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1771, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF CHILD SUPPORT THROUGH INCOME WITHHOLDING," passed Third Reading by a vote of 51 ayes.

S.B. No. 1773, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1773, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXTRADITIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 92, SD 1, HD 1:

Representative Amaral moved that S.B. No. 92, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"I do have a lot of concerns, and I think I expressed a lot of them earlier when they were House bills. I can understand the concern for a juvenile crime, especially for a violent juvenile crime, but I guess a lot of concerns are borne out of fear -- perhaps our fears and the fears of our community.

"According to the statistics, these fears are largely unfounded. According to the Kids Count statistics, Hawaii shows a decrease, a minus 2.8 decrease, from 1990 to 1993 in the arrest rates for juvenile violent crimes. And our arrest rates are actually half of the national average, so I guess the question is ... are we going to opt to incarcerate our fourteen year olds, and what is the cost to the system? We'd rather spend that \$40,000/\$50,000 in trying to keep kids out of the system, especially when we have prison overcrowding.

"I also want to note that there has been a 37 percent decrease in the funding or alternatives to incarceration from the Office of Youth Services, and also a 37 percent

decrease for the Youth Gang Response System, so without these community-based alternatives, we are going to be headed for trouble, and I think this is sort of the wrong direction that we're heading in.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 92, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTHFUL OFFENDERS," having been read throughout, passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Chun Oakland, Saiki, Takai and Tarnas voting no.

S.B. No. 927, SD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 927, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed Third Reading by a vote of 51 ayes.

S.B. No. 1912, SD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1912, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD TENANT CODE," passed Third Reading by a vote of 51 ayes.

S.B. No. 487, SD 1, HD 1:

Representative Amaral moved that S.B. No. 487, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative McMurdo rose to speak against the bill, stating:

"The moratorium has been in effect for four years and it was supposed to help competition. It hasn't, and yet, here we are, we're going to solve the problem all over again by extending the moratorium for another two years.

"I know there are going to be a lot of studies that are going to be done. But, Mr. Speaker, we could have done those studies and stopped the moratorium, then we could have seen if we needed to go back and put it on.

"I say that when we have lost 56 gas stations in the last few years, that it's time to consider there's something badly wrong beside the other reason that people are going out of business.

"I think this moratorium has had a great bit to do with this kind of thing, so I am going to vote no on this."

Representative Kawanakoa rose to speak against the bill, stating:

"The extension of the moratorium prohibiting manufacturers and jobbers from operating retail service stations is anti-competitive and will continue to cost rather than to save consumers money for gasoline. Not only does it cost the consumer, it does not accomplish the proclaimed goal of protecting independent dealers from predatory pricing.

"The University of Hawaii report indicates that the factors driving independent dealers out of the market is not predatory pricing by the 'big' guys -- Chevron or others -- but by the increase in lease rents which make gas stations' operations as an ineffective and inefficient use of scarce expensive land. There is also federal environmental regulations which add enormously to the cost and liability involved with the operation of the gas

station. Even with Senate Bill 487, dealers must contend with these factors.

"At a time when Hawaii consumers are finally, for the first time in history, gaining choice in the marketplace with the arrival of major discount stores, this legislation serves to deny them that same opportunity in the gasoline market.

"If Hawaii truly wants to promote business opportunity in the state while, at the same time, allowing its residents to reap the benefits which flow from a competitive marketplace, we cannot and should not continue this moratorium.

"As expressed by the previous speaker, this moratorium is not working and we could have had these studies that will be implemented. We could have had them done in the past years that this moratorium has been in effect. And while I believe that these studies would be appropriate to see if these large gas owners, or I suppose the companies might be threatening the safety of the independent dealers and perhaps initiate predatory pricing in the future, I think the moratorium can go by the wayside at this time. Let's continue with the studies, and let's see if there are other innovative ways to help along our independent gas stations, to see if they can stay in business and promote their service.

"The last thing I would like to mention is that throughout the testimony, I was open to going either way on this particular bill, but I did not hear any convincing testimony with regard to the predatory pricing. It was something of a nature of fear, that in fifteen or twenty years, once all the independent dealers are out of business, then the big companies are going to start doing this price fixing and raising the prices. I just found that to be a lot of assumption.

"Finally, if that were to occur, we do have anti-trust laws. We do have other measures that we could take to prevent such action.

"So I think with all due prudence, it is appropriate for us now to do away with the moratorium and work towards a more effective manner in which to address this issue.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, the previous speaker has indicated that eventually it will be a one company operation. It will be either Chevron. . . you know, even Texaco is going up, Mr. Speaker, so in about five or ten years from now, there's going to be only one gasoline station in this whole state. Therefore, I think competition will be promoted more if we have independent dealers.

"What the previous speaker has alluded to is that, you know, we have more competition even if one company runs all the dealership. That is not right, Mr. Speaker, and I think everybody should vote for this moratorium.

"Also, Mr. Speaker, he has indicated that the rental prices have driven some people out. The EPA had requested that every underground gasoline tank must be excavated to see whether it is leaking or not. You know, the small dealer cannot afford that, Mr. Speaker. I happen to know a lot of dealers that had to close because they couldn't afford to carry the larger tanks.

"Thank you, Mr. Speaker."

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

"Let me first of all express to this body that it is unfortunate that we were unable to get unanimous consent on this and that, in fact, we have a division of the House on divorcement in this issue on this body.

"In any event, on a more serious note, in response to the comments by the previous speakers, I think one very important point needs to be emphasized initially, which is that your Committees made substantial amendments to the bill as received from the Senate that are incorporated into the House Draft 1 that is now before you.

"In the interest of time, I won't go into this specific amendment because I believe they are fully discussed in the Committee Report. However, I would like to emphasize that all of these amendments that are contained in House Draft 1 are intended to achieve several important goals.

"First of all, the enactment of this bill into law will implement basically a transition phase and the marketing and retailing of gasoline in Hawaii by allowing additional company-operated stations to open up, I believe that we are sending a clear signal that the Legislature is moving towards the actual elimination of the moratorium and not merely taking indefinite polling actions along the lines of what we have done previously with no clear purpose and with no end in sight.

"Most importantly, the LRB study that is required under this bill will provide important assistance to the Legislature in the formulation of policies that will ensure in the long-term the availability of competitive and reasonably priced gasoline for Hawaii's consumers after the moratorium is lifted.

"During the lengthy hearings on moratorium/divorcement legislation that was conducted not only in this session, but in previous sessions as well, both proponents as well as critics of such legislation fundamentally and basically agreed on one point, which is that the moratorium that was first enacted into law in 1991 and that was re-enacted by the 1993 Legislature is not a permanent solution to ensuring the long-term health and competitiveness of Hawaii's gasoline market.

"However, the problem is that the Legislature has never taken these steps in the past to evaluate the various policy alternatives that could be implemented to ensure a competitive situation with respect to the retailing and marketing of gasoline. We've adopted moratoriums in the past that were designed to be a stop gap measure, but I believe that the moratorium bill that is now before you significantly differs from the approaches that we took in the past, given the fact that now, at long last, the Legislature is taking a serious step towards consideration and analysis of various policy alternatives, short of divorcement, to address the concerns of the independent dealers.

"Now, in response to some of the criticisms that have been made about this bill, some of the opponents of this bill will argue that, why should we do another study because other studies have been done in the past? In particular, opponents of this bill will refer to the 1993 Attorney General's study and also to the 1994 Attorney General's report. In response to those criticisms, let me raise a number of points. First of all, a careful reading of these reports would indicate that while they contain several assessments with respect to the pricing of gasoline, these reports offer very little in the way of firm and definitive conclusions and in fact raise more questions.

"But more importantly, although these Attorney General's reports in particular did conclude that permanent divorcement is not an answer, they do not -- I repeat do not -- contain a detailed analysis of other policy alternatives short of divorcement that the Legislature might implement to assure the continued viability of competitively-priced gasoline. In fact, in its 1993 report, the Attorney General's Office concluded that while divorcement should be rejected, the Legislature should consider alternative solutions that could on the whole promote consumer welfare and, of course, some of these alternatives are listed in Senate Bill 487, House Draft 1, for further study by the LRB.

"So, it is my contention that the comprehensive study that is referred to in this bill is not duplicative; it will be comprehensive in nature and is long overdue and, hopefully, will provide the necessary information and data to assist lawmakers in formulating policies that protect the long-term interests of Hawaii's gasoline consumers.

"Now, we've already heard some of the previous speakers indicate, why not just simply lift the moratorium and rely on the free market to assure the availability of competitive and the lowest priced gasoline for consumers. I would respectfully submit to this body that those who raise those arguments are basically assuming that once we lift the moratorium without implementing mitigative measures, then what will result will be a free and independent market and the retailing and marketing of gasoline.

"I believe that that assumption, that contention, should be seriously questioned for several reasons. First of all, I would respectfully submit to this body that if the moratorium were to be lifted without any alternatives put into place to address the independent dealers' concerns, there exists a strong possibility that this action would lead to the eventual demise of most independent dealers and the domination and control of the marketing and retailing of gasoline by a few companies, primarily the five oil companies -- two of which own and operate the only two refineries in the State of Hawaii -- to provide all of the gasoline for Hawaii's consumers.

"Now, I believe that the primary reason why this might occur is because an oil company, that is vertically integrated in that it not only manufactures a gasoline product but also markets and retails it directly to the consumer, has tremendous competitive advantages over an independent dealer in terms of the pricing of gasoline. One significant advantage is being able to sell gasoline directly from the refinery to the consumer without having to pay a wholesale price that independent dealers do and that results in a markup of retail prices, and that is a significant advantage.

"Another advantage would be, of course, the fact that when you have large companies, there are economies of scale. Moreover, oil companies could give their own stations a competitive advantage by charging wholesale prices to their independent dealers that exceed the retail prices that they charge at their own stations, and that could put the independent dealers at risk of being put out of business.

"Now, given the price consciousness and sensitivity of Hawaii's consumers, I really think that it is rather naive and somewhat misinformed for anyone to deny that it's going to be extremely difficult for small independent dealers to be able to overcome the significant competitive advantages of vertically integrated oil companies through sheer hard work or entrepreneurial skills or ability alone.

"Now, in response to the concerns that I have expressed, I know that some of my colleagues have argued

and will continue to argue that even if the scenario I have painted were to happen, there should be enough competition among the oil companies themselves to assure the availability of competitive and reasonably priced gasoline for consumers.

"However, in response, let me just say to my colleagues to please read the 1994 Attorney General's interim report on the investigation of gasoline prices because in that report, the Attorney General clearly indicates that the public needs to be concerned about the possible oligopolistic pricing practices of the oil companies and the possible anti-competitive nature of the oil industry.

"This report strongly suggests that the lifting of the moratorium in a manner that would lead to the control of the retailing and marketing of gasoline by the oil companies would not be in the consumers' best long-term interests. In that respect, I submit that the bill that is before us cannot be labeled a mere protectionist legislation, but rather as a strong pro-consumer bill.

"Before I close, I just want to make two additional points. One of the previous speakers mentioned the fact that this bill would be addressing a predatory pricing situation, and that a previous report indicated that predatory pricing doesn't exist in the State of Hawaii.

"I agree, predatory pricing is difficult to prove and it may not exist here in the State of Hawaii, but what we're talking about here is not predatory pricing. Predatory pricing is an unlawful practice whereby an oil company intentionally sells gasoline at the retail price that is below the cost of production for the purpose of driving out its competitors. That's not what we're talking about here.

"What we're talking about here is a lawful pricing practice that oil companies could engage in, in light of the competitive advantage where they can sell gasoline at retail, way below the cost of what the independent dealer is selling it for, and yet at a retail level or price that is sufficient to cover the cost of production, and also allow a healthy profit to the oil company in marketing and retailing that gasoline.

"So we're not talking about predatory pricing -- we're talking about lawful practices that we nonetheless should still be concerned about, given the fact that we're talking about trying to ensure the long-term health and competitiveness of the Hawaii retail and gasoline market.

"So, Mr. Speaker, I believe that this bill again would be pro-consumer in the long term, and for all of those reasons, I would respectfully ask my colleagues to vote in favor of this bill as a pro-consumer measure in this state.

"Thank you."

Representative Kawanakoa, in response, stated:

"I appreciate all the hard work that's gone into this middle-of-the-road approach, but if I may adopt the words of the previous speaker as my own because I think they represent exactly what I am trying to say; simply that -- where's the benefit to the consumer?

"If there are competitive advantages of having the middleman cut out and that reduces the cost of gasoline to our consumers, is that not what we are attempting to do here in the islands?

"I think that as far as the consumer protection is concerned, I think that's where we should be focusing ... how can we reduce the price of our gasoline to our consumers?

"With respect to the notion of doing away, or having the moratorium in effect until we can get other legislation in place to help protect this industry of the independent dealers or otherwise, or the fear that price-fixing or eventually, the long-term effect of prices going up for the consumer -- I'm looking at tomorrow. I'm looking at next year and the year after, maybe within the next five years. If we see any indication that there's misuse by the larger oil companies in having the retail outlets, then we can certainly enact legislation to counter that, if that were to occur.

"I just think it's a bit imprudent to continue with something that has been stated again and again, and again by the previous speaker, that the moratorium has failed, that it does not work. Report after report simply states that the moratorium does not work. It is not achieving its intent nor its purpose.

"For those reasons, let's simply admit that we made a mistake, and let's move on and find alternatives to correct any potential harm that may come to our consumers in the future. Let's not sit on to an old inappropriate legislation that has failed.

"Thank you, Mr. Speaker."

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

"One of the things that I really want to put on the record is to encourage the Committee that goes into conference on this bill to consider changing the date that this report will be due and to make this report due at the end of our term, and that is next year.

"When I sat on the Consumer Protection Committee, as we dealt with this issue initially, I heard the Chair say at that time that this is a matter that we need to study, and she called for a study and she said, 'When we return next year, we will deal with this matter at hand,' and she returned, but not as Chair of that Committee. So we had a new chair who thought he didn't understand enough about the issues and he called for a study, and then he didn't return two years after that.

"So let's get those studies back while we're still here so we can make the decision with the chair we have in place.

"Thank you."

Representative Menor, in response, stated:

"First of all, with respect to the submittal of a study, if you read the bill carefully, it requires the submittal of two reports -- one would be an interim report to be submitted to us prior to the start of the next legislative session, with the final report to be submitted at the start of the 1997 session.

"It is my hope that if the Legislative Reference Bureau is able to submit an interim report that is definitive as to whether or not any policy alternatives that are mentioned in this bill ought to be undertaken, then at that point in time, we can always entertain, introduce and pass out legislation next session to lift the moratorium.

"Lastly, in response to another speaker's comments, I think that the restrictions that are contained in this bill, not allowing a larger number of company-operated stations to open, is justifiable for several reasons.

"My primary concern is that I believe that the lifting of this moratorium could have the detrimental effect of accelerating the closure of stations that are currently

operated by independent dealers. If this situation were to happen, what we're essentially talking about is an economic harm to the independent dealers that would be very difficult to reverse. Once these dealers' stations close, it is highly unlikely that they are going to be able to reopen them again. And the two primary reasons for that are the limited availability of sites or land for gasoline stations as well as the prohibitively high cost of opening up or starting up a new gasoline station.

"So, if you agree with me that from a long-term perspective we ought to be looking at assuring a proper mix of retailers to assure competition of gasoline stations run by companies, independent dealers, jobbers, or what have you, then I believe that this measure before us should be enacted into law.

"Thank you."

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

"I understand the arguments of the Chairman of the Consumer Protection Committee but if we followed them all the way, I think we would put a moratorium on Costco, WalMart, and the big discount stores that are coming to town. Obviously, there is a severe social dislocation when we see Mom and Pop stores leave but we have to deal with economic reality.

"I just would like to confine my remarks to the digest provided by the Majority on this measure and point out that the pros on this measure that this bill will ensure long-term competition and prevent dealers from going out of business, whereas the cons on this bill are quite lengthy and I would like to read them: 'Retail divorcement is anti-competitive and anti-consumer; is unconstitutional; damages market efficiency; raises gas prices; will cost consumers an estimated \$10,000,000 a year; does not prevent station closings -- dealers close because of increased lease and rent costs, costly federal mandates, reduced demand for car repair at service stations, and changes to large-volume, self-service station configuration, not from company-run competition; allegations of company predatory pricing proven false; cuts or reduces jobs and promotions, especially for lower-income persons; reduced service hours; is anti-business; adds extra costs for undeveloped land; unfairly includes jobbers who are not refiners; prohibiting jobbers from retail selling is unprecedented and has no rational basis other than political favoritism; hurts independent dealers leasing from refiners; divorcement has not worked in the past; benefits only companies with many company-owned stations and hurts those with few.'

"Thank you."

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

"As my colleague from Kaimuki said, the cons outnumber the pros by so very many, it seems so clear that divorcement benefits no one except the very small segment of the population, and those are dealers who are protected. This fear of them going out of business, I feel, is irrational. Meanwhile, we continue this divorcement which for the past four years has caused gas prices to continue to creep up.

"The original intent was to save the truly small Mom and Pop service stations, and I, Mr. Speaker, was one of those people. My husband and I owned a station on the Big Island and the truth is, that business was not viable with or without this bill because it was in a remote area where you couldn't pump enough gas, and with the new EPA law that came into effect in the early 80s, it simply

was destined to put the small operator out of business because of the cost of new technology, the requirement for tanks built of a more expensive material, the insurance, just an unlimited number of expenses that made it so it was no longer a viable business that a normal small individual could go into. So we've got ourselves out of place now in history where about the only people that have the capital to put gas stations in are the big guys, and those are the refiners.

"Chevron has been here for many years. They have chosen to make the investment and put dealers in their stations for the most part. I think they have 65 stations statewide. I don't think they're going to change that decision because it's a good arrangement for them.

"Just the idea of government mandating and saying, no, you folks that have the wherewithal and you want to put stations in, we will not allow it. Now there are over 60 stations that have gone out. I don't know about the rest of you, but I find I have to really watch my gas gauge, know where I'm going because the station that I used to go to in an emergency isn't there anymore. You know, sort of on a monthly basis, you find another tank pulled out -- station's closed. So we don't have the advantage of having a convenient station on every corner anymore, but that's just life -- things change.

"With this bill, I know that the Chairman of the Consumer Protection Committee worked very hard -- long and hard hours -- to try to come to some kind of agreement between all parties, and where it does allow the large companies to put a limited number of stations in -- two stations within the next two years. Still the people that have the money and that are going to do that probably number four so that means eight new stations within the next two years which doesn't begin to pick up the slack of the 60 that we lost. This is an artificial kind of a restriction that is anti-business, anti-competition, is anti-consumer.

"I would hope that in Committee, they would just get rid of the divorcement altogether, continue to study ... and I was a big critic of the study and admittedly didn't read them all but I read the end result which was that divorcement was not something that works. But this more expanded study is probably a good thing and might bring some answers that we haven't had before this time.

"But if we would just get rid of the divorcement, let the people that have the money put the stations in. There are areas like Kapolei which is growing -- they are not serviced by gas stations. You and I don't have the borrowing power nor do most of us want to put in a \$1.5 million station and hope to get a return on our investment. And the bigger players are in a position to do that. I don't think we, as legislators, should pass legislation to hamper them when they want to invest their capital.

"Thank you, Mr. Speaker."

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

"I just would like to address some of the concerns expressed by my colleagues and to really indicate that I strongly support this measure and its intent.

"The objective of this legislative body is to protect the interest by ensuring competitive and reasonably-priced gasoline for Hawaii consumers. In this regard, we need to take, not just a short-term fix, quick-fix, but also to look at long-term implications. And let me say that this bill does exactly that, and the moratorium is, I believe, pro-consumer.

"By preserving the independence in the market, we ensure competition at the retail level and prevent the gasoline market in the short run from becoming a monopoly-like institution. We also, I believe, preserve consumer choice. A 1993 DCCA study indicated that neighborhood stations are a preferred consumer option as they offer the consumer-desired services such as repairs, emergency services, and friendly advice. Furthermore, these items are the most valued by the customers and it's correlated to the factor of age; in other words, as the age of respondents went up, it was a more preferred consumer choice. The moratorium preserves these types of options.

"Let me again reiterate that by preserving options, we are being pro-consumer in this regard. This is not a situation like Costco or Arakawas. This moratorium is not protectionist. It is not protecting just Mom and Pop operators like what has been described by previous speakers, but it really deals with a situation where the manufacturers or the oil refineries do have a competitive edge. These independents who are competing with company-owned stations are not in the same situation as Arakawas and Costco because Costco and Arakawas do not manufacture the goods they sell and cannot control the wholesale price.

"The refineries are in a position, and it's not again, illegal, but they are in a position to control the profit they make at the wholesale level and the retail level by merely changing the wholesale transfer price. Again, it is not to paint it as good guy/bad guy, but to point out that there are disparities in that analogy.

"This bill gives us the opportunity to ensure a long-term future of Hawaii's gasoline price market, to ensure competition at all levels, be it manufacturing, wholesaling and retail. And we ultimately may look at divorcement as proposed in the Senate measure. The paradox is that a vote to lift the moratorium at this time could be a vote against free enterprise and competition in the marketplace for the reasons that I have described. Let me again point out, and I know it sounds repetitive, about the Attorney General's concerns because there seems to be some confusion about what this measure does.

"The Attorney General started investigating gasoline prices in Hawaii in 1989, shortly after the Exxon Valdez oil spill. The Attorney General concluded that although the spill had no significant effect on the price of crude oil, there were significant immediate price increases on gasoline for Hawaii's consumers. The AG's report in 1990 could not explain why the wholesale price of gasoline in Hawaii continues to rise until mid-July in 1989 even though the wholesale price of gasoline on the West Coast fell since May of 1989.

"The report further concluded that gasoline prices are higher in Hawaii than on the mainland due to the fact that there is no effective price competition in Hawaii. The Attorney General's 1994 report went even further in studying the effects of retail price gas between the West Coast and Hawaii and stated that it is due to lack of competition on the wholesale level. He noted that when the crude oil price dropped in 1992, there were no corresponding drops in retail prices in Hawaii. Again, not illegal behavior, but I think significant cause for concern by this body to be pro-active on these kinds of monopoly-like trends in terms of gasoline retail prices.

"Again in 1994, the AAA did a gasoline price study which then concluded that the average price difference for a gallon of gasoline in Hawaii versus the West Coast was 41 cents higher in Hawaii. This cost would be approximately eight dollars higher on a 20 gallon tank of gas. The report also asked the Attorney General to study

the matter because, frankly, it had basically confirmed that when crude oil prices dropped nationwide, every other state in the United States had falling retail prices for gasoline except Hawaii's market did not respond in that trend.

"So, again, what I would like to say in support of this measure, and I strongly support it, is that we are at the crossroads of a decision with respect to the moratorium. I agree that we would like to expedite the solution here but it does, I believe, warrant continued study along the lines of what Representative Menor has addressed.

"What the proposed moratorium does is to create a two-year time-out and we provided relief for the industry. The industry again can be pro-active and participate in dialogue that would be constructive because, as previous speakers have attested to, there was not a consensus at the table in terms of the effects on each of the levels of distribution and delivery of gasoline in our Hawaii market. With this participation, industry itself is given the opportunity to give solutions to this body. This information can then be reviewed for decision-making as early as next year if sufficient information is given.

"Again, this gives a powerful partner opportunity for industry to provide needed information to this body to explain why we have these kinds of concerns and that these concerns are warranted at this time.

"The format in the bill ensures that we can be pro-active before making an irreversible decision in the decline of independence in our market, again which cannot easily be, I think, resuscitated after many independent dealers basically decline in the retail market.

"Again, vote yes. I urge my members to vote yes because this bill does preserve competition, and thank you very much."

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

"When we originally drafted this legislation about four years ago, it was certainly with great trepidation because there was a tremendous upheaval in that industry. But if you recall, it was also a time when insurance was absolutely unobtainable. The underground storage tank regulations from the EPA were coming down and were threatening to not only eliminate a few, but almost all of the private small service stations.

"So I am glad that we had that time to enact this, to stabilize that industry, because it was a time when small businesses felt like they were competing against the people that were wholesaling to them. In doing so, it's tough to be paying your own competitor's bills if you're paying for your competitor's improvements, his advertising ... how can you yourself compete?

"Now, I think that the time may have come when the bulk of this concern is gone, but I certainly support the Chair and his efforts to take a real hard look at eliminating this in a way that will preserve a level playing field for all the providers of gasoline in this state.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 487, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," having been read throughout, passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Anderson, Kawanakoa, Marumoto, McMurdo and Meyer voting no.

S.B. No. 1762, SD 1, HD 1:

Representative Amaral moved that S.B. No. 1762, SD 1, 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:

"I would ask that the remarks of Professor Richard Miller from the University of Hawaii Law School be entered into the Journal," and the Chair "so ordered."

The remarks of Professor Richard Miller are hereby inserted:

"1. THE BILL WILL INCREASE THE NUMBER OF LAW SUITS AND THE COSTS OF INSURANCE.

While the bill purports to give auto owners a choice of whether to remain in the tort system or opt out in favor of no-fault, all accident victims, including uninsured motorists, can bring tort actions against tort liability insureds and PIP insureds where plaintiff's total damages -- including noneconomic losses such as pain and suffering -- exceed \$20,000. This will allow many more lawsuits than are permitted under current law which requires, at minimum, \$10,000 of medical-rehabilitation expenses. Since noneconomic losses are usually calculated at three to five times economic losses, almost any case in which earning losses and medical expenses are more than a couple of thousand dollars can result, at trial or by way of settlement, in total damages exceeding \$20,000. For example, in the case of *Parker v. Nakaoka* (68 Haw. 557, 722 P.2d 1028 (1986)) an auto accident victim with \$1,174.10 of economic losses received a jury verdict of \$66,500.

All Hawaii motorists who have moderate earnings or who have assets to protect will have to purchase a significant amount of optional liability insurance to protect themselves against such tort liability. **This includes those of us who opt for PIP protection!** While the bill provides that in a suit by a tort insured against a PIP insured, the tort insured must first recover from his/her own tort maintenance insurance, if damages exceed the tort maintenance coverage (minimum \$50,000) the PIP insured, if negligent, will be personally liable for the balance. The cost of liability insurance, however, will be higher than it now is because many more lawsuits will be brought than can be brought under current law. The cost of 'tort maintenance coverage' will likely be very expensive since it will prove to be the sole form of insurance applicable in most suits by tort insureds against both PIP insureds and those who are uninsured.

Parents with children under 21 who are drivers and who own their own vehicles will have to purchase lots of liability insurance to protect their assets because, under Hawaii law, **parents are liable for the torts of their minor children.** See H.R.S. §§286-112 and 577-3. This will be true even of those who opt to become PIP insureds!

2. THE AMOUNT OF BASIC PERSONAL INJURY PROTECTION REQUIRED FOR PIP INSUREDS WILL BE GROSSLY INADEQUATE IN THE EVENT OF A SERIOUS ACCIDENT.

For those who opt for 'basic personal injury protection' the amount of protection afforded to themselves, their family members, passengers in their autos, and passengers they hit is so low -- a mere \$15,000 -- that it will provide virtually no significant help to any of these persons who are seriously injured. It provides income loss of only \$200 per week, and replacement services of only \$100 per week.

Inevitably, it will be the State's welfare system that will have to pick up most of the accident costs for seriously injured PIP insureds. And this will be true even if their injuries have been caused by a drunk driver, since most such drivers will probably carry inadequate insurance and have no assets to pay for the damage they cause.

3. ACCIDENTS WILL INCREASE BECAUSE MANY MORE DANGEROUS DRIVERS WILL FIND IT INEXPENSIVE TO PUT THEIR CARS ON THE ROAD.

Because the basic protection package is so inadequate in terms of protection, it will probably be very cheap to purchase. The likely result will be that young drivers (who account for the highest percentage of accidents) and drivers with poor driving records -- those who are today discouraged from driving because of the cost of insurance -- will find it relatively cheap to own and drive an automobile. Many more of them will be on the road.

I realize that the public is clamoring for a reduction in auto insurance rates, and that the current system is seriously flawed and excessively expensive. Nevertheless, automobile accidents are among the highest causes of injury and death, and it would be tragic to increase the accident rate by making it excessively cheap for the most dangerous drivers to register their vehicles while, at the same time, denying their victims adequate compensation.

An ideal insurance system would (1) provide sufficient insurance protection for medical expenses and lost earnings without regard to fault and at low cost for the vast majority of accidents; it would take advantage of the fact that a very high percentage of Hawaii citizens already have comprehensive medical insurance and are entitled to sick pay or TDI. (2) It would prevent law suits from being brought for all but the most serious accidents. (3) It would serve the goals of deterrence and compensation by providing large sums to cover the relatively rare accidents where negligent drivers (all too often drunk) cause devastatingly severe and disabling injuries or death. And (4), for drivers with good records, it would cost significantly less than and accelerate the cost of premiums much more slowly than the present system."

Representative Morihara then rose in favor of S.B. No. 1762, and requested the Clerk to "note my reservations," and the Chair "so ordered."

The motion was put by the Chair and carried, and S.B. No. 1762, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading by a vote of 51 ayes (Representative Morihara with reservations).

S.B. No. 1375, SD 1, HD 1:

Representative Amaral moved that S.B. No. 159, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Shon rose to speak against the bill, stating:

"Mr. Speaker, anyone who seriously thinks about the relationship like the government, where the people know that the media is obviously a very key component of this, and that there are problems. I think that we all recognize, if indeed any corporate interest were to drive the amount and the slant of coverage, but it seems to me that any complaints along those lines are irrelevant to this. It seems to me that this bill would replace corporate decision-making with governmental decision-making which is the worst of all possible worlds.

"I would suggest to those who support such a bill that not only is it unconstitutional, but it is really an ill-conceived attempt to censure or control only a small part of the media. Most of our citizens, by the way, get most of their news from television and other electronic media. Simply because there happens to be a particular anti-trust relationship in the printed word, we seem to feel invited to interject ourselves in unwarranted ways into the media.

"I think this is ill-conceived. It will not accomplish anything but resentment, and our public is better served by us encouraging as much as possible a much greater dialogue and not flirting with measures which may be presumed to stifle what the media does. Of course, the media does represent a number of corporate and business interests and there's nothing we can do about that if we don't like it. But what is far worse would be for government to somehow feel that it has the right and the wisdom to interject in the dialogue and the flow of information between the government and the citizenry.

"I have been among those who, on occasion, do criticize what I see or don't see in the media, but I just don't see where dissatisfaction and the translation of real events into media news has any relationship to this bill, and I don't really see what the purpose is for it.

"For these reasons, I would vote against it.

"Thank you."

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

"Mr. Speaker, this really should be called the **Star-Bulletin** and **Advertiser** Financial Disclosure Act. What we're doing is, we're saying we don't like what you print a lot of the times, so we're going to try to nail you.

"I think it's really inappropriate for this Legislature to do a legislative act and pass a bill that really is smacking by this body of an attempt to silence critics. The press is there to be free; the press is there to report the news. Sometimes it's maybe more accurate than other times, but this isn't the way to deal with it if we don't like what they print or what they don't print. We're perfectly able to pick up the telephone and call them, talk to the editors, talk to the reporter. But instead, what we're doing is using the power of the Legislature to try to muscle the press and try to muzzle them. Maybe it should be called 'Muzzling the **Star-Bulletin** and the **Advertiser** Act.'

"I think it's an inappropriate way for this Legislature to behave.

"Thank you, Mr. Speaker."

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

"I don't want to seem that I'm always compelled to rise in defense of the industry that I used to work for, or else I would have voted no on a measure that is on the next page on our agenda. But I think there is no real compelling reason for us to even be discussing this piece of legislation. I think that if there were, we would be hearing from the public whether or not an alleged monopoly situation as the joint opportunity agreement was supposed to deal with, which would create an effect like price gouging, or we would see a Newspaper Guild passing or advocating advertising rates which seems too onerous for our merchants to pay.

"So I don't see any other reason for us to even consider something like this, but to perhaps deal with the situation that the previous speaker alluded to in her remarks.

"So I would respectfully request my colleagues to really think about what the intent of this measure is really all about and vote down on this.

"Thank you."

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

"Mr. Speaker, having lived overseas in the Third World, I am very familiar with governments that behave the way this bill is suggesting that we behave. Particularly, I will never forget, having lived in Africa and heard the Minister of Industry saying to the business community, 'It is a privilege that we are allowing you to conduct business in this country, and don't you ever abuse it.' By giving the privilege to the **Advertiser** and the **Star-Bulletin** to a joint printing press operation, I think that we're trying to sound a similar dictatorial note of the First Amendment vintage.

"However, Senator Monihan said, when a person goes to a country and finds their newspapers filled with nothing but good news, he can bet there are good men in jail. And I think this is suggestive of what we're intending to do, and I think it's a little bit of a step backwards to where we began as a country that loved freedom, that even last week said that the burning of the flag is, for some of us, an expression of that freedom which I will get to later.

"However, there is another quote that I wanted to note, and that was that Theodore Roosevelt said, 'We have all the time suffered from the liberty of the press but we have to take the good with the bad.' In more contemporary times, Lee Iacocca said that in business and in life, we have to take the warts, the wrinkles, the pimples with the beauty marks, and I think it's that love and hate, that good and bad, that the press brings with this that no one is ever satisfied. No one gets all excited about seeing their picture in the paper on one day and then seeing a slur about themselves the next day. However, that's the organ rather than the government which is the case in the Third World countries, saying what is so and what is not so. I think we all know about the book **Animal Farm**, and that some pigs are more equal than others, according to what you post on the side of the barn everyday.

"In summary, Mr. Speaker, I believe that this bill is not necessary. Those two companies that run the **Advertiser** and the **Star-Bulletin** are big companies or they would allow their finances, if they're not public companies, to be printed and fully distributed. And I guess maybe as we sometimes advise conference committees, I would say what the conference committee needs to do is to exercise the ghosts of that Representative from Waianae and the former Mayor who keep having this thing raise its head year after year after year.

"Thank you, Mr. Speaker."

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

"I do not wish to associate myself with the arguments of the previous speakers that the primary motivation of this bill is to somehow hassle the press.

"I believe that the initial publishing plan agreement, having been in effect for a long time and having been instituted primarily because it was the view of many that the two newspapers were failing, is long overdue for a

review because I think that, at this point, that the newspapers are money-making machines.

"I do not, however, feel that this vehicle is the appropriate way to review the initial publishing plan agreement, and that is why I stand in opposition to this bill.

"Thank you, Mr. Speaker."

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

"Just to echo the words of the previous speaker, I, too, am unconvinced that we, the Hawaii State Legislature, need to be passing such a law.

"Thank you."

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

"Mr. Speaker, in our capacity as legislators, we are charged with the responsibility to weigh the pros and cons of legislation which directly affect our people, our businesses, and our economy. We debate and struggle over the option of regulation versus competition. This year, for example, we are in the process of crafting groundbreaking legislation to bring competition to our telecommunications industry.

"And while government can, should, and does intervene in the operations of private enterprise from time to time; such intervention, once made, should not necessarily stand in perpetuity or without review. Times and conditions change, and so too must public policy.

"Mr. Speaker, 33 years ago, Hawaii's two major newspapers, under the Mutual Publishing Plan Agreement, were granted special permission by the federal government to operate jointly -- free and unencumbered by anti-trust legislation. This special exemption, in effect, granted these enterprises an unregulated monopoly.

"This special legislation, which may have been in the public interest over a generation ago, may today, be an archaic regulation which stifles competition while protecting an un-regulated monopoly.

"I find it ironic, Mr. Speaker, that at a time when we are attempting to remove regulatory oversight and the hand of government from the operations of private enterprise, that there are some who would prefer to maintain such intervention and protectionism.

"Mr. Speaker, this legislation only asks that this 33-year old special exemption from anti-trust be openly reviewed and evaluated. I would submit that all of the information which is asked for in this bill was eagerly and openly laid on the table when this special exemption was sought 33 years ago. Yet today, it becomes objectionable to even request the same information.

"Mr. Speaker, the special legislation granted 33 years ago may no longer be appropriate or necessary today. Accordingly, this unique exemption should be thoroughly and openly reviewed. This bill is simply the first step toward accomplishing that objective.

"Thank you."

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

"It's a wonderful bill to oppose -- you can wave the flag and freedom of speech and so on and so forth, but

let's take a look at it. I know the price of my newspaper has gone up, but more important than that, the state and the county spent millions and millions and millions of dollars -- required to spend -- in public notices printing in a newspaper of general circulation.

"Now, let's take a look at whether or not we're being charged the right price because of this monopoly arrangement. We don't have the option of putting those public service announcements in other places, but I will say that the bill came before our Committee providing for electronic distribution of these notices, and I'll tell you who was first in line to oppose that bill -- the newspapers! So I think we better take a good look at how much money we're spending in the publication of these public notices on the state and county level, and whether or not those expenses are justified.

"I support the bill."

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

"Mr. Speaker, just to point out the fact that this bill was not instigated by the administration, by the Attorney General, although the information will go to the Attorney General and then forwarded to the Department of Justice. The Attorney General has not requested this information nor would not know what to do with it if it arrived at her doorstep.

"I feel that this measure is a totally legislative-instigated measure. It is an intimidating measure, and it will be passed by this Legislature and makes us sort of a 'big brother' entity. The 'big brother' is the Legislature, and 'big brother' will now be overlooking the operations of the **Star-Bulletin** and the **Advertiser**. I find that objectionable.

"Thank you, Mr. Speaker."

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

"I'm not very well versed in the origin of this bill but my one question to my fellow colleagues is ... the media is the first one clamoring for public disclosure. I would expect them to be the first ones to give public disclosure from their side also.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, it seems to me, as Representative Pepper pointed out, there may be a better way to do this. My question to you, Mr. Speaker, is the responsibility that we have.

"If, in fact, those of us who sit here and have heard over and over again a claim that a monopoly exists, is it not our responsibility to further question that? If then it is our responsibility to question whether or not the Mutual Publishing Plan Agreement that was put into effect in 1962 is, in fact, applicable today, then how well should we do it?

"This is where I have my concern. I'm not sure if this is the best way to do it, and I probably would have preferred a direct request to our congressional team to go ahead and look at it since it was a federal law.

"I will go up on this measure with some reservations, and then just point out again that I believe that if, in fact, there is a question out there, it is our responsibility,

regardless of how politically popular or unpopular this may be, regardless of whether or not we're going to be crucified by the very people who have the power to do that to us, it is our responsibility to do this, and in that respect I will support the measure.

"Thank you."

Representative Case then rose in support of the bill, with reservations, and requested that his remarks be entered into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Case's remarks are as follows:

"Mr. Speaker, once again with this proposal we encounter an issue with no easy answer, where arguments beyond its scope are raised, and where proponents and opponents alike go into defensive mode, thus obscuring the real issues. I don't view this bill as implicating the First Amendment: no free speech rights are affected. Nor can I view it as a reaction to perceived negative press coverage: the media has its job to do, and I'm sure it will continue to do that job competently.

"I view this bill solely as one directed at our overall goal of encouraging a strong, healthy, competitive, diverse economy. The bill affects one component of one business where that goal is perhaps not being realized; the facts that that component consists of two newspapers, and the business consists of the media, are not material.

"These are the facts as I understand them. Hawaii's two major daily newspapers operate certain facilities jointly under a 1962 federal law which provides them a partial exemption from federal antitrust statutes. This doesn't mean that those newspapers operate as a monopoly per se, but it does mean that some statutory safeguards against monopolistic practices are removed.

"In effect, then, those businesses have a leg up on their competition. Other newsprint publications do not enjoy this exemption. Nor do the radio or television media have comparable arrangements; one can see that competition is alive and well in those segments of our local media industry.

"In 1962, there was a perceived need for the federal exemption for the two dailies. One or both was failing, and the then-powers viewed it as important to our community to preserve a two-newspaper state. So, in essence, to effect that laudable public purpose, they enacted what amounts to a form of protectionist legislation.

"Today, over three decades later, we simply don't know whether there is sufficient justification to continue this special exception. We don't know whether we do in fact have today a situation which does not allow any meaningful competition to develop. In response to a previous speaker, we do have some warning signs: newspaper advertising rates have increased substantially in recent years, representing an increasing hardship on small businesses and others who must rely on large-distribution advertising.

"Thus, we essentially don't know whether we any longer need the federal act. It may be that the two dailies are fully able to survive and prosper financially without the exemption and, in that event, we should probably not retain it. We probably also need to at least reassess the basic assumption that government should intervene here to alter the normal evolution of this marketplace.

"Accordingly, I support efforts such as this to understand the current situation so informed decisions can

be made as and when needed. My reservations, however, are along the same lines as those of the immediately preceding speaker. I would view it as more appropriate for this matter to be addressed initially (but not exclusively) on the federal level. Thus, on balance, I would have favored this body's action, at least at this time, to be via resolution rather than statute.

"Thank you."

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

"Yes, it is a very difficult measure that we have before us, but I think the Majority Leader stated it so eloquently that this particular measure is more of a review of the federal law that was enacted in 1966.

"When the Finance Committee made their decision, we looked at it very thoroughly, in regards to how we could address it, and what the House Finance Committee did in their House Draft 1, was attach it to our tax laws in regards to Section 235.4, income taxes by state residents, nonresidents, corporations, estates and trusts.

"All it does is that there is a filing done by the Hawaii Newspaper Agency presently in Hawaii to the State Tax Department. That particular filing would then be referred to the Attorney General, and the Attorney General would then forward it to the Department of Justice for their review and inquisition.

"If there is, Mr. Speaker, a question of profitability by this joint operating agreement, it is time maybe that the Department of Justice should look into it, that this 1962 law may be repealed so that we could have more and better competition in our newspaper industry, Mr. Speaker.

"The intent was never intended to say that we are muzzling the media. There is nothing here that says that we are muzzling the media. It's just a process, Mr. Speaker and members of this House, in having their income taxes that are filed with the State Department of Taxation forwarded to the Attorney General, then on to the Department of Justice for their review.

"Yes, the opposing speakers have stated for the record that it is a federal legislation that was enacted, but if there is a monopoly, let's see for the people of Hawaii and the consumers that this particular issue is addressed, Mr. Speaker.

"My concern is that, with the discussion of the caucus yesterday which was very interesting, is this: If the Hawaii Newspaper Agency is owned by a mainland corporation and Hawaii is just one part of a subsidiary, the profitability of the Hawaii corporation here may be hidden in the overall financial statement that is presented to the Department of Justice, and that is the concern that I had.

"Another concern that I have is that, at the expense of the 1,200,000 residents of the State of Hawaii, we are carrying on our backs some of those other companies throughout the country that are tied in to this Gannett family or to another company. I really don't know, Mr. Speaker, but looking at it from a Hawaii point of view, if there is price gouging, there is high prices that are going on right now in the sale of the ads, let's address it with the Department of Justice, and that was the whole intent.

"I am not an attorney and correct me if I am wrong, but there is nothing interpreted in this measure to muzzle the two dailies that we have. I stated to the Editorial Board that the reporters and writers that come to the

Legislature are excellent individuals who try to provide straight facts to the editors and writers of the dailies.

"And also, Mr. Speaker, I personally feel that with this review that is done by the Department of Justice, these particular writers who are here today that represent those two dailies would be in a very positive position because they will know what the profitability of the Hawaii company is in comparison to the overall family company.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 1375, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE," having been read throughout, passed Third Reading by a vote of 38 ayes to 13 noes, with Representatives Anderson, Garcia, Halford, Hiraki, Kawanakoa, Marumoto, Meyer, Morihara, Pepper, Shon, Takumi, Thielen and Ward voting no.

S.B. No. 1828, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1828, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," passed Third Reading by a vote of 51 ayes.

S.B. No. 84, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEALERS," passed Third Reading by a vote of 51 ayes.

S.B. No. 158, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 158, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Third Reading by a vote of 51 ayes.

S.B. No. 334, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 334, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONRESIDENT VIOLATOR COMPACT," passed Third Reading by a vote of 51 ayes.

S.B. No. 1521, SD 2, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1521, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA DISCOVERY," passed Third Reading by a vote of 51 ayes.

S.B. No. 1778, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1778, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," passed Third Reading by a vote of 51 ayes.

S.B. No. 171, SD 1, HD 1:

Representative Amaral moved that S.B. No. 171, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Shon rose to speak against the bill, stating:

"Mr. Speaker, I struggle with this ... I listen to the debate from all sides and what has convinced me that this is unwise is a couple of discussions I have had with citizens and their attitudes towards the Police Department.

"It seems to me that we are entering a new era where community policing and partnerships and trust between the community and our law enforcement officials are even more important than they ever were. The Police Department is very positive when it goes out to the Neighborhood Boards and other community groups to tell us how we are partners, that community policing is really the way to go. For this to be successful, we absolutely need as much trust and cooperation and communication as possible.

"Recently, I would like to note that the crime bill passed nationally. While it offered the prospect of more police officers, our jurisdiction and many others simply couldn't afford it in terms of the matching money. And so we know that in our struggle against crime, it's not going to be another doubling or tripling of police officers that will do it. It's going to be perhaps a heightened consciousness and heightened involvement on each of our parts to be partners with the police. In this spirit, it seems to me that the general public, whenever they see videotapes of the Rodney King incident and others, they apply an unfair attitude towards the police in which they fear that perhaps many police officers who have been involved with disciplinary type incidents, that there may be many of these folks and we don't know who they are. And their general attitude towards the police, I think, is somewhat clouded. And I speak with the greatest amount of respect and admiration for the police officers.

"I think the long-term future really is not a situation whereby we really don't know which of the very, very few have abused their power and respect so that anyone might be in that situation. I think the long-term future is that we are very, very confident that discipline is administered, and that indeed there is no one wearing the proud uniform that we might feel uncomfortable with.

"The notion of secrecy, of course, is a difficult one. The notion of disclosure is a painful and difficult one but finally I have concluded that the long-term relationship between this community and its law enforcement officers depends on the highest amount of cooperation and trust and more openness.

"I would have hoped that this measure would have sought perhaps some other interim, middle-of-the-road kinds of approaches that met both needs of the officers' fear of disclosure as well as the community need for openness. I don't really see that, and it seems to me that we have sort of thrown up our hands and said, because disclosure is awkward and because it somehow inhibits some of our officers, that secrecy is really the way to go.

"But given the fact that our law enforcement team will not grow substantially, and given the fact that we must encourage neighborhoods and individuals and citizens to become more and more partners with our law enforcement, because of this, I think it's probably in the long-term benefit of all of us that this cloud of secrecy somehow better clarify than this bill represents.

"So I would urge that we go back to square one on this and reevaluate ... is there some better way that we can meet the needs of privacy, of respecting our law enforcement officers so that trivial, small offenses are not what we're talking about, but that we can ensure the public that there is an open public purpose in the disciplining of anyone who might cross that line? And the fact that we really don't know what's going on, this just

excites the imagination of people to imagine their worst fears. And this is not healthy for us.

"And so, with the greatest respect for our law enforcement and for those who are trying their best with this bill, I still feel now is the time to begin perhaps a more positive era of trust, and an era of trust can only happen with greater openness, and for this reason I feel I cannot support the bill.

"Thank you."

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

"I support our police force a thousand percent. They have a very important job to do, dealing with people in trouble, those who are angry or scared. Police officers have a tremendous responsibility in enforcing our laws but they also carry a gun -- they are very powerful. They must live up to a level of 'best behavior' in spite of being harassed.

"Police officers must be properly trained to handle the problems which they meet everyday without overbearing action. They must be counseled on a regular basis to review appropriate handling techniques, or given time out if the work becomes frustrating. After the first occurrence and proper counseling, every other occurrence must become public information.

My vote against this bill is not a vote against Chief Nakamura's judgment or the judgment of the Police Commission in their abilities to assess proper sanctions against police officers who transgress the rules. My vote merely says that the public has a basic right to know about those officers being sanctioned, and to be assured that the offending police officer is properly counseled. Any cover-up of misbehavior only allows for it to escalate.

"Thank you."

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

"The railroading of this bill through the Legislature while litigation is pending certainly highlights the power of SHOPO. Like my colleague, I have the utmost regard for the police. I know they have a very difficult job to do, but I don't think they should be a protected group of citizens.

"We have passed legislation this session opening up the proceedings of the Ethics Commission. Where is the logic of closing up the proceedings of the police disciplinary process at the same time?

"I agree, police officers are different from other public employees, but it is because of those differences that they should be held to a HIGHER, not lower, standard. They wield enormous power and authority. They carry loaded guns. They have the ability to arrest people and throw them in jail without approval from anyone. If they are abusing these powers and still keeping their jobs, the public has a right to know that. To allow this exception for police officers to keep their transgressions a secret, unless and until they become so aggravated that the officer is discharged, is a violation of the public trust.

"Thank you."

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

"Mr. Speaker, police officers have a job, frankly, that many of us have a hard time understanding and many of

us could never do. As someone who has lived in Hawaii all my life, I have trusted police officers to protect my home, my family's home, and I think they've done a pretty good job. Open government doesn't mean that we destroy the people and institutions that have protected us in the name of openness.

"What the police are asking for at this time, I do not believe is unreasonable. My Dad, myself and my daughter, I believe, can feel comfortable with what this body is doing here in passing out this measure. Police officers are not our enemies. If there have been bad ones in the past, they have been weeded out. Let's not harm all of them.

"Let's let the legislative institutions and review boards that we've created do the job that we've asked them to do. Let's trust the police officers and give them the support that they need and help to do their jobs in a way that's been acceptable for many years.

"Thank you, Mr. Speaker."

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

"I've had considerable problems with this bill -- blowing one way one day and the other the next. I do understand that the police are in a little different situation than John Q. Public is, but after due consideration, I feel that we must have full disclosure on this, so I will be voting no.

"Thank you."

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

"Mr. Speaker, I believe the police officers, while held to a higher standard than perhaps other occupations, hold themselves to a higher standard as well. I believe that their behavior is scrutinized far more than any other public employee is scrutinized, and that minor infractions are punishable in a way that none of us here would tolerate that kind of punishment.

"One of the things I discovered when I became a recruit in the Police Department was that my civil rights went out the door completely and that there was only one person in charge of my life, and that was basically my Sergeant. And there was no appeal to that. There was no thought of appeal, that you simply followed your orders and you did your job, and that kind of training made you good and helped you to back up your fellow officers when you were out on the beat. That's what you needed to do to get the job done. Quite frankly, one of the reasons I am not in policing anymore is because my temperament didn't sit well with that kind of a job. However, be that as it may, police officers are held to high standards, are held to strict rules, are monitored and chastised in ways that I have never seen other people chastised or punished.

"And now I hear that the public is fearful of what police officers may be doing and, therefore, it needs to have the names of those police officers that have been disciplined administratively. I hear that police officers need to be trusted and so the way that police officers can be trusted is if they will disclose the names of those officers that they have disciplined.

"The trust is a two-way street. I think you've got to trust that there are systems and places for monitoring the behavior of these officers, for correcting their behavior, for punishing them appropriately. If the need is for the public to know how many officers are brought up on

brutality charges, go to the Chief and see if you can get that information, and I believe you can. I believe it's available to you. If you need to know by month, by week, by day, by district, how many complaints are raised against the police officers, go to the Chiefs and get that information. But for you to now go and ask for the names of those officers is mean, is hard, is petty, and is the worst thing by way of creating state policy that I have yet heard.

"I support this measure. These people are doing a tough job in the best way they know how, and I will tell you quite frankly that you're not interested in the discipline of any other public employee; you're interested only in these officers because of the kinds of careers, the kinds of jobs that they handle, and you wouldn't know what to do with the information, Mr. Speaker, if you had it.

"I have a friend, a personal friend, who was a police officer, who was indicted and later put in federal prison on charges of brutality, and all of you saw his name, and all of you think less of him because of what you read in the newspaper and what you read about the trial. I know that he was a good cop, and I know that I was always protected when he stood beside me, and you'll never understand that -- you never will.

"Thank you, Mr. Speaker."

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

"I wasn't going to say anything either but after hearing Representative Amaral like what she does -- it's so wonderful what she does, I had to get up and say this. For those of you who oppose the bill, do you really know what you're opposing -- do you really know what you're opposing?

"You know, you keep talking about how wonderful the police is. Don't double-talk it -- don't double-talk about, oh, I know they're terrific and I know they're in a profession that is so unlike what you're in or I'm in or other people -- people who sit at desks. These people, every time they walk out the door are risking their lives. These people are confronted day and night on the job with guns, with weapons, with threats, with intimidation. Okay? You ask me ... why couldn't you have drafted a better bill? Why couldn't you have given them a better threshold, but a little more than just a public worker who sits at a desk? What do you want me to do? You want me to make a determination when it's disclosurable under the Class A type of a policeman acting cowardly? You want me to make a determination when the police exercise excessive force, whatever that means? Maybe he was defending himself from a gun. Don't double-talk it -- okay? Policemen go through a heck of a lot more than you or I will ever know.

"And you talk about community policing. You know what I was told by the Chiefs of Police? If you instill a law, if you don't help the police, the morale is going to be so low, and here we're trying to tell our police to work in community policing with the community. It's not going to work if you don't raise the threshold to a point where policemen feel comfortable that every time they try to do something or make decisions or be second-guessed, that their names are going to get in the papers. Is that what you folks want to know -- what their names are? Come on -- okay?

"And so, I'll just tell you, it wasn't an easy bill to craft because we're dealing with a profession that's hard to measure actions, when it's disclosurable or not, like

cowardly or when somebody did, in fact, exceed in force or verbal intimidation.

"Another final thing. Sure, you've got some specific Class A type of things like gambling or drugs. Let the police handle it. They have a commission. You trust Nakamura -- we love Nakamura -- well, let him do it then. If a cop has a problem because of pressure in taking drugs, then let them handle it, let them try to rehabilitate their officers. I've never seen any other agency that has a commission like the Police Commission does in trying to make sure that their policemen are top-notch when they go into the streets and meet the general public or the Chief of Police. You name me one Chief who would say, I don't care what kind of policeman I'm sending out on the road. They know what they're sending out. They wouldn't want to send a policeman that's going to hurt other people.

"Is it just the names that you want to know? You better think twice before you start pushing for things like that with a profession that is so volatile and facing so many disruptions in the streets.

"Thank you."

Representative Takai then rose and stated:

"Mr. Speaker, when we heard H.B. No. 718, HD 1, (companion bill to S.B. No. 171) earlier, I rose and I spoke in favor with reservations. Today, I am going to speak in favor again with these reservations, and I would like to ask you to have the Clerk enter into the Journal my concerns, with reservations," and the Chair "so ordered."

Representative Takai's remarks are as follows:

"Mr. Speaker, as a former journalist, HRS Chapter 92F has made a significant impact on my life. If you may recall, Mr. Speaker, as editor for Ka Leo, I used the law to its fullest intent by releasing the names of faculty members at the UH-Manoa campus who were found in violation of the University's sexual harassment policy.

"In retrospect, Mr. Speaker, I still contend that my actions regarding the releasing of these names were of sound judgment. As a consequence to our release, the Legislature, in the 1992 session, clarified, and rightly so, Mr. Speaker, that the only names of personnel who have been suspended or discharged shall be released under the provisions of the 'sunshine' law.

"This bill requires that the names of police officers who have been discharged be released and I think that's a good move, and I commend the Judiciary Committee Chair for making that correction.

"I have been very concerned about this issue and because of that, I, along with my good friend from Waipahu, wrote a letter to all the county Police Department Chiefs as well as the county Police Commissions, and requested some information that I felt was very important that the public be made aware of, and according to the Statewide Organization of Police Officers (SHOPO), we should be made aware of, for example, what types of incidents have occurred, where the incidents have occurred, what district, what watch, and let people also know what avenues are available to them if they need to pursue a complaint. We requested all of that information and, believe it or not, three of the four counties provided us with that information, and I think that's sufficient information.

"My only reservation at this point is that there is one county that used the 'sunshine' law to restrict that

information, and I reserve my final vote till we come back, hopefully with a conference draft, and decide at that time whether I'm going to vote up or down based on that information.

"Thank you."

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

"Mr. Speaker, when somebody stole my car, who is the first guy I call? A policeman. When someone enters my home, who is the first guy I call? The policeman. And every time there's a problem in the community, who's the first guy that we call? The policeman. We don't just do it ourselves. We always say, why don't we call the police to see what is the matter.

"And besides, this bill is a good bill because the police officers have a way of handling their internal problems. You mean to say, just because the policeman did not shine his shoes that we will have to publish his name in the paper? You mean to say that if a policeman is late reporting to work, we have to publish his name in the paper? You mean to say that if the policeman did not make his report, do we have to publish his name in the paper?

"All of these matters, Mr. Speaker, are an innocuous, you know, way of reporting in the newspaper and if you do, even if the newspaper is asking for the name to be revealed, I don't think that they'll publish this kind of thing. It's not 'juicy' enough for the public to be reading unless they 'juice' it up.

"So for that matter, Mr. Speaker, I would like to urge every member to support this bill. After all, when a member of your family goes against you, you don't want anybody to know about it.

"Thank you."

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

"Mr. Speaker, when this bill was before us earlier, I spoke extensively and had not planned on rising to speak again. But, in response to the comments of the Majority Floor Leader and the Chair of the Judiciary Committee, I have a couple of things to say.

"First, this city functioned just fine until 1980 with disclosure of police officers under these circumstances.

"Second, we're in the minority countrywide. We have many large, difficult police forces in this country who are functioning just fine under the law as it stands now and not under the law as we propose to amend it. The city of Detroit is the main example.

"Third, I refuse to feel guilty about the fact that I am voting against this bill. I refuse to view the desire on my part to assist the Police Department and my desire to retain the Uniform Information Practices Act as it is today as mutually exclusive. I don't view them that way. I view the benefits of the Uniform Information Practices Act as applying across-the-board to all state and city employees, including police officers.

"Lastly, I want to note again the testimony that was before us, and that is that not all police departments in this state even agree that this bill should go forward. There are counties that believe, in fact, that continued disclosure would assist those counties and there are counties that are much more ambivalent. So it's a split decision within our own state.

"That's about all I have to say for now, but I am not going to be painted as the bad guy here because I vote in favor of maintaining the Uniform Information Practices Act, and I will continue to vote in favor of most police officer-related legislation.

"Thank you."

Representative Tom, in response, stated:

"I challenge the former speaker to name which counties believe that because I have not seen that. All the counties were there and the counties that were not there still submitted testimony in support of this bill, and so I will not allow that unless that is a true statement that was not shown at the hearing.

"Thank you."

Representative Case answered:

"I reference the county of Hawaii, Mr. Speaker.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 171, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM INFORMATION PRACTICES," having been read throughout, passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Anderson, Case, McMurdo, Meyer, Pepper, Shon and Tarnas voting no.

S.B. No. 562, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 562, 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.

S.B. No. 944, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 944, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY LAUNDERING," passed Third Reading by a vote of 51 ayes.

S.B. No. 365, HD 1:

Representative Amaral moved that S.B. No. 365, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose and requested a conflict ruling, saying that her son, Greg, is President of a contracting business, and the Chair ruled "no conflict."

Representative Thielen then spoke in favor of the bill, with reservations, stating:

"My reservations are that while most general contractors will use subcontractors and do presently, the ones that this may impact upon are the smaller licensed contractors who want to keep the costs of the small handyman-type of home repair operations down. This will really prevent that contractor from keeping the cost down because it will mandate that a speciality sub be brought in, no matter how minute the repair is that has to be dealt with.

"So, I'm concerned about the impact. I know that we're allowing the Board to adopt the rules that will govern this area. I'm hoping that the Board will use

some good common sense and not make the provisions so overly strict that the cost of small repairs will go up which will, in effect, hurt our homeowners and our renters in this state.

"Thank you."

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

"Mr. Speaker, this bill is about fairness. It is about being fair to all parties involved. Two parties can go to your house, they can paint your house; one of those parties has to be licensed or it will be illegal for him to paint your house. The other does not. He can paint your house with the blessings the Contractors' Board and everything's fine. Two parties can come in and do all the job in your house. One party has to go through examinations and be licensed in order to do the work -- the other one doesn't, and he can do the exact same work and he will also be able to do it legally because of the contractor's licensing board.

"This bill would mean that anyone that does a specific type of work would need to be examined and also receive a license to do that work. That's all this bill is about.

"Amendments to the bill originally that were not put into this bill were to allow a certain percentage of the home or the project to be done without having to use this speciality contractors and to be able to complete the work so he wouldn't have to bring it in and have the cost go up.

"It is about being fair to all sides. If I am to be licensed and I have to go to the examination to do so to do a certain type of work, the guy next to me to do the exact same work should also go through the examination and be licensed. That is what this is about.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 365, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATED INDUSTRIES," having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Halford voting no.

S.B. No. 500, HD 1:

Representative Amaral moved that S.B. No. 500, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"I can't let this one go by without comment. We actually are going to provide the regulations from happening, unlike what we usually do, and the weights and measures people are poised to require temperature adjustment devices on gasoline delivery trucks and pumps to the expense of millions and millions of dollars of the installation of this equipment in order to make sure that we are actually getting the amount of the gasoline that we are paying for worthwhile, you might say.

"So whether other states in the nation do this -- well, none do. In Minnesota, temperature fluctuations are from minus 40 degrees to plus ninety. They don't think it's necessary. And the Department of Weights and Measures said, oh, over the period of years, it evens out. It evens out here every day. It wouldn't add or subtract a single gallon of gas sold in this State of Hawaii on an annual basis. It might take a dollar out of my pocket, but actually it'll take a dollar out of somebody who lives in

Waianae and put it in my pocket because I live where it's nice and cool.

"So on this bill, I commend the sponsor of the bill, Senator Bunda, and I commend the Chair of the Consumer Protection Committee for passing this out.

"If you are concerned about the passage of this bill and you think you're going to get less gas than you deserve, then I suggest that you buy your gas at 6:00 o'clock in the morning instead of noon. You might actually save one or two ounces, or better yet, instead of buying your gasoline at 2:00 o'clock in the afternoon in August in Waianae, you buy at the Volcano at six o'clock in the morning when the temperature is about 30 degrees. You might actually then save maybe four ounces.

"It's a good bill.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 500, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," having been read throughout, passed Third Reading by a vote of 51 ayes.

S.B. No. 1161, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1161, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAVINGS BANKS INVESTMENTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1745, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1745, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading by a vote of 51 ayes.

S.B. No. 807, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 807, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 15, HD 1:

Representative Amaral moved that S.B. No. 15, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose to speak against the bill, stating:

"Mr. Speaker, the bill that is before us that I oppose is going to set a mandatory time limit for the Land Use Commission, under which the Land Use Commission must issue a decision.

"What it states is that any petition before the Land Use Commission must be ruled upon by that commission within one year, and there are a few minor exemptions; for example, if there is an intervenor or if all parties to the proceeding agree to an extension of time. Well, the proponent of a project would be unlikely to agree to an extension of time, and that's understandable.

"What this can do is back the Land Use Commission into a real bad situation. We had a similar example with the Board of Land and Natural Resources where there was

a major hillside development that was proposed for the hillside in Lanikai. Most everyone was against it, including all the technical experts that were brought in to testify as to the downhill flooding and the problems that could occur -- the hillside slippage that could occur -- with this massive ... I think it was like a 15,000 to 20,000 square foot home.

"What happened was, the Board's staff recommended denial of the permit. The Board was poised to act; they didn't have a quorum at the meeting. Because they didn't have a quorum, they couldn't take a vote, and the permit was approved de facto without any vote or any real approval of the Board of Land and Natural Resources. That was a real problem. I think we're putting the Land Use Commission into the same bind here, and I would like to note that I don't believe it is necessary.

"According to a preliminary review of the Land Use Commission's cases from 1992 to 1995, over 72 percent of the cases were completed within the year's time. The other approximately 23 percent of the petitions required a more flexible time frame because they had to consider more complex environmental issues, social issues, public access, infrastructure and possibly Hawaiian issues, too, that were related to the petition before the Land Use Commission.

"I don't think it's wise to say that we'll give you authority Land Use Commission, to make land use decisions, but we're going to pull the rug from under you if you're not ready to make that decision within this time frame. There will be certain major, major developments that are going to require more time on a petition than a one-year period. We're not going to allow the Land Use Commission that time by this bill, and that's why I'm voting against it.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 15, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Anderson and Thielen voting no.

S.B. No. 639, SD 2, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 639, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 51 ayes.

S.B. No. 1645, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1645, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 183C," passed Third Reading by a vote of 51 ayes.

S.B. No. 1367, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1367, HD 1, entitled: "A BILL FOR AN ACT REAL ESTATE SALES," passed Third Reading by a vote of 51 ayes.

S.B. No. 872:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 872, entitled: "A BILL FOR AN ACT RELATING TO A

SECTION OF THE HAWAII REVISED STATUTES AMENDED BY ACT 221, SESSION LAWS OF HAWAII 1994," passed Third Reading by a vote of 51 ayes.

S.B. No. 873, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 873, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A SECTION OF THE HAWAII REVISED STATUTES AMENDED BY ACT 8, SPECIAL SESSION LAWS OF HAWAII 1993," passed Third Reading by a vote of 51 ayes.

S.B. No. 1806, SD 2, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1806, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE GOVERNMENT FUNCTIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1797, HD 1:

Representative Amaral moved that S.B. No. 1797, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"My reservations come in the form of a conundrum. A conundrum is a type of mental deadlock. It's where your logic runs into conflicting logic or a lack of justifiable reasons, or let's say, in search of justification in consistency and logic that tends to run in a course towards and against and in opposition to one another.

"The problem is that we've got a \$350 million deficit. We've got now an eight percent pay raise before us in this particular issue. We've got basically \$40 million, and I know there's others out there who already got their two percent over the four years. But my question is, how are we going to afford this? How do we justify? How do we consistently give logical explanations to the Judiciary which Justice Moon said, 'No pay raise,' to you, Mr. Speaker and colleagues, who've said, no pay raise. We've said, bare bones to the budget; we said we are having no moneys left to do anything. How, Mr. Speaker, do we justify this?

"This is the conundrum which I am hoping some in the Majority can explain and enlighten and otherwise deliver a consistent view of how some get pay raises and some don't. I'm very aware of the political logic of reticence in this particular area, so I am not trying to bait someone to speak out of turn. But what we need is solid justification to proceed with where we are and where we're going financially. This is a question I ask in all sincerity.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 1797, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading by a vote of 51 ayes.

S.B. No. 1930, SD 1, HD 1:

Representative Amaral moved that S.B. No. 1930, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"The Ala Wai Canal is a distinctive feature that bothers my district. It sweeps by the proposed new convention center that is currently being under study under environmental impact statement.

"This Ala Wai Canal has not been dredged since it was built in the 1920s and is long overdue. As many of you recall, I did walk not on water, but in the middle of the Ala Wai Canal on sediment that is seriously choking the canal and, frankly, has created an island in the middle of it which I stood on with several of my other colleagues in the Senate. I did take my daughter on that tour. It was not a pleasant one and it looked like pea soup, and I think I was quoted as saying, it looked like it was the Green Lagoon.

"The current water flow only allows a couple of inches of water flowing to the sea. A flushing system to improve the water circulation could offer sufficient water velocity to carry the sediment out to sea and provide clear and pristine water in our canal. The study which is being proposed under this measure for dredging and flushing would be eighty percent funded by federal funds and ten percent each by the State and City and County.

"This is a win-win solution which is long overdue. It's time to clean up the Ala Wai, and I can envision many win-win in terms of our international convention center overlooking pristine waters and perhaps a canoe regatta that we could market to the Olympic event.

"Thank you, Mr. Speaker."

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

"I would just note that a few years ago, they sent the same thing of the Ala Wai sediment away to an EPA lab to test it, and the laboratory sent back a note to our Health Department with the inquiry ... how many factories do you have upstream? That's how polluted this is.

"On every August 15th, I have the privilege of floating down the Ala Wai with the floating lantern ceremony, and I can tell you there are many exotic sounds that go with the ceremony but there are far more exotic smells that go with the canal.

"So I urge all of you to support this, and with the word that the Senate has just recommitted one more environmental bill, this is it, folks, so please vote for it.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 1930, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI CANAL," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 526, 532, 958, 959, 960, 1368, 1744, 1897, 1721, 1753, 1560, 1732, 6, 85, 159, 337, 431, 722, 945, 1254, 1286, 1771, 1773, 92, 927, 1912, 487, 1762, 1375, 1828, 84, 158, 334, 1521, 1778, 171, 562, 944, 365, 500, 1161, 1745, 807, 15, 639, 1645, 1367, 872, 873, 1806, 1797 and 1930 had passed Third Reading at 4:13 o'clock p.m.

At 4:14 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:15 o'clock p.m.

**MATTER DEFERRED TO THE
END OF THE CALENDAR****Stand. Com. Rep. No. 1623 and S.B. No. 244, SD 1,
HD 2:**

On motion by Representative Menor, seconded by Representative Tom and carried, Stand. Com. Rep. No. 1623 and S.B. No. 244, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," were recommitted to the Committees on Consumer Protection and Commerce and Judiciary.

HOUSE COMMUNICATION

A communication from Patricia Mau-Shimizu, Chief Clerk of the House, dated April 10, 1995, to the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, giving written notice of the final form of Senate Bill No. 887, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO SECTION 11 OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF HAWAII," in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, was read by the Clerk and was placed on file.

ANNOUNCEMENTS

Representative Chun Oakland: "I just want to announce to the House members and staff, the Senate, with regards to the Hawaii Foodbank, had a total of 4252.92 points and the House got 3908.52 points -- just 344.04 off -- and I really want to thank all of you for participating."

Representative Kawakami rose and requested waiver of the 48-hour hearing notice requirement for the purpose of hearing H.C.R. 175 and H.R. 170 by the Finance Committee tomorrow, Tuesday, April 11, 1995, at 12:30 p.m., and the Chair "so ordered."

Representative Morihara: "I would like to make an open invitation to all members of the House, as well as their staff, on our upcoming Daves' Ice Cream Day, in conjunction with Senator David Ige, and our Representatives who are Daves here, and 'Dave' Nekoba too, tomorrow, in Room 1310 at 2:30 p.m."

ADJOURNMENT

At 4:18 o'clock p.m., on motion by Representative Amaral, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. on Wednesday, April 12, 1995.