

FORTY-THIRD DAY

Tuesday, April 2, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:43 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Eddie Lauu of the Central Samoan Assemblies of God, after which the Roll was called showing all members present with the exception of Representatives Anderson, Cachola, Chang and Meyer, 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.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 347 and 348) were read by the Clerk and were placed on file:

Sen. Com. No. 347, returning House Bill No. 1741, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO AVIATION ARTIFACTS," which passed Third Reading in the Senate on April 1, 1996, in an amended form.

By unanimous consent, H.B. No. 1741, HD 2, as amended by the Senate, was placed on the Clerk's desk, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1741, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

Sen. Com. No. 348, transmitting S.C.R. No. 168, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COORDINATION OF EFFORTS TO MAKE UNIVERSITY OF HAWAII LIBRARY COLLECTIONS AVAILABLE ON A SYSTEMWIDE AND STATEWIDE BASIS THROUGH MODERN DISTRIBUTED DIGITAL STORAGE SYSTEMS AND TELECOMMUNICATIONS TECHNOLOGIES," which was adopted by the Senate on April 1, 1996.

By unanimous consent, further action on S.C.R. No. 168 was deferred.

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

Representative Herkes introduced a group of students from Ka'u High School. They were accompanied by their adviser, Mr. Sidney Ozaki.

Representative Arakaki, on behalf of Representative Cachola and himself, introduced Mr. Raymond Zane, a fellow Lion of the Kalakaua Lions Club.

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

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

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

The following Senate bill (S.B. No. 1767) was re-referred as follows:

<u>S.B. No.</u>	<u>Re-referred to:</u>
1767	Committee on Judiciary

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 320 and 321) were read by the Clerk and were disposed of as follows:

H.R. No. 320, entitled: "HOUSE RESOLUTION HONORING THE MEN OF THE 5TH REGIMENTAL COMBAT TEAM," was jointly offered by Representatives Kanofo, Chang, Kahikina, Ito, Souki and McMurdo.

Representative Kanofo moved that H.R. No. 320 be adopted, seconded by Representative Kahikina.

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

"Mr. Speaker and fellow colleagues, in June 1950, the United Nations, with the United States as the principal participant, entered the Korean War to help defend South Korea against the government of North Korea.

"This decision by the United States was very unpopular with the American people. Demonstrations against the draft and against our participation in the war took place in many cities across our country. This became to many, the 'forgotten' war, and as a result the returning veterans from Korea received little acclaim.

"Today, Mr. Speaker and members, for many of these Korean veterans, the bird of time has taken wing --- and is in its flight.

"Mr. Speaker and fellow colleagues, it is for these compelling reasons that we recognize and honor the 5th Regimental Combat Team, and the men of Hawaii who formed the nucleus of this unit, and who valiantly fought to stem the tide of aggression by the government of North Korea against our South Korean allies.

"Forty-six years ago, on June 25, 1950, the military forces of North Korea crossed the 38th Parallel and almost without resistance, battled their way southward to the outskirts of Pusan, commonly known as the Pusan perimeter.

"At that time, the 5th Regimental Combat Team was stationed at Schofield Barracks and was hastily dispatched to Korea. They arrived in Pusan on July 31, 1950, many of the men with very little or no training, and within two days found themselves in heated combat with the enemy near the city of Masan.

"They were fighting in an undeclared war as part of the United Nation's forces. Our leaders called it a 'police action.' They said that victory would be swift and that our forces would be home in time for Christmas that year.

"History will remind us that this was not a police action; that this was WAR -- where the tolls would be measured in bloodshed, the wounded, the MIA's, and the ravaged villages and cities across the countryside. This

war would inconclusively end three years later in July 1953.

"Through all this, the men of the 5th Regimental Combat Team fought with distinction and pride. A common belief among the men from Hawaii was that they could trust each other for protection, the result of having grown up in a multi-ethnic and cultural society.

"After their combat service, most of the original members of the unit returned home on the troop ship, Aiken Victory. Although it was nearly 45 years ago, General Cockett vividly remembered and described the elation of returning home, and of seeing family, friends, and the people who had come to greet them. Then he stopped in his recitation, his eyes moistened, and for a few moments could not speak. As he has on countless occasions, his thoughts were once again filled with aloha for his fellow comrades who paid the ultimate price for freedom and who lay below the decks of the ship, unable to share their joy.

"It is only fitting that today we finally pay tribute to those men who first set foot on the peninsula of Korea in 1950.

"Sitting in the gallery is a contingent of the veterans of the 5th Regimental Combat Team who have come to receive the honor that they so richly deserve. They also represent their many comrades who could not be here at this time, and to memorialize their fallen brethren," and asked all of them to please stand to be recognized.

"Also in the gallery is Mr. Larry Aiwohi whose Dad, Master Sergeant Henry L. Aiwohi, was a member of this famed unit. Today's floor presentation is the result of Larry doggedly pursuing, in the memory of his Dad, the recognition of the 5th Regimental Combat Unit," and asked Larry to stand to be recognized.

"Also in the gallery to pay tribute to the 5th RCT is Major General Edward Richardson and his staff, including General Edward Correa," and asked them to stand to be recognized.

"Likewise in the gallery is a military representative for the Korean Consulate, Commander Sung," and asked him to stand to be recognized.

"Mr. Speaker and fellow colleagues, at this time, let us turn our attention to the individuals on the floor. We are honored to have with us today Consul General of the Republic of Korea, Shinsung Kang," and asked him to stand to be recognized. The five gentlemen sitting next to Mr. Kang represent the entire force of the 5th Regimental Combat Team, and I am very proud to introduce each of them to you.

"Our first honoree is -- **Brigadier General (Retired) Irwin K. Cockett, Jr.** He was an 18-year old Private First Class infantryman when thrust into the face of the enemy in Korea. He also served with valor and exceptional service in Vietnam as a helicopter gunship pilot. After he retired from a career in the military, he joined the Hawaii Army National Guard, and in 1983 he attained the rank of Brigadier General. General Cockett is the current President of the 5th Regimental Combat Team Association," and asked General Cockett to stand to be recognized.

"Our second honoree is -- **Command Sergeant Major (Retired) Peter Cabral.** Peter was a notable training instructor at Schofield Barracks before going to Korea. He is the recipient of the Silver Star, which is the third highest award for valor," and asked Peter to stand to be recognized.

Our next honoree is -- **Master Sergeant (Retired) Benjamin Hurley, Sr.** Ben was a native of Kauai, but now resides in Leeward Oahu. He was a Corporal while serving in Korea, and was awarded a Silver Star and three Purple Hearts. Ben is currently active with volunteer agencies and military organizations," and asked Benjamin to stand to be recognized.

"Our next honoree is -- **Master Sergeant (Retired) Alfred S. Los Banos.** Al is the retiring President and founder of the Association. He was seriously wounded on August 14, 1950, near the city of Masan. This injury did not deter his spirit, as he devotes much of his time assisting other veterans. He presently is a member of the Governor's Veterans Advisory Council and the American Battlefield Monuments Commission for which he was appointed by President Clinton," and asked Alfred to stand to be recognized.

"Our next honoree is -- **Command Sergeant Major (Retired) Al Chang.** He has known scores of Generals and Colonels, but his first love has always been for the guys in the trenches. He was a combat photographer who had no equal and was able to capture the hearts of America with his memorable photos depicting the lives of G.I.'s in combat. One of his photos taken in August 1950, was nominated for the Pulitzer Prize. This same photo won him the U.S. Department of Defense and White House award for combat photography," and asked Al to stand to be recognized.

"On the grounds of this State Capitol, just a few feet from where we now stand and sit, is the monument which memorializes our fallen heroes in both the Korean and Vietnam Wars. Inscribed there are these words: 'LONG AGO, FAR OFF, WE FELL ON FIELDS OF HONOR - REMEMBER US NOW.' And so it is that we honor, that we do remember, and that we shall always be very grateful.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, as a veteran of the United States Air Force serving during the Vietnam era, from 1968 to 1972, it is an honor to stand and congratulate the honorees. I know what it is like to serve and come back an unsung hero because I was one of them. Getting off the airplane in San Francisco, I got stepped on for believing that I was fighting to preserve democracy.

"This is your day, and for the men of the 5th Regimental Combat Team -- congratulations! This is your day to be recognized, and as we recognize you, will you recognize my brothers and sisters that followed you because you set standards, and I have never seen any Hawaiian afraid to fight for America, to fight for democracy. I would be one to carry the M-16 again if democracy was threatened. And to you, I say, God bless you, it's your time."

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

"Mr. Speaker, while I want to extend my congratulations and gratitude to those assembled on the floor receiving this honor and also to the men who are sitting in the gallery, on behalf of the Waipahu contingent, and that's including your Representatives Amaral, P. Oshiro, Takumi and myself, I want to single out one such person on the floor. You've already heard from Representative Kanoho the accomplishments of Master Sergeant (Retired) Benjamin Hurley, Sr. I also

want to add to that, Mr. Speaker, that in his 27 years of service, he also gave his measure of devotion in the Vietnam War along with the previous speaker, Representative Kahikina, and during his time in Vietnam, Master Sergeant Hurley himself earned a Silver Star for bravery and a Bronze Star for meritorious service as well.

"I also want to extend my congratulations and my gratitude to the Sergeant for his continued service to his country and to his community service that he continues to do, and also I want to note that the community service continues on with his family. And I see his daughter, who is sitting here in the gallery, acknowledging her father's honor, and that she continues in community service in that spirit while she serves on the Waipahu Neighborhood Board.

"Thank you, Mr. Speaker."

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

"As a Korean War veteran myself - 1951 to 1953 -- I am in awe, and I am humbled to be in the presence of these combat veterans today. Those of us that were not called upon to make the sacrifices that you did owe you a great depth of gratitude as does this nation.

"I still remember vividly the training that I received under one Master Sergeant Sam Kealoha, and some of you may know him as a tough old dude, a Silver Star winner in Korea, and then he went on to be a tunnel rat in Vietnam, as I recall. I don't know what happened to Sam, and someday, I would love to see him again. You reflect many of the same ideals and toughness and principles that Sam had.

"As I said, Mr. Speaker, I am truly in awe to be in all of their presence today. Thank you for what you did."

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

"I do so with a personal note, especially for Al Chang. I remember vividly one evening when there were three of us deciding where to go for dinner in Saigon. Our friend, Major Kamaka, wanted to go to the My Canh, the famous floating restaurant with fine Chinese cuisine, and Al Chang said, 'I've had enough of Chinese food, I want some good American chow. Let's go to the Brink.' And they turned to me as the deciding vote, and I looked at Al and said, 'Alright, let's go to the Brink.'

"And so, Al, I saved all you fellas, including myself, from being blown to bits on the My Canh. We were on the top floor of the Brink when we heard an explosion, and Al with his seasoned ear said, 'It's the My Canh floating restaurant. I got to go get my camera. Good-bye you guys,' and he dashed off. Major Kamaka and I finished our dinner and we went down the street by the My Canh, which is the street that leads to the American Embassy, and there was Al Chang coming off with his camera, looking very, very sad. It was a very depressing sight, but he had his pictures and that's the work of a professional.

"I'm really, really very happy to see you, Al, and congratulations for being among those who went through all the sufferings in Southeast Asia.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I was not prepared for this floor presentation today. I would not be here. . . some of you have wondered about my Korean connection. My Dad served in the Korean War and for those of you familiar with Madame Butterfly or the Miss Saigon saga, I am living proof that some of that had a happy ending. I know that my Dad does not talk much about the war. He brought my Mom back from Korea. She was from Pusan. I also know that the war took a lot out of him, and he has never fully recovered from that. This was prior to us knowing what post-traumatic stress syndrome was all about.

"But on behalf of my siblings, I just want to thank all of you, all of you here today, and like you, Mr. Speaker, it's a very emotional time for me. But welcome to the chambers; it's about time we honored you properly."

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

"As a member of the Veteran of Foreign Wars, Kaneohe Post 10154, about half of our members are Korean War veterans. In honoring these men today, we also honor those whom these men had to leave behind, because I know that in their hearts, they carry the memories and experiences of those who fought besides them and sacrificed their lives so that all of us could stand here today.

"To all of you from the 5th Regimental Combat Team, I would like to convey to you my most heartfelt thanks for your duty and loyalty to our country.

"Thank you, Mr. Speaker."

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

"I simply wanted to speak perhaps for a generation, a generation in America who may never see the terror of war. I will never know, and I hope I will never know, the anguish and the horror of war that you have faced. But I know, as I look into the audience, that there is a generation here, a generation that never served in the Armed Services, are not veterans, but yet we are the true beneficiaries of your valor and your honor. And it is with great humbleness that I stand before you, and stand on this floor and recognize everything that you have done for our nation.

"Thank you."

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

"You know, the 5th Regimental Combat Team is very dear to me. I have two generations of people in my family who have served with the 5th. My father commanded 'C' Company in 1931 on the island post of Fort McKinley in Maine. At that time, I was a very little girl, not like now, and I would say, 'But Daddy, I can't do that,' and he'd say, 'Now remember the 5th motto -- I'll try sir.' So sometimes I was pretty reluctant, but I tried it and it worked, and so that motto has probably meant a great deal to many of the people sitting in the gallery and on the floor.

"Twenty-two years later, my husband Mick commanded 'D' Company in the 5th, and at this point it became the 5th Regimental Combat Team, and his First Sergeant was George Neroutsos who retired as a Lt. Colonel, and they are both sitting next to each other in the gallery," and asked them to stand to be recognized.

"Later, George worked in my office as a legislative aide for three or four years, so we've known each other for a good long time.

"There are so many people up there that I know, but I don't have the time to call on and talk about all of them. I do see Carol and Liz Neroutsos up there. Carol Los Banos and Liz Neroutsos are the wives of the people we are honoring today," and asked them to stand to be recognized.

"As you know, behind every good man, there's a good woman. Of course, in my case, it is reversed.

"I've also known Peter Cabral for many years because after Korea, he and my husband served on ROTC duty at the University of Hawaii in the late 1950s.

"But I particularly wanted to talk about Al Los Banos and General Irwin Cockett. We worked together. I was honored to be allowed to work with the memorial team that put together the memorial service for the two memorials -- the Korean and the Vietnam memorials, and it took almost a year. It was a very, very worthwhile group. I enjoyed working with them and, of course, many of you went to the service when we dedicated the memorial. It was a real honor.

"I couldn't sit down without mentioning Al Los Banos who has been mentioned so many times. He, to me, is the epitome of the 'can do' spirit of the 5th Regimental Combat Team veterans, because although he was grievously wounded in battle, he has never given up. I think that he probably hears 'I'll try, sir' often in his memories, and he goes forth and he does things.

"I just wanted to mention that, and I want to thank all of you for listening, and would you mind giving everybody a hand again? (The honorees received a round of applause.)

"Thank you."

The motion was put by the Chair and carried, and H.R. No. 320 was adopted.

At this time, Certificates of Recognition and floral leis were presented to the honorees by Representatives Amaral, Marumoto, Isbell, Kawakami, McMurdo and Chun Oakland.

H.R. No. 321, entitled: "HONORING AND COMMENDING RODNEY PARK FOR BEING RECOGNIZED AS THE VOCATIONAL INDUSTRIAL CLUBS OF AMERICA'S (VICA) 1995 NATIONAL ADVISOR OF THE YEAR," was jointly offered by Representatives Takamine and Ito.

Representative Takamine moved that H.R. No. 321 be adopted, seconded by Representative Ito.

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

"This resolution describes a very special individual, someone who has given much of himself to assist and help others.

"His professional accomplishments are well stated and yet probably his work in establishing the VICA program for the State of Hawaii most accurately reflects the nature of Rodney Park and the nature of his personal commitment.

"You see, Mr. Speaker, this program is about creating opportunity, this program is about personal growth and

leadership development, this program is about helping a child to realize his or her fullest potential.

"Rodney Park is, as the resolution points out, the 'Father' of Hawaii's VICA program. And Rodney Park is, in the finest sense of the word, an extremely good teacher.

"Mr. Speaker, at a time when it becomes so easy to be critical of our public school system, it's people like Rodney Park who are the shining examples of what it takes to allow the Department of Education to properly accomplish its mission. And Rodney, in his special role as teacher, has touched the lives of so many students, and will positively affect the lives of many, many more.

"Mr. Speaker, the basic values that have helped to shape Rodney's professional life, have also provided the foundation for his personal and family life, and have helped to determine how his family has dealt with significant challenges.

"You see, a number of years ago, his daughter, Kariane, had to undergo surgery for a condition called scoliosis. As a result of the surgery, there was paralysis as the surgery did not turn out as well as they had hoped for. Yet, through determination, through her personal efforts, through the kind of support that was provided through her parents and her family, she not only came back physically, but she excelled so well in school and then has gone on to college at the University of Hawaii at Manoa. And, Mr. Speaker, what impressed me most about the Park family's response to this situation was how this event only strengthened the support that they each gave to the other.

"Kariane being able to move forward in her life, and to excel as she did, says much about Rodney and Karla's love for their daughter and says so much more about what families are all about.

"Mr. Speaker, Rodney Park is a credit to his profession, he is a credit to our State, and perhaps most important of all, he is a credit to his students. I can only say that I am very proud that he considers me one of his friends.

"Mr. Speaker and my honorable colleagues, please welcome the VICA National Advisor of the Year, Mr. Rodney Park."

The honoree, Mr. Rodney Park, rose to be recognized.

"Mr. Speaker, each member on this floor is keenly aware that each of us would not be here, but for the support and unselfishness of many others. And in Rodney's life, there is one person in particular that has been an essential part of his inner strength, and that is his wife, Karla," and asked Karla to stand to be recognized.

"Also here this morning with Rodney are his children, Mr. Speaker, and first is his oldest daughter who is currently a freshman attending the University of Hawaii at Manoa, Kariane," and asked Kariane to stand to be recognized.

Daughter number 2, Mr. Speaker, I would like to note, broke new ground because in the 1995 Technology Fair, she became the first female member to place in the cabinet-making category. She is currently a junior at Kohala High School -- Kimilyn," and asked Kimilyn to stand to be recognized.

"And last but not least, Mr. Speaker, is the youngest member of the Park family, Leelan, who is currently a

fifth grader at Kohala Elementary School," and asked Leelan to stand to be recognized.

"Thank you, Mr. Speaker."

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

"It gives me great pleasure to be here today honoring Rodney Park as the Vocational Industry Clubs of America's 1995 National Advisor of the Year.

"I have followed Rodney's career throughout the years with great pride. I was there in the beginning, where, as a teacher at Kalani High School, I watched Rodney perform his student teaching under the guidance of Paul Kokubun, our guru and Department Head. Rodney was a young, idealistic, and energetic individual who became the kind of teacher that every new teacher aspires to be -- one who makes a difference in the lives of his students by opening up his students' worlds to new goals, possibilities, and dreams.

"In 1987, Rodney's commitment and activism in the vocational education field led him on a one-man mission to benefit his students at Kohala High School by establishing the first VICA club in Hawaii. Today, with 41 active Hawaii VICA chapters in 25 schools, students across the state share in Rodney's success. His perseverance has continually made him a pioneer. Until this day, Rodney remains the only Chairman of the Hawaii Industrial Arts Fair to plan and conduct the Fair at the same time we have the Hawaii Science Fair at the Neal Blaisdell Center from his 'command post' on the Big Island.

"Mr. Speaker, under your leadership, we, the members of the House, have taken an active part to support and expand vocational education in Hawaii. Last session, we passed an allocation to fund Junior VICA programs for two years, and paved the way to further support teachers like Rodney Park by passing Act 231, which will encourage private businesses to participate in Department of Educational vocational-technical internship programs. This session, we are working on bills that will further address new initiatives like school-to-work and workforce development.

"The vocational education reform movement that is now taking place across our nation was started by teachers like Rodney Park who have accepted the challenge to shape new programs that will meet students' educational needs in the coming years.

"From his early days as a student teacher to the present, Rodney Park has always put students first. He is a true teacher who continues to show every one of us what teaching is all about.

"Congratulations to my good friend, Rodney, and his family.

"Thank you."

Representative Ito then asked the following individuals who have supported Rodney Park, and who were seated in the gallery, to stand to be recognized: Anthony Calabrese, Administrator for the Occupational Development Section of the Department of Education; James Abe, building construction instructor at Waiakea High School; David Fuertes, instructor at Kohala High and Intermediate School; Kenneth Furukawa, resource teacher with the Occupational Development Section; Kenneth Lee, technology education instructor at Highlands Intermediate School; Kent Onaka, technology instructor at Kohala High and Intermediate School;

Darrell Ota, building construction instructor at Mililani High School; Roy Tsumoto, educational specialist at the Occupational Development Section; Shelley Tanna, secretary with the Occupational Development Section; and Sidney Nozaki, instructor at Ka'u High School.

Representative Ito then asked a group of students from Kohala High School's VICA Club, who were also seated in the gallery, to stand to be recognized.

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

"First, I would like to express my appreciation to Representative Takamine and Representative Ito for emphasizing the importance of one aspect of public education in Hawaii -- the vocational, industrial and technical classes in our schools. You have heard many times how much I have spoken about the performing arts, about drama -- that is only one part.

"In Mililani, we have a very strong VICA Club, and I look forward every year to the annual banquet which will be held this Friday at the Ala Moana Hotel and to see how many awards the Mililani club will win. That's not the reason for my speaking up.

"I just want to say very simply -- public education is more than band, cheerleading, football, drama, math, but it also includes the other spectrum which makes our society operate. That is vocational education, industrial education, and technical education. In the gallery, we have one of the finest teachers I have ever met in this area, which is Darrell Ota. I am very pleased to see him among those honoring Rodney Park today.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.R. No. 321 was adopted.

At this time, Representative Ito presented Mr. Park with a Certificate of Recognition and floral leis were given to the honoree and his family by Representatives Takamine, Chun Oakland, Herkes, Tarnas, Hamakawa, Kawakami and Isbell.

At 12:52 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1441-96) recommending that S.B. No. 1735, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1441-96 and S.B. No. 1735, 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. 1735, 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. 1442-96) recommending that S.B. No. 2145, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1442-96 and S.B. No. 2145, 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. 2145, 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. 1443-96) recommending that S.B. No. 2152, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1443-96 and S.B. No. 2152, 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. 2152, 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. 1444-96) recommending that S.B. No. 2209, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1444-96 and S.B. No. 2209, 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. 2209, 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. 1445-96) recommending that S.B. No. 2210, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1445-96 and S.B. No. 2210, 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. 2210, SD 1, 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. 1446-96) recommending that S.B. No. 2211, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1446-96 and S.B. No. 2211, 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. 2211, 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. 1447-96) recommending that S.B. No. 2341, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1447-96 and S.B. No. 2341, 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. 2341, 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. 1448-96) recommending that S.B. No. 2795, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1448-96 and S.B. No. 2795, 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. 2795, 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. 1449-96) recommending that S.B. No. 2866, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1449-96 and S.B. No. 2866, 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. 2866, 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. 1450-96) recommending that S.B. No. 2887, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1450-96 and S.B. No. 2887, 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. 2887, 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. 1451-96) recommending that S.B. No. 2941, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1451-96 and S.B. No. 2941, 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. 2941, 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. 1452-96) recommending that S.B. No. 3240, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1452-96 and S.B. No. 3240, 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. 3240, 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. 1453-96) recommending that S.B. No. 3262, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1453-96 and S.B. No. 3262, 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. 3262, 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. 1454-96) recommending that S.B. No. 2098, 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. 2098, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," 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. 1455-96) recommending that S.B. No. 3135, 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. 3135, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUDGET REDUCTIONS," 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. 1456-96) recommending that S.B. No. 3205 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. 3205, entitled: "A BILL FOR AN ACT RELATING TO OFFICE MACHINE AND OIL PRODUCTS DEALERSHIPS," 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. 1457-96) recommending that S.B. No. 2503, 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. 2503, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTALS," 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. 1458-96) recommending that S.B. No. 2546, SD 2, 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. 2546, SD 2, 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:

"The testimony that was received on this measure which will increase the first offense for selling tobacco to a minor to \$2,500 and the second offense to \$5,000 seems to be quite out of proportion with our other laws with regard to fines, and seems a bit onerous to be putting such a high fine on this infraction. And although it's very important for us to deter the sale of tobacco to children, I'm not sure this is going to work by the testimony that was given at the hearing that there's never been a case brought forth on a fine.

"So I think we might be barking up the wrong tree, and that it's the enforcement that is going to make the difference, not the raising of fines. We can make it a \$100,000 fine. We still need to have someone out there policing it, and the testimony was to the effect that this was not going to reduce the use of tobacco or illegal sale, so I just would like to note that I don't believe this is going to be as effective as we otherwise wish. Hopefully, we can look at other measures that will truly deter the sale of tobacco to minors.

"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. 2546, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," 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. 1459-96) recommending that S.B. No. 2738 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. 2738, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES," 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. 1460-96) recommending that S.B. No. 2984, 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. 2984, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Thielen.

Representative Kawanakoa rose to speak against the bill, stating:

"This measure is going to reduce the penalties for a holdover tenant that is otherwise illegally occupying the space and reducing the somewhat mandatory aspect of the holdover rent. Currently, a landlord can receive up to two times the normal rent for someone who holds over, and that's after giving them 45 days notice to move out, so I feel this is a one-sided bill.

"The landlord-tenant code provides many protections for our tenants, and it makes it somewhat difficult for landlords to manage and operate their rental units. And I think of the example of perhaps a small ohana family -- two or three brothers and sisters -- owning a small apartment building with ten apartments, and they have a tenant who is just not paying the rent, is damaging the apartment, is otherwise not financially responsible, and in trying to remove this tenant, they give him/her 45 days notice. They may go without rent for 45 days, but ultimately, the tenant holds over for up to sixty days. The landlord doesn't have much recourse, and it is important to note also that this landlord, in order to go to court, is going to have to hire an attorney if they are incorporated.

"I note that the testimony and the discussion debated the question of whether this is going to make it possible for the court to give them discretion in awarding the holdover fee of up to two times the normal rent. But that dismays me because, even in the testimony of the Judiciary when they came forward, they felt that there are situations in which the mandatory award is excessively harsh, such as where the tenant suddenly came upon dire economic times due to layoffs. That is an economic hardship. That is what we are facing.

"But what's going to happen to the landlord? What's going to happen to that small family that was renting out ten apartments? I think we may be putting more burden on our economy once again by legislating this sort of discretionary penalty, and especially when we take a look at what the Judiciary's position is, what is otherwise

considered hardship ... if you don't have the rent, well, you're not going to have to pay extra if you hold over. I guess it is a hammer on behalf of the landlord to try to get a tenant out because of the fear that as a tenant they may have to pay double rent if they hold over, if they go beyond their contractual agreement.

"There's a lot of reasons for my disagreement with the Committees' recommendation, and suffice to say that I've stated only some of them.

"Thank you, Mr. Speaker."

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

"I would simply note, Mr. Speaker, that I can certainly appreciate the concerns of the previous speaker. I believe, however, that the Committees tried to deal with this in a responsible way, that presently under the current language, judges have no discretion with respect to the awarding of rent even though they may receive information that would indicate mitigating circumstances and would therefore, if given some discretionary power, allow them to make more fairer decisions.

"We think that this amendment by the House Committees allow more fairness into this situation rather than creating a situation that is unnecessarily harsh or burdensome and, therefore, we ask the members to support this measure.

"Thank you."

Representative Kawanakoa, in response, stated:

"In my reading of the original statute, the pertinent statement is, if the tenant continues in possession after the date of termination without the landlord's consent, the tenant shall be liable for and shall pay to the landlord a sum not to exceed twice the monthly rent.

"For me, I believe the court already has discretion. It simply says that if someone holds over under the terms of the landlord-tenant code, they shall be liable and they shall pay a sum not to exceed twice the monthly rent. Now, whether the courts are interpreting that as being an absolute liability, I'm not sure, but what we're doing in this instance is saying that the tenant may be liable. Therefore, they may not be liable at all for a holdover and they may not have any penalty exacted upon them, and I believe that's going to be a great hindrance, especially when we recognize that most landlords don't bother to go and sue and press these damages necessarily because of the cost to move forward in the court system.

"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. 2984, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD-TENANT CODE," passed Second Reading and was placed on the calendar for Third Reading with Representative Kawanakoa voting no.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1461-96) recommending that S.B. No. 641, SD 2, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1462-96)

recommending that S.B. No. 2338, SD 2, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1463-96) recommending that S.B. No. 2388, SD 2, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1464-96) recommending that S.B. No. 2421, SD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1465-96) recommending that S.B. No. 2728 pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1466-96) recommending that S.B. No. 2789, SD 2, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1467-96) recommending that S.B. No. 2797, SD 2, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1468-96) recommending that S.B. No. 3052 pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1469-96) recommending that S.B. No. 3108, SD 2, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1470-96) recommending that S.B. No. 3188 pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1471-96) recommending that S.B. No. 2238, SD 2, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1472-96) recommending that S.B. No. 2278, SD 2, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1473-96) recommending that S.B. No. 2458, SD 2, HD 2, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1474-96) recommending that S.B. No. 2723, SD 2, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1475-96) recommending that S.B. No. 2730, SD 1, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1476-96) recommending that S.B. No. 2811, SD 1, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1477-96) recommending that S.B. No. 2912 pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1478-96) recommending that S.B. No. 2913, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1479-96) recommending that S.B. No. 2965, SD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1480-96) recommending that S.B. No. 3011, SD 2, HD 2, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1481-96) recommending that S.B. No. 3021, SD 1, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1482-96) recommending that S.B. No. 3079, SD 1, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1483-96) recommending that S.B. No. 3091, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1484-96) recommending that S.B. No. 3158, SD 1, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1485-96) recommending that S.B. No. 3166, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1486-96) recommending that S.B. No. 3198, SD 1, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1487-96) recommending that S.B. No. 3267, SD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1488-96) recommending that S.B. No. 608, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1488-96 and S.B. No. 608, 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. 608, 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. 1489-96) recommending that S.B. No. 2022, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1489-96 and S.B. No. 2022, 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. 2022, 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. 1490-96) recommending that S.B. No. 2090, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1490-96 and S.B. No. 2090, 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. 2090, 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. 1491-96) recommending that S.B. No. 2264, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1491-96 and S.B. No. 2264, 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. 2264, 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. 1492-96) recommending that S.B. No. 2322, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1505-96) recommending that S.B. No. 3170, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1505-96 and S.B. No. 3170, 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. 3170, 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. 1506-96) recommending that S.B. No. 3231, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1506-96 and S.B. No. 3231, 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. 3231, SD 1, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

ANNOUNCEMENTS

Representative Okamura: "There will be a Majority caucus tomorrow at 10:30 a.m. in the Majority Caucus Room."

Representative Thielen: "There will be a Minority Caucus tomorrow morning at 11:00 a.m. in the Minority Caucus Room."

ADJOURNMENT

At 1:11 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 3, 1996.

FORTY-FOURTH DAY

Wednesday April 3, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:48 o'clock a.m., with the Speaker presiding.

The invocation was delivered by The Reverend Mike Young of the First Unitarian Church, after which the Roll was called showing all members present with the exception of Representatives Chang, Kahikina and Marumoto, 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.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 192 and 193) were read by the Clerk and were placed on file:

"Gov. Msg. No. 192, transmitting copies of the 1995 Annual Report of the Medical Claims Conciliation Panel and the Design Professional Conciliation Panel, pursuant to Sections 672-12 and 671-20, Hawaii Revised Statutes.

Gov. Msg. No. 193, transmitting copies of the Feasibility of a Pacific Islands Business Development Plan prepared by the Department of Business, Economic Development, and Tourism, pursuant to Senate Concurrent Resolution No. 99, SD 1 (1995).

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

Representative Yonamine introduced members of the Student Council in the Gifted and Talented Class from Palisades Elementary School. They were accompanied by their teacher, Mrs. Kerrie Machida; and Vice Principal, Mr. Glenn Kila.

Representative Case introduced a group of students from Mid-Pacific Institute.

At 11:55 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

ORDER OF THE DAY

**INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)**

H.R. No. 322, entitled: "HOUSE RESOLUTION CONGRATULATING AND COMMENDING SAMUEL WONG," was jointly offered by Representatives Lee, Shon and Santiago and was read by the Clerk.

Representative Shon moved that H.R. No. 322 be adopted, seconded by Representative Lee.

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

"Mr. Speaker, it is my great honor to provide some remarks, and provide an initial introduction to an individual who arrives in Hawaii at a time when we have long needed a re-infusion of optimism and new spirit and internationalism in the sense of excellence that marries the right brain and the left brain of our society, and that is really, I believe, an inspiration for our youth, our University, our arts community, many of us who have often wanted to pursue this elusive goal of excellence.

"We all know that there have been many ups and downs to the Honolulu Symphony, and now arriving amongst us is someone whose sense of excellence and achievement on many, many fronts gives us great hope that not only the Honolulu Symphony will prosper, but all of us will come to recognize the greater importance of the spirit in all of us. I think it is a wonderful reality that Dr. Wong has chosen to set aside healing of the body for the healing of the soul, and it is our soul that we hope he will help to heal and uplift a very special part of us that relates to art and aesthetics and idealism.

"I had the opportunity many, many years ago to attend a school of music, hoping that I would be able to contribute to that part of the art, but I was not nearly talented enough to pursue that. Some of you may have hoped that I would have pursued that rather than be here, but in spite of that, Mr. Speaker, I hold in greatest admiration those who have achieved the pinnacle of excellence in the arts as well as the pinnacle of excellence in the sciences. I think it is just a marvelous thing for someone to choose to come to Hawaii and to lead our Symphony.

"So without further ado, I would like to introduce a true Renaissance individual -- Dr. Samuel Wong."

Dr. Samuel Wong then rose to be recognized.

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

"As all of you know, behind every great man there's a great woman, and in this case, soon to celebrate their 5th wedding anniversary, accompanying our new conductor is his wife, Hae-Young Ham, who, in her own way, is an extremely well-established musician.

"As a violinist, Hae-Young Ham is a member of the New York Philharmonic and she has been so since 1986. She last appeared as a soloist with the orchestra in 1991 with Erich Leinsdorf. She has also been a winner of the New York Philharmonic Young People's Competition in 1980, and was a soloist with Zubin Mehta whose name you are going to hear come up a number of times throughout this presentation this morning. Hae-Young Ham's solo engagements also include the New Jersey Symphony, the Louisiana Philharmonic, Ann Arbor Symphony, Bergen Philharmonic, Seoul Philharmonic, and Korea's KBS Symphony.

"Active in chamber music, Hae-Young Ham is a member of the Philharmonic Ensembles, performing in Europe, the United States, and Korea. Most recently, she participated in a chamber music residency in Hot Springs, Virginia, and in Germany's Bahnhof Rolandeck Festival. Hae-Young Ham studied chamber music with Josef Gingold and Felix Galimir.

"Hae-Young Ham has won, again, numerous top prizes in national competitions in her native Korea as well as in the United States. At the age of 15, she immigrated with her family to America, continuing her studies at Julliard

School of Music where she went on to receive a bachelor's and master's degrees.

"Mr. Speaker, just as for some of you who know, like Representative Shon, I, too, would have liked to have the option of deciding which career to pursue. Lacking the talent to pursue a career in classical music of which I studied piano also, I chose this career, but I wish I had a choice.

"But in getting prepared for today's presentation, I came across a quote about music and about what it means to every one of us sitting here, and the possibility that now will come forth in the State of Hawaii our Symphony. It's from a German Opera House, and I quote: 'Bach gave us God's word; Mozart gave us God's laughter; Beethoven gave us God's fire; God gave us music that we might pray without words.' And with that quote, members, I hope for a very, very fulfilling career for both Dr. Wong and his wife, Hae-Young Ham.

"Thank you very much and congratulations on your fifth wedding anniversary," and asked Mrs. Hae-Young Ham to stand to be recognized.

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

"I think Representative Santiago did not reveal that he had a special interest because he has a Korean soul, a Korean heart, and half of his genes are Korean, so he feels very close to our new violinist, our new partner in music, in Hawaii.

"I also want to point out very briefly that the Chinese are not only doctors, lawyers and businessmen, but like Dr. Wong, they are also artists of varying cultures that are over five thousand years old. And in this respect, the Europeans have viewed China with a great deal of fascination, and if you have the time, I suggest that you see or hear Turandot which is going to be performed in a week-and-a-half. And what is interesting about Turandot is that the principal singers are Chinese. You have heard Yan Yan Wang who sang *Mimi* in *La Boheme*, and Cio-Cio San in *Madame Butterfly*. She has not the lead but a leading role -- she is going to sing *Liu*. Dandan Li is going to sing *The Princess*. It's a fascinating, fascinating opera, written by Puccini who also wrote *Madame Butterfly*.

"This leads me to the other part of why we are here today. The music will be performed by the Honolulu Symphony Orchestra. Without the Honolulu Symphony Orchestra, we cannot have an opera. The significance of today's presentation is that Dr. Wong and Hae-Young Ham represent the new beginning and that significance lies in the fact that, if I may, Lynne Johnson, say that the Cookes are now talking to the Wongs, the Dinions and the Carters, so you have on the floor today a musician who is a member of the Symphony Orchestra's committee, and the President of the Musicians' Union, and Lynne Johnson, the Chairperson of the Honolulu Symphony Society. They have all gotten together.

"Thanks to Lynne Johnson and to the many people who love music. She has been the leader; she has been the one who has put everything together and everyone has come together. And today, we have the pleasure to honor Dr. Samuel Wong and his wife, Hae-Young Ham."

Representative Lee then introduced the other members on the floor of the House, and asked them to stand to be recognized, as follows: Ms. Lynne Johnson, Chairperson of the Honolulu Symphony Society; Stephen Dinion, Chairperson of the Orchestra Committee; Milton Carter, President of the Musician's Association, "and a long-time

fixture"; and Michael Tiknis, Interim Executive Director of the Symphony.

Representative Lee then asked Mrs. Caren Robinson, sister of Lynne Johnson, visiting from Arizona, who was seated in the gallery, to stand to be recognized.

The motion was put by the Chair and carried, and H.R. No. 322 was adopted.

At this time, Certificates of Recognition were presented to the honorees by Representatives Say, Garcia and Takamine and floral leis were given to them by Representatives Lee, Santiago, Kawakami, Isbell and Chun Oakland.

At 12:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

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. 1461-96 and S.B. No. 641, 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. 641, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNICATIONS," having been read throughout, passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Thielen and Ward voting no, and Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1462-96 and S.B. No. 2338, 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. 2338, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1463-96 and S.B. No. 2388, 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. 2388, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1464-96 and S.B. No. 2421, SD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1465-96 and S.B. No. 2728:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1466-96 and S.B. No. 2789, 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. 2789, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OBSOLETE OR UNENFORCEABLE HEALTH STATUTES," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1467-96 and S.B. No. 2797, SD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1468-96 and S.B. No. 3052:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1469-96 and S.B. No. 3108, 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. 3108, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1470-96 and S.B. No. 3188:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1471-96 and S.B. No. 2238, SD 2, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2238, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Meyer rose to speak against the bill, stating:

"This is 'A Bill for an Act Making an Appropriation for the Ocean Floating All-Natural Clean Energy Power Station.'

"The purpose of this bill is to appropriate funds to support the planning for the conceptual design and construction of an Ocean Floating All-Natural Clean Energy Power Station. I believe this bill, as it was originally drafted, was referred to as a \$100,000 cocktail party.

"This bill, as it is written now, only has a dollar in it, where we can safely say that by the time it finishes the rounds, there will be at least a hundred thousand dollars in the bill. In this time of limited resources, a hundred thousand is a lot of money and, in my opinion, unacceptable at this time.

"Mr. Speaker, over the past ten or twelve years, the Legislature has approved appropriations of more than \$22 million to go to HTAR or to PICTAR, different Hawaii technology organizations, to research alternate energy sources. The funds were administered through DBEDT for at least four years. Absolutely no reporting took place. It was not until Mr. Ulveling was named director

of DBEDT that someone asked for a reporting. Where was this money going? Where are the reports to show the demonstrable, positive results from the money spent?

"Ocean Floating All-Natural Clean Energy Power Station sounds very much like OTEC. The federal government has already pumped \$122 million on OTEC. The projections for OTEC have fallen far short of what they said they would have. The present plant was said to be able to generate at least 16 megawatts of dependable electricity. Up until this time, they cannot even produce 60 kilowatts on a regular basis. It has not proven to be a firm source of electricity. In the Energy and Environmental Protection Committee, I see repeatedly that any bill that has to do with alternative energy is accepted without question.

"Perhaps it's because I have a business background, I think of the expenditure of money as being useful if you get something in return, something that is working. So far, it looks like \$22 million of State money has created jobs for various people in the private sector with no real palatable results. . .

At this point, the Chair interrupted and asked Representative Meyer to "confine your discussion to 2238 and not to the past, please."

Representative Meyer continued, saying:

"Some of the parties that are included that would benefit from this bill are also parties that are tied up with HTAR and PICTAR. These are not unrelated, Mr. Speaker.

"I would ask that our colleagues think about these expenditures as if they were their own. How many thousands of dollars would you put at risk into a business and have no return? How many years? How many millions before you started to question the viability of these projects?

"Thank you, Mr. Speaker."

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

"Mr. Speaker, they made the same charges about Geothermal. It now produces 30 megawatts of reliable power for the Big Island, and it has avoided the thousands and thousands of barrels of oil coming into the State.

"There is international interest in this project. If Hawaii doesn't move on this, we will most certainly lose it to another nation. We can be the focal point of this new technology and the interest that can be generated worldwide in the test facility which is what we hope will be built.

"Research is not a guarantee. Some research projects succeed and some fail. I would hope that we never stop researching alternative energy."

Representative Shon then rose and requested that Representative Herkes' remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Shon continued, saying:

"Just to mention that our investing in alternative clean energy has long been one of the great dreams that Hawaii could lead the way and, in fact, quite a number of years ago, I served as staff for the Marine Affairs Coordinator's Office. At the time, it was a mini OTEC.

"Ocean thermal energy conversion has been seen by many as an enormous potential not only to create clean energy, fresh water, and grow fish, but many other impacts that would be beneficial to Hawaii and the rest of the world. Hawaii does have an ideal situation because of the differential in the temperature between deep ocean water and surface water. We have now interest on the part of many leading economic giants in the ocean world who may want to come to Hawaii and actually construct a first operational multi-faceted OTEC plant.

"I would also point out that ocean thermal energy conversion was going along quite well as were a number of significant alternative energy processes until the early 1980s when the federal government pretty much pulled the plug on all kinds of energy investment. And we're still trying to recover from those setbacks, but the rest of the world is getting more and more interested in this as we recognize that simply going with cheap oil is not the definition of wisdom.

"So I would support this bill, and I would hope sincerely that we can attract this conference, that we can attract not only people who are interested in doing research, but more fundamentally interested in designing the first operational major OTEC plant. We are talking about bringing together major international corporations to design and build it, and perhaps build it right here. That is the worthy thing that we have dreamed about for many, many years.

"Thank you."

Representative Meyer then rose and stated:

"My view is quite different from the majority of the Representatives here in the room. But in reading through some of the information, just to clarify, I think none of us could say we're against reusable alternative sources of energy, but there is a time at which it must make sense financially.

"At present, the ocean thermal energy conversion to create a unit of electricity would cost from a hundred to three hundred dollars by burning diesel or other fossil fuels. It would cost \$18,000 to create that same unit with the OTEC facility that we have now. And so it is so far out of sight that I can't be that enthusiastic and embrace this technology at this time.

"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. 2238, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OCEAN FLOATING ALL-NATURAL CLEAN ENERGY POWER STATION," having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative Meyer voting no, and Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1472-96 and S.B. No. 2278, 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. 2278, 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 Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1473-96 and S.B. No. 2458, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2458, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"I simply wanted to register my reservations as stated at a previous session.

"My concern is that what we're doing is taking a problem lock, stock, and barrel, and changing the department without necessarily addressing the real underlying concern.

"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. 2458, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MARINE PATROL," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused. (Representative Kawanakoa voted aye with reservations.)

Stand. Com. Rep. No. 1474-96 and S.B. No. 2723, SD 2, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2723, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Yoshinaga rose and requested that her remarks, in support of the bill, be entered into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Yoshinaga's remarks are as follows:

"I urge my colleagues to please support Senate Bill 2723, SD 2, HD 1. Senate Bill 2723, SD 2, HD 1, proposes to enact the Uniform Limited Liability Act. As in other areas, Hawaii lags behind other states in enacting a progressive business law. This limited liability act will do much to improve the perception that this State is unfriendly to businesses. Hawaii is one of only two states which do not provide for the option of limited liability companies. Limited liability companies will provide Hawaii businesses with choices other than partnerships and corporations for structuring their businesses.

"The limited liability company form is a relatively recent innovation in the United States. However, it is essentially a simple concept which provides businesses with options while looking after the interests of consumers and investors. A limited liability company is a hybrid business entity that combines the limited liability of a corporation with the federal tax treatment of a partnership. Like the shareholders of a corporation, the State grants the members of a limited liability company statutory protection from liability. A limited liability company member risks only the capital that the member agrees to contribute to the limited liability company. Like the partners in a partnership, no federal income tax is imposed on the limited liability company at the entity level. Rather, the tax is imposed on the individual members of the limited liability company. In addition, members of a limited liability company may participate in the management of the business as do partners in a

partnership. As in a partnership, statutory provisions control, unless the members agree otherwise.

"Adopting a limited liability company act will provide Hawaii businesses and investors with: Firstly, flexibility in financing; members may agree on varying interests.

"Secondly, limited liability. At the same time, this bill retains protection for consumers and investors by requiring at least two members and a written agreement to vary statutory defaults.

"Thirdly, contemporary management structures that reflect how businesses really operate and management structures well suited for our cultures. Members may choose to run their company either directly as in a partnership, with all members taking part in decision-making or through managers who are voted in. Thus, with a limited liability company form, participation and consensus-driven decision-making can be utilized. Even under a manager-managed option, a limited liability form requires fewer formalities, such as proxies, official meetings, resolutions, minutes -- formalities which often trip up small businesses, causing them to risk losing their limited liability in corporate form.

"And lastly, federal tax advantages -- limited liability companies may be taxed as partnerships when properly structured -- this will allow Hawaii investors and business owners to take advantage of the current federal tax structure -- by selecting the business form most advantageous to them for federal tax purposes and for its management characteristics.

"Limited liability companies are a common form of business entity worldwide and in the United States. Unlike the states which have provided for limited liability companies earlier, we have the opportunity to learn from the experience of other states. I feel that this bill builds on the best there is to offer in addressing the needs of businesses as well as in protecting investors."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2723, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1475-96 and S.B. No. 2730, SD 1, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2730, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Ward rose to speak against the bill, stating:

"Mr. Speaker, every bill asks the question -- what kind of a society do we want? And particularly in this session, we are asked probably more seriously and severely.

"In this bill, it asks the question and begs the question -- what kind of a business registration system do we want? And I would contend that this bill is one that sneaks up on the European model of capitalism, one that says, if you want to get into business, you've got to get high liability insurance, you've got to get high licensing fees, and you've got to take a competency test, which means it's not going to be easy to get into business. Is that what we want with what we now know in Europe of a price for a cup of coffee is very expensive because there are very few people who can get into business? I think

the barriers that this implies, even though some will say it's only one dollar, but one dollar is most likely to be a hundred dollars because it's fifty dollars now and it's going to increase by a hundred percent from its original price.

"I know it's been argued that compared to the mainland, it's still cheap to get into business here, but I ask -- where is the tax hell? Where is the highest taxes paid in the nation? It's here!

"Others have argued that, hey, the department has got to break even. And so does the airport, Mr. Speaker, and that's why we keep raising landing fees because they keep increasing their expenses which then have those spill over and become uneconomic for the sake of our tourism industry. At the same time, we have to remember, as the Tax Foundation has reminded us, that we pay taxes as taxpayers to have those business services provided and they should not, in and of themselves, have to pay for themselves, so I think the philosophy behind the bill is misguided plus we are going to be feeding the small business community to the part where I think we are going to border on the European version of getting into business that is more difficult, fewer people will have access to it, and I don't think that's the American way, Mr. Speaker. I think it should be easy access. Anybody who wants to go in should have the ability to enter without paying a large entry fee nor for licenses or corporate exhibits or for the probable 20 or 30 things that this is going to increase the fees for. There is a better way to do it, and I don't think the European way of little competition and high prices is the way we want to go.

"So I would suggest that when they do insert the numbers, let them be small business and user friendly, Mr. Speaker.

"Thank you."

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

"Inasmuch as I find that the intent of this measure is to increase the various fees on businesses that wish to either begin or continue in business in the islands, I need to vote no.

"In my estimation, our businesses and Hawaii as a whole are taxed far too much, and we need to reduce our spending, not increase our revenues by increasing our taxes.

"Thank you, Mr. Speaker."

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

"The fee is just another word for a tax. An additional tax in this economic climate is not what we need to stimulate business. I am not at all comfortable with bills that have one dollar in them. We don't know what we're dealing with.

"For those reasons, I will be voting no.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, in part, the intention of this bill is to improve the ability of the Department of Commerce and Consumer Affairs to be able to register new businesses and to make them more efficient, and their delivery of services to the business community. The bill, in part,

also deals with the modernization of software for the data base of overhauling the computer system, of strengthening staff positions.

"Some of this is paid for with tax money, Mr. Speaker. Some of it, however, we feel should be paid for by the users of the service. Hence, as is provided in the House position, we have amended the increase of the fees and left it negotiable, and we will deal with the substantive nature of how much those fees should cost and what the impact will be upon the upgrading of the service to the discussion in Conference Committee.

"I get quite tired after a while, Mr. Speaker, of hearing the words 'taxes' and 'fees' used interchangeably. In my mind, they are quite separate. However, as has been pointed out by my colleagues across the way, there are certain things and certain issues to which our approach is somewhat myopic. This particular one is evidence of the discussion previously given on the floor.

"I urge my members to please support this measure.

"Thank you."

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

"Taxes and fees are used interchangeably, and I think those that are hit with them would wholeheartedly agree that a fee is a tax, a tax is a fee. It comes out of the pockets of the small businesses that are really the backbone of our State. And after a while, they are not going to be able to survive.

"Thank you."

Representative Ward then rose and stated:

"From the anthropological point of view, Mr. Speaker, we have to realize that the business community is hurting, but they can't tell you by their subculture that they are hurting and people will have to speak out and say to them. . . let me give you an example of that in Malaysia. When you have someone in Malaysia, particularly of Chinese origin, who may be making a million dollars, you ask him how business is and he says, 'It's slow, it could be better, but I am going to make it.' You ask that same question to someone in America -- how's business? What's happening? How does it look? Tomorrow he's going bankrupt, but he says, 'It couldn't be better.' And that is what is happening in the community. In order for them to keep their customers and maintain what otherwise in the subculture is a very high profile of success -- black leather chairs like we've got, cars that look nice -- the business community out there is hurting seriously.

"This simply is one of those symbols of, let's back off and ease up -- give them a chance to recover -- and I say that from an anthropological point of view. Because they cannot, other than in private, and those who you know admit that they are hurting. And I think we have to hear the message because when they are down and out, our tax base of 50 percent of which is GE-taxes, it is not going to disappear, Mr. Speaker.

"This is not an ideological thing. It's simply saying we hear people out there, like Susie Chun Oakland hears about what's going on in the homeless community. We hear what's going on in the business community, and they are hurting. They need us to back off -- give them a break, give them workers' compensation, no-fault insurance. This is the symbolic way of saying, we hear you, we want to help you. We don't want to hear another Gray Line going out or another Willows, and you know the story. But they can't tell you that they are hurting

because it would be contrary to the spirit of being a successful businessman in America.

"And I would just ask my colleagues, if you want to do this one, fine. But listen to what's going on in the community, because that's the goose that lays the golden eggs. We need them, they need us. Mr. Speaker, I said as a freshman -- we should neither be knee jerk labor nor knee jerk business; we should do what's right for the people of Hawaii. Our economy is hurting now. We need to do what's right, and that's to back off on the business community.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2730, 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 44 ayes to 4 noes, with Representatives Kawanakoa, Meyer, Thielen and Ward voting no, and Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1476-96 and S.B. No. 2811, 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. 2811, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A DEFERRED COMPENSATION RETIREMENT PLAN FOR PART-TIME, TEMPORARY, AND SEASONAL/CASUAL EMPLOYEES," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1477-96 and S.B. No. 2912:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1478-96 and S.B. No. 2913, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2913, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX LIABILITY OF CONTRACTORS CONTRACTING WITH THE STATE OR COUNTIES," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1479-96 and S.B. No. 2965, SD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1480-96 and S.B. No. 3011, 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. 3011, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF SCHOOLS IN THE VILLAGES OF KAPOLEI," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1481-96 and S.B. No. 3021, 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. 3021, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1482-96 and S.B. No. 3079, 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. 3079, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE STOCK OWNERSHIP PROGRAMS," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1483-96 and S.B. No. 3091, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 3091, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 11, OF THE CONSTITUTION OF THE STATE OF HAWAII," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1484-96 and S.B. No. 3158, 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. 3158, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1485-96 and S.B. No. 3166, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 3166, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3166, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SPORTS PROMOTION," having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative Pepper voting no, and Representatives Chang, Kahikina and Marumoto being excused.

Stand. Com. Rep. No. 1486-96 and S.B. No. 3198, 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. 3198, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HANA MEDICAL CENTER," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

The Chair directed the Clerk to note that S.B. Nos. 641, 2338, 2388, 2789, 3108, 2238, 2278, 2458, 2723,

2730, 2811, 2913, 3011, 3021, 3079, 3091, 3158, 3166 and 3198 had passed Third Reading at 1:05 o'clock p.m.

Stand. Com. Rep. No. 1487-96 and S.B. No. 3267, SD 1:

By unanimous consent, action was deferred one day.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1507-96) recommending that S.B. No. 2223, 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. 2223, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY AND BUDGET STABILIZATION FUND," 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. 1508-96) recommending that S.B. No. 2502, 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. 2502, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," 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. 1509-96) recommending that S.B. No. 2637, 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. 2637, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE COMPANIES," 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. 1510-96) recommending that S.B. No. 2538, 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. 2538, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE 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. 1511-96) recommending that S.B. No. 2248, 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. 2248, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY VIOLENCE," 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. 1512-96) recommending that S.B. No. 3004, 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. 3004, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," 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. 1513-96) recommending that S.B. No. 2402, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1513-96 and S.B. No. 2402, 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. 2402, 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. 1514-96) recommending that S.B. No. 2713, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1514-96 and S.B. No. 2713, 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. 2713, 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. 1515-96) recommending that S.B. No. 2733, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1515-96 and S.B. No. 2733, 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. 2733, 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. 1516-96) recommending that S.B. No. 2821, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1516-96 and S.B. No. 2821, 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. 2821, 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. 1517-96) recommending that S.B. No. 2836, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1517-96 and S.B. No. 2836, 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. 2836, SD 2, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

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

S.B. No. 2329, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2329, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL REGULATORY PROGRAMS," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

S.B. No. 2052, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2052, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

S.B. No. 2439, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2439, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RETURN OF MERCHANDISE," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

S.B. No. 2220, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2220, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BURIAL PLOTS," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

S.B. No. 2446, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2446, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RECODIFICATION OF THE EDUCATION STATUTES," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Kahikina and Marumoto being excused.

The Chair directed the Clerk to note that S.B. Nos. 2329, 2052, 2439, 2220 and 2446 had passed Third Reading at 1:08 o'clock p.m.

S.B. No. 2098, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 3205:

By unanimous consent, action was deferred one day.

S.B. No. 2546, SD 2:

By unanimous consent, action was deferred one day.

S.B. No. 2738:

By unanimous consent, action was deferred one day.

HOUSE COMMUNICATION

THIRD READING

House communication dated April 3, 1996, from Patricia Mau-Shimizu, Chief Clerk, to the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, giving written notice of the final form of Senate Bill No. 3091, HD 1, entitled: "PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 11, OF THE CONSTITUTION OF THE STATE OF HAWAII," in accordance with the provisions of Article XVII, Section of of the Hawaii State Constitution, was placed on file.

ANNOUNCEMENT

Representative Swain: "The Neighbor Island Caucus will be having lunch in Room 312."

ADJOURNMENT

At 1:09 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, Thursday, April 4, 1996.

FORTY-FIFTH DAY

Thursday, April 4, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 5:13 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Toshio Murakami, Director, Buddhist Study Center, after which the Roll was called showing all members present with the exception of Representatives Chang, Kanoho, Kawanakoa, Menor and White, who were 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.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 349 to 353) were read by the Clerk and were placed on file:

Sen. Com. No. 349, returning House Bill No. 3331, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 3, 1996.

Sen. Com. No. 350, transmitting S.C.R. No. 40, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO IDENTIFY AND DELINEATE AUTHORITY AND RESPONSIBILITY FOR THE INSPECTION, TESTING, MAINTENANCE, AND REPAIR OF ALL FIRE HYDRANTS LOCATED ON PUBLIC AND PRIVATE PROPERTY," which was adopted on April 3, 1996.

Sen. Com. No. 351, transmitting S.C.R. No. 212, entitled: "SENATE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF A RELATIONSHIP OF FRIENDSHIP AND PEACE THROUGH EDUCATION AND OTHER MEASURES BETWEEN THE STATE OF HAWAII AND THE PREFECTURE OF HIROSHIMA, JAPAN," which was adopted on April 3, 1996.

Sen. Com. No. 352, transmitting S.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE APRIL TO BE "CARING FOR THE EARTH MONTH" AND EXTENDING A HEARTFELT MAHALO TO EARTH-FRIENDLY SCHOOLS HAWAII-INTERNATIONAL FOR ITS GOOD WORK IN PROMOTING ENVIRONMENTAL INFORMATION," which was adopted by the Senate on April 4, 1996.

Sen. Com. No. 353, transmitting S.C.R. No. 188, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVISIT ITS REQUIREMENTS FOR UPGRADING FROM CESSPOOLS TO INDIVIDUAL WASTEWATER SYSTEMS," which was adopted by the Senate on April 4, 1996.

By unanimous consent, further action on S.C.R. Nos. 40, 212, 126 and 188 was deferred.

ORDER OF THE DAY

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1441-96 and S.B. No. 1735, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1442-96 and S.B. No. 2145, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1443-96 and S.B. No. 2152, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1444-96 and S.B. No. 2209, SD 2, HD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1445-96 and S.B. No. 2210, SD 1, HD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1446-96 and S.B. No. 2211, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1447-96 and S.B. No. 2341, HD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1448-96 and S.B. No. 2795, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1449-96 and S.B. No. 2866, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1450-96 and S.B. No. 2887, HD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1451-96 and S.B. No. 2941, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1452-96 and S.B. No. 3240, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1453-96 and S.B. No. 3262, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1488-96 and S.B. No. 608, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1489-96 and S.B. No. 2022, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1490-96 and S.B. No. 2090, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1491-96 and S.B. No. 2264, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1492-96 and S.B. No. 2322, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1493-96 and S.B. No. 2401, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1494-96 and S.B. No. 2552, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1495-96 and S.B. No. 2682, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1496-96 and S.B. No. 2699, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1497-96 and S.B. No. 2769, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1498-96 and S.B. No. 2770, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1499-96 and S.B. No. 2777, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1500-96 and S.B. No. 2781, SD 2, HD 3:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1501-96 and S.B. No. 2891, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1502-96 and S.B. No. 2894, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1503-96 and S.B. No. 2998, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1504-96 and S.B. No. 3154, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1505-96 and S.B. No. 3170, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1506-92 and S.B. No. 3231, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1464-96 and S.B. No. 2421, SD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1465-96 and S.B. No. 2728:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1467-96 and S.B. No. 2797, SD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1468-96 and S.B. No. 3052:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1470-96 and S.B. No. 3188:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1477-96 and S.B. No. 2912:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1479-96 and S.B. No. 2965, SD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1487-96 and S.B. No. 3267, SD 1:

By unanimous consent, action was deferred one day.

STANDING COMMITTEE REPORTS

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1518-96) recommending that S.B. No. 3159, 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. 3159, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE, ANNUITIES AND SECURITIES ACTIVITIES OF BANKS," passed Second Reading and was placed on the calendar for Third Reading. (Representatives Meyer and Yamane voted aye with reservations.)

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1519-96) recommending that S.B. No. 3134, 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. 3134, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT OF UTILITY SERVICES," 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. 1520-96) recommending that S.B. No. 2740, 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. 2740, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," 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. 1521-96) recommending that S.B. No. 3068, 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. 3068, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATION SERVICE OFFENSES," 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. 1522-96) recommending that S.B. No. 3266, 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. 3266, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," 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. 1523-96) recommending that S.B. No. 2280, 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 joint report of the Committees was adopted and S.B. No. 2280, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES BY MOBILE FOOD VENDORS," 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. 1524-96) recommending that S.B. No. 2962, 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. 2962, SD 1, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT REGULATION," 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. 1525-96) recommending that S.B. No. 3171, 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. 3171, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT REPORTERS," 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. 1526-96) recommending that S.B. No. 2993, 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. 2993, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM PROBATE CODE," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Tom and Menor, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1527-96) recommending that S.B. No. 2101, 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. 2101, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Menor, Tom, and Say, for the Committees on Consumer Protection and Commerce; Judiciary; and Finance, presented a joint report (Stand. Com. Rep. No. 1528-96) recommending that S.B. No. 2001, 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 joint report of the Committees was adopted and S.B. No. 2001, SD 2, 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 Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1529-96) recommending that S.B. No. 2724, 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. 2724, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE 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. 1530-96) recommending that S.B. No.

2491, 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. 2491, HD 1, entitled: "A BILL FOR AN ACT RELATED TO 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. 1531-96) recommending that S.B. No. 2088, 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. 2088, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND CONTRACTS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1532-96) recommending that S.B. No. 2333, 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. 2333, SD 1, HD 1, pass Second Reading, seconded by Representative Thielen.

Representative Shon rose and asked the Clerk to register a no vote for him, and the Chair "so ordered."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2333, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PURCHASES OF SERVICES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Shon voting no.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1533-96) recommending that S.B. No. 2819, 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. 2819, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," 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. 1534-96) recommending that S.B. No. 2405, 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. 2405, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed Second Reading and was placed on the calendar for Third Reading.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1535-96) recommending that S.B. No. 1305, 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. 1305, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," 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. 1536-96) recommending that S.B. No. 2295, 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. 2295, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1537-96) recommending that S.B. No. 2160, 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. 2160, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading.

THIRD READING

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

S.B. No. 2098, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 3205:

By unanimous consent, action was deferred one day.

S.B. No. 2546, SD 2:

By unanimous consent, action was deferred one day.

S.B. No. 2738:

By unanimous consent, action was deferred one day.

S.B. No. 3004, SD 1:

By unanimous consent, action was deferred one day.

ANNOUNCEMENTS

Representative Okamura: "There will be a Majority caucus on Monday at 9:30 a.m. in Conference Room 329."

Representative Thielen: "There will be a Minority caucus on Monday at 10:00 a.m. in the Minority Caucus Room."

Representative McMurdo: "Your Public Safety and Military Affairs Committee and the Finance Committee

will meet at 2:00 p.m. on Monday in Room 307 for decision-making on one bill."

Representative Amaral moved to keep the Journal open until 12:00 midnight this legislative day for the purpose of receiving Standing Committee Reports and bills to be decked for Third Reading, seconded by Representative Thielen and carried.

At this time, Representative Ward wished all the members of the House a "Happy Easter!"

At 5:24 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. 1538-96 to 1590-96) were received in the Clerk's Office up until 12:00 o'clock midnight this legislative day, and subsequent to its recessing at 5:24 o'clock p.m., the House of Representatives took the following action:

Stand. Com. Rep. No. 1538-96 (FIN) and S.B. No. 1602, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT SECURITY," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1539-96 (FIN) and S.B. No. 1698, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1540-96 (FIN) and S.B. No. 2087, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1541-96 (FIN) and S.B. No. 2340, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1542-96 (FIN) and S.B. No. 2437, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1543-96 (FIN) and S.B. No. 2726, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1544-96 (FIN) and S.B. No. 2856, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF CHILDREN AND YOUTH," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1545-96 (FIN) and S.B. No. 2859, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE OFFICE ON AGING," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1546-96 (FIN) and S.B. No. 2875, SD 1, HD 1, as amended in HD 2, entitled: "A

BILL FOR AN ACT RELATING TO ABSENTEE VOTING," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1547-96 (FIN) and S.B. No. 2902, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1548-96 (FIN) and S.B. No. 2999, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1549-96 (FIN) and S.B. No. 3042, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1550-96 (FIN) and S.B. No. 3232, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1551-96 (FIN) and S.B. No. 3248, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION MANAGEMENT," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1552-96 (JUD) and S.B. No. 2007, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTORSPORTS INSURANCE," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1553-96 (JUD) and S.B. No. 2263, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN MONEY JUDGMENTS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1554-96 (JUD) and S.B. No. 2380, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMPULSORY SCHOOL ATTENDANCE," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1555-96 (JUD) and S.B. No. 2487, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OMBUDSMAN," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1556-96 (JUD) and S.B. No. 2548, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1557-96 (JUD) and S.B. No. 2659, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE AND GAME MANAGEMENT," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1558-96 (JUD) and S.B. No. 3054, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1559-96 (JUD) and S.B. No. 3165, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA DISCOVERY," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1560-96 (JUD/CPC) and S.B. No. 659, SD 3, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1561-96 (JUD/CPC) and S.B. No. 2416, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1562-96 (CPC) and S.B. No. 2003, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1563-96 (CPC) and S.B. No. 2067, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1564-96 (CPC) and S.B. No. 2125, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE INSURANCE," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1565-96 (CPC) and S.B. No. 2456, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE BENEFITS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1566-96 (CPC) and S.B. No. 2750, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACISTS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1567-96 (CPC) and S.B. No. 3160, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1568-96 (CPC/JUD) and S.B. No. 2737, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1569-96 (CPC/JUD) and S.B. No. 2773, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG PRODUCT SELECTION," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1570-96 (WLP) and S.B. No. 2144, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION EASEMENTS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1571-96 (JUD) and S.B. No. 2330, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1572-96 (JUD) and S.B. No. 2772, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRIBUTION OF CIGARETTES IN PACKAGES CONTAINING LESS THAN TWENTY CIGARETTES," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1573-96 (JUD) and S.B. No. 2992, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STADIUMS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1574-96 (CPC/JUD) and S.B. No. 2532, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1575-96 (CPC) and S.B. No. 2459, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY AMBULANCE SERVICE PERSONNEL," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1576-96 (WLP) and S.B. No. 3204, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1577-96 (FIN) and S.B. No. 1738, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1578-96 (FIN) and S.B. No. 2227, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO WASTE," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1579-96 (FIN) and S.B. No. 2758, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1580-96 (FIN) and S.B. No. 2848, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH FEES," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1581-96 (FIN) and S.B. No. 2850, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY WITHHOLDING OF FEDERAL AND STATE INCOME TAXES FROM UNEMPLOYMENT COMPENSATION," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1582-96 (FIN) and S.B. No. 1234, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL SAVINGS ACCOUNTS," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1583-96 (FIN) and S.B. No. 2662, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENTALLY DISABLED," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1584-96 (FIN) and S.B. No. 2522, SD 1, 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 Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1585-96 (FIN) and S.B. No. 2900, 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 Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1586-96 (FIN) and S.B. No. 3012, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1587-96 (FIN) and S.B. No. 3110, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1588-96 (FIN) and S.B. No. 2304, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1589-96 (FIN) and S.B. No. 2485, 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 Tuesday, April 9, 1996.

Stand. Com. Rep. No. 1590-96 (FIN) and S.B. No. 1810, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM," were placed on the calendar for Third Reading on Tuesday, April 9, 1996.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m. on Tuesday, April 9, 1996.

FORTY-SIXTH DAY

Tuesday, April 9, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 10:22 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Dr. Jackie Overbey of the Makakilo Assembly of God, after which the Roll was called showing all members present with the exception of Representative Chang, who was 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.

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

Representative Takai, on behalf of Representatives Pepper, Okamura and himself, introduced five students from Aiea High School, as follows: Brandon Kawasaki, Elizabeth Young, Heather Oshita, Christina Ruiz and Monica Suematsu.

Representative Hiraki introduced Mrs. Laura Manis, "a woman who spends a tremendous amount of time here assisting in whatever way she can."

At 10:27 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:43 o'clock a.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.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1441-96 and S.B. No. 1735, 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. 1735, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LOANS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1442-96 and S.B. No. 2145, 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. 2145, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1443-96 and S.B. No. 2152, 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. 2152, 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 Chang being excused.

Stand. Com. Rep. No. 1444-96 and S.B. No. 2209, SD 2, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2209, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"This bill will give the State Librarian more flexibility in managing the state library system, including the powers to reallocate vacant positions, directly implement internal reorganization, and create temporary positions.

"And frankly, Mr. Speaker, the state library system is the only department I know of to have increased its services to the public despite recent budget cuts. This can be directly attributed to the leadership that is determined to do whatever it takes to make the state library system more efficient. The head librarian has managed to avoid the layoffs which have reduced public services in other departments, and the libraries are now back to their original hours.

"Mr. Speaker, innovations like these should be encouraged throughout all government departments. We should, like the head librarian, do whatever it takes to maximize productivity while simultaneously avoiding layoffs.

"The bill will allow the head librarian more freedom to reorganize bureaucracy. And this is an effort that we certainly should loudly applaud and encourage wherever possible not only in the library system, but certainly in other departments that have a lot to learn from our state library system."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2209, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1445-96 and S.B. No. 2210, SD 1, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2210, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"This bill will allow the library to continue its public SLIMMER program for three more years -- until 1999.

"Project SLIMMER was initiated in 1991 to maximize employees and revenues. The program of self-directed work teams -- SDWT -- developed out of SLIMMER. Every public library is now on self-directed work teams, which means each library is responsible for itself, thus eliminating the bureaucratic hierarchy of regional district offices..

"Under SLIMMER, the library has also developed supplemental revenue generating procedures. In effect, SLIMMER has done exactly what it was designed to do -- slim down the waste in a governmental department. And that is exactly, Mr. Speaker, what government needs.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2210, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1446-96 and S.B. No. 2211, 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. 2211, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL CONSTRUCTION PROJECTS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1447-96 and S.B. No. 2341, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2341, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY COLLEGES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1448-96 and S.B. No. 2795, 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. 2795, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH, CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1449-96 and S.B. No. 2866, 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. 2866, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF LAND TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1450-96 and S.B. No. 2887, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the

Committee was adopted and S.B. No. 2887, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES ADVISORY COMMITTEE," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1451-96 and S.B. No. 2941, 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. 2941, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A COMMERCIAL FISHERIES SPECIAL FUND," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1452-96 and S.B. No. 3240, 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. 3240, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1453-96 and S.B. No. 3262, 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. 3262, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL LOAN PROGRAM," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1488-96 and S.B. No. 608, 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. 608, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Hamakawa and Yoshinaga voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1489-96 and S.B. No. 2022, 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. 2022, SD 1, HD 2, 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 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1490-96 and S.B. No. 2090, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2090, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Meyer rose to speak against the bill, stating:

"Mr. Speaker, this bill raises annual fees for pesticide licenses from \$10 to \$75. An increase in the cost to business is an increase in the cost of living, for businesses will pass on these higher costs to consumers.

"This bill also creates just one more special fund of which we already have too many. The funds from this special fund will pay for services the Department of Agriculture should already be providing.

"This is no small increase. It is a 650 percent increase for general use pesticides and a 150 percent increase in licenses for restricted-use pesticides. In these times when our businesses are struggling, and the taxpayers of Hawaii are some of the highest taxed people in the nation and our cost of living is well known by all, I cannot support this bill, and for these reasons, I will be voting no, Mr. Speaker."

Representative Ward then rose and stated:

"Mr. Speaker, I rise to speak with reservations on the same measure as well as the three following measures -- S.B. Nos. 2264, SD 2, HD 2; 2322, SD 2, HD 2; and 2401, SD 2, HD 2 -- that is on the same page, being that they all are fee increases and my remarks will fit them all.

"Mr. Speaker, government has two choices to fund itself -- either by taxation or fees. An example here: We have on one page four issues side by side that are fee increases. Mr. Speaker, I am going to submit a hypothesis that this is a paradigm shift for government, that this is the new taxation by government. This is the new and improved version of how we are going to get people to separate themselves from their moneys.

"My point is this: When America was developing and industrially very strong, wages didn't go up but the work force had our spouses join. We were unable to increase household income by virtue of, primarily at that time the male working, and so what we did, consciously or unconsciously, was put another member of the family to work, therefore, household income went up. And I'm not so sure, Mr. Speaker, if that was consciously done, if some people in that generation who were given the choice -- either have your wife go to work or your wages go up -- I don't think we would have chosen to put more members of the family into the work force, and I think that same decision is before us now. I think the public needs to know that the way we are feeing people is the same as the way we are taxing people, and the paradigm shift is primarily that taxation was taken from everybody to make government services applicable to each individual service that government should offer.

"And now with the fees, what we're saying here -- with pesticides and with surcharges -- is that if you use this service, i.e. if you use government, you're going to pay for it. Mr. Speaker, I think that's a primary shift in the role of government and, if anything, when this Administration said it was going to redefine government, probably that's the biggest way we redefine government -- by making our budgets balance by fees. We all know it's an 'arrhythmia' to raise taxes, but raising fees -- few people are going to blink their eyes. But like the frog that has a slow increase in the temperature by which it's swimming in, soon, before it realizes it, it's been fried.

"Mr. Speaker, I think these fees, these creeping taxes if you will, are things that we ought to get a hold of, and it's a paradigm shift by which I think eventually we're going to wake up and say, enough of that is enough.

"Thank you, Mr. Speaker."

Representative Marumoto rose to speak against the bill, stating:

"The previous speaker, the Minority Leader, had protested the fees which go to the special fund, and I am not so much in opposition to the two dollar fee which goes for the computer as I am to the five dollars which will go to the special fund.

"I feel this is a revenue-generating measure which does not have justification to provide a computer system and, therefore, I am in opposition to this measure.

"Thank you very much."

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

Representative Morihara's remarks are as follows:

"This measure is a step in supporting the industry that needs training and support.

"These fees have not been raised in 15 years. It moves us from one of the lowest fees in the country to about the middle. It has broad support from pesticide users because it also provides a special fund that will help to train and educate commercial pesticide users. This money will come from the manufacturers. This is an area that needs particular attention because of the importance of having well-trained and educated users that is important to the health and safety of the users as well as the environment.

"Commercial pesticide operators in particular come in contact with the general public and the public's safety is especially important when it comes to proper handling and application of these products.

"These funds do not even come close to making this program self-supporting but are a step in the right direction."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2090, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Kawananakoa, Marumoto and Meyer voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1491-96 and S.B. No. 2264, 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. 2264, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1492-96 and S.B. No. 2322, 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. 2322, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1493-96 and S.B. No. 2401, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2401, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2401, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Kawananaokoa and Marumoto voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1494-96 and S.B. No. 2552, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2552, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"One of the guidelines put forth by the measure for the Governor to follow in coming up with the plan to reorganize asks for the exposure of government operations to competition. That's not measles -- the exposure to measles. That's the exposure to a very positive thing -- to competition within government.

"This approach, though number ten on the list of guidelines, could be the single most effective tactic toward our goal of achieving better, more efficient, less costly government.

"I urge conferees on this measure to consider specifically directing the Governor to come up with a list of government functions that could conceivably be handled by the private sector. We might then require him to advance a plan to move forward on something -- a privatization pilot project if you will, because it is only by doing that that we will convince the naysayers.

"I think it is a positive bill, Mr. Speaker. It is high time to start running government like a business, and this bill will set us forward on that way. It is only about a year late, Mr. Speaker, and so I would urge everyone to move forward vigorously with this bill."

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

"The purpose of this measure is to set forth legislative policy regarding the reorganization of state government, and to mandate the Governor to develop a plan to implement these policies and come back to us next year. We are approximately one-and-a-half years past the official recognition of a budget shortfall, so it is clearly 'about time.'

"The bill sets forth twelve guiding principles and goals, starting with the creation of a clear sense of mission for the reorganization of state government. We suggest that inherent in the development of that mission must be a reconsideration of just what it is that government ought to do for our people. As the purpose language suggests, we have grown and strayed far from what most historians have termed core government services: Providing quality public education; assuring public health and safety; providing a safety net for those who cannot help themselves; preserving our environment; providing

infrastructure; providing essential recordkeeping and regulatory functions.

"This bill generally outlines tactics, and it does it well. As it moves through conference, we would urge that it articulate clearer strategic goals -- directly charging the Governor to eliminate all functions currently performed by state government that can more appropriately be performed by someone or something else.

"Thank you, Mr. Speaker."

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

"This is a good bill. This bill is an attempt to make government more efficient and to bring about changes that we all are looking for. But I also find wonderful words used throughout the bill -- economies of scale, best practices of management, user friendly, enhancement of productivity -- these are wonderful ideas.

"The only problem is, it doesn't address the real problem -- the size of our government. Nowhere does it say 'smaller', and that's something that I don't need an MBA to realize the problem with our government today. So I would speak with reservations with respect to the fact that this bill, as it goes through conference, as it moves through the process, as the Governor does the studies, that we look at how we may reduce the oversize of our government.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, this bill is essentially the 'Cayetanoization' of the government, of the departments, and rightly so. He is going to be responsible for running the executive department so he should have his stamp on it.

"My problem is that, with this measure, its rationale is intuitive rather than objective. Everything that goes in certain places -- look, that's a good idea, let's combine B&F and DAGS -- they're all administrative. The problem is, it would be nice to see an objective measure while we're doing it, and I've said on this floor time and time again -- let's get the big six accounting firms in to do a financial and management audit of government, to see what is good, where it fits and how it's running, cost effectively.

"Mr. Speaker, the same of this reorganization is the same for the budget. We've never had the reasons why the UH or the OHA we're going to talk about later. . .

"At this point, Representative Amaral rose on a point of order and asked:

"Is the speaker speaking for or against the measure?"

The Chair answered:

"He's speaking for the bill, with reservations," and asked Representative Ward to "proceed."

Representative Ward continued, saying:

"Madam Floor Leader, I believe with reservations has a specific meaning which I think are part of those who coined it.

"The point is, Mr. Speaker, if we just do stuff intuitively rather than objectively, we're always going to

be moving the chairs around and I think, as my colleagues have said, this is good -- it's progressive. It's obviously better than the 'Waiheeization' of government where twelve thousand people were saying -- come on board people, let's do it -- and now we're dismantling that in the Cayetano plan, which is good.

"But if we don't have objective measures and it's all intuitive, warm and fuzzy kind of anecdotal let's do this and let's do that, when will we know we've reached what we've got -- a sound government and the taxpayers' moneys worth? That's my difficulty with this particular measure.

"Someday, we'll get to quantitative measures but until we do, we can say this looks good, but by the time we end the debate and the measure is passed, what happens three or four years down the line? We have forgotten why we did it other than that he was in the position to do it and what came out of it. Was it a more efficient government as my colleague asked? Was it a smaller government? Was it a cost-saving government?"

"I think we should proceed with this, but we should be able to measure what we do so we can hold up our heads and say, this is why we did it. And as I said earlier, before I was interrupted, when we cut peoples' budget, we should have an objective, rationale basis on which we do it rather than say, well, they've got particular amounts of money, we can take away from them. We need to objectify and quantify. Mr. Speaker, if we're going to be the legislators that we were elected to be.

"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. 2552, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1495-96 and S.B. No. 2682, 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. 2682, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1496-96 and S.B. No. 2699, 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. 2699, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF PATERNITY," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1497-96 and S.B. No. 2769, 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. 2769, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SUPPLEMENTARY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1996," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1498-96 and S.B. No. 2770, 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. 2770, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE OPERATING EXPENSES OF THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1499-96 and S.B. No. 2777, 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. 2777, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION CONTROL," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1500-96 and S.B. No. 2781, 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. 2781, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1501-96 and S.B. No. 2891, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2891, 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, with reservations, stating:

"Mr. Speaker, the Prosecuting Attorney gave us some very concrete information. They were stating to us that the Department of Public Safety officials openly admit that the lack of prison space is dictating their policy decisions, even in defiance of the courts.

"If we're talking about criminals' sentences for misdemeanor crimes that have been placed on furlough, Mr. Speaker, as soon as they report for incarceration, they're out on furlough. Offenders are not serving time even when ordered behind bars by the court. And the frustration over this has caused one judge to say the situation makes a mockery of the criminal justice system. Prison overcrowding has become the proverbial tail that wags the dog.

"This bill has a lot of good measures in it, and that's why I am voting in favor of the bill. But there are two sections -- sections 5 and 6 -- which appropriate funds to expand the furlough program and the parole program. And again, it's the prison overcrowding wagging the tail of the dog.

"The latest FBI statistics rank Hawaii the fourth worst state in property crimes. It's pretty clear that the primary need in our criminal justice system is to acquire more prison space. These sections -- 5 and 6 of the bill -- really won't solve the problem of getting crime off our streets and out of our homes.

"In 1995, forty-seven offenders on probation were charged with new felony crimes in Honolulu. About half, or twenty-three, committed these felonies within six months of being placed on probation. An additional twenty-three cases involving felony crimes by probationers in 1995 are still under review. Of these cases, ten occurred within six months after the suspect was put on probation. I can go on and on about this and how it affects our visitor industry as well with the break ins and the drug cases.

"I think that what we ought to do, Mr. Speaker, is look at this in a much more comprehensive way, appropriate the money, or work with the private sector to get the added bed space built. And then we will not need to expand furlough programs and parole simply because our prisons are overcrowded. We're going about it in the wrong way, Mr. Speaker.

"Thank you."

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

"I have heard the good Representative from Kailua make the same speech innumerable times, but she has yet to come up with any solution as to where we are going to get this money, build these prisons at this point, and perhaps I could take it as a really strong speech from her when she does come up with these really great solutions for improving the amount of prison space we have. In the meantime, Mr. Speaker, it's a little galling to have people stand and say, 'We need to build more prison space; we have problems with our furlough; we have problems with our parole.

"As the Chair of the Public Safety and Military Affairs Committee, Mr. Speaker, I want to tell you that it was very, very difficult as Chair to turn down two bills this year which would have tightened up on the furlough and the parole, because both the Attorney General and the head of the Department of Public Safety practically begged us -- 'Please don't pass these bills; you're going to further the prison overcrowding; we cannot do it at this point.' And it is pretty hard to make a decision like that, Mr. Speaker, but I will say that the rest of the Committee did go along with this.

"But to get back to this bill here, some 90-odd percent of our prisoners are on drugs or have been, and we are not giving the programs in the prisons that we should to treat these people. When they go to jail, they may be off drugs for the length of time they are in jail or prison, or they may be getting it slipped inside, but unless they are treated, they will never break the habit. And that is why, Mr. Speaker, bills like this one are so important because we would have pretrial drug treatment services which will catch people at a very early age, before they become hardened criminals.

"The Sex Offender Treatment Program. This is another important program because unless these people are treated, they will go right back out and commit the same crimes again.

"So, Mr. Speaker, I could go on and on on this, but I am not because we have a lot of bills to cover, but I urge my colleagues to vote yes on this bill.

"Thank you."

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

"There are some good aspects in this particular measure, and I certainly wouldn't want to vote against them; however, I'd like to make mention of some of the remarks previously made. With all due respect to the Chair of the Public Safety and Military Affairs Committee, I voted no on some of those recommendations to hold bills that would otherwise tighten up our probation, tighten up furlough, and for me, the issue is crime.

"The problem is the lack of prison bed space, and there are many solutions and I think we brought some of those solutions to this floor. If we take a look at the notion of tent cities that can be attached to the current prisons to help house the nonviolent criminals. It's been done in Arizona, at a very minimal cost, so there isn't the big cost of providing or creating prisons and the sinking funds required to build those prisons. I think we've heard of boot camps where we can easily take some of our more serious property crime criminals and send them off to a boot camp with minimal cost again. Same notion.

"We had a forum here at the Legislature whereby one of the private corporations that constructs prisons came here and offered -- if we were to give them a piece of land, they will build the prison, they will manage the prison, they will operate the prison -- all for less cost per day per prisoner than what we're currently paying. I think there are ways that we can address the problem, and the problem is lack of prison space.

"And I think, while it was mentioned in Committee that it would be irresponsible for us to pass out legislation, tighten up the furlough, tighten up the probation of our state, that it would be irresponsible for us to do that because we don't have the prison beds. Well, I think it is equally irresponsible for all of us to sit here and not find ways to increase prison beds.

"I've given some of those solutions. I continue, and I am open to discussion with anyone who would like to hear further about the ways that the private sector can participate in our correction systems, reduce our costs, and make our streets safer for our communities.

"Thank you, Mr. Speaker."

Representative Thielen, in response, stated:

"I also opposed killing the bills that would have cracked down on the furlough system and the parole system because I think both of those systems should be tightened up so we do not release people back out onto the streets to recommit crimes.

"As my colleague behind me stated, our caucus facilitated a session here within the Legislature to show that there are private corporations in existence on the mainland that are working in other states, that are building prison space, are operating those prisons, and are doing it cost effectively.

"We have a lot of solutions, Mr. Speaker, but if we continue to separate the two issues -- furlough and parole -- with prison overcrowding and separate building of more prison space, if we don't look at it comprehensively and say, how do we make our streets safe, how do we make our homes safe -- if we don't do that, we will continue to not face the issue.

"We must go ahead and take affirmative steps to add the space that is necessary in our communities. And I speak as a Representative of a community who has two facilities in my community, so I am not saying 'not in my backyard.' What I am saying is, I want our backyards -- all of our backyards -- to be safe. And the way to do it is

to take people off the streets that are continuing to recommit crimes.

"Thank you, Mr. Speaker."

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

"I would like to note that one of the dynamics that is still on me on the agenda that hasn't really been addressed, I think, effectively yet, relates to some of the stories in the paper in the last few days.

"I have tremendous, tremendous respect for Dr. Kim Thornburg, and if you have read those articles, you will know that we face not only an issue capacity, but of quality.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2891, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PROGRAMS TO REDUCE PRISON AND JAIL OVERCROWDING," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1502-96 and S.B. No. 2894, 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. 2894, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF HAZARDOUS MATERIALS, HAZARDOUS WASTE, INFECTIOUS SUBSTANCES, AND MEDICAL WASTE," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1503-96 and S.B. No. 2998, 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. 2998, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1504-96 and S.B. No. 3154, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 3154, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Ito rose and requested that his remarks in favor of S.B. 2087, SD 1, HD 2; S.B. 3154, SD 2, HD 2; and S.B. 3110, SD 2, HD 2, be entered into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Ito's remarks are as follows:

"The following describes three legislative bills that are designed to address employer concerns about liability and costly federal and state labor laws that constrain their fully participating in school-to-work opportunities activities: S.B. 2087, SD 1, HD 2; S.B. 3154, SD 2, HD 2; and S.B. 3110, SD 2, HD 2.

"The purpose of the three bills is to encourage greater employer participation in school-to-work activities. Increased employer and community participation in education is one of the most important part of the national school reform movement called school-to-work opportunities. This reform effort is designed to affect total school systems and all levels of education, from kindergarten to postgraduate school. It is for all students, not only for those with vocational objectives.

"The federal government is providing Hawaii \$10.2 million over five years, and the rest of the states, funding to implement statewide school-to-work systems. The funding is not for add-on or new programs but rather for seed money to effect system change. It is all about restructuring schools for the 21st century so that the United State's economy will be competitive in world markets and its workers become world-class.

"The key component of a school-to-work system is work-based learning. A tremendous number of employers must be willing to provide all students opportunities to learn at work-sites, through programs such as cooperative education, work-study, job shadowing, site visits, and internships.

"Employer groups state that they are eager to work with schools to improve students' skills. However, they worry about the extent of their liability if students are injured or commit tortious acts and increased costs if they are required to pay the same taxes as they do for their regular workers.

"The State Legislature, in part, addressed the concern about liability in its last session by enacting Act 231, Session Laws of Hawaii 1995, which limits students' recourse for injury to workers' compensation. It has become clear that Act 231 needs to be clarified and additional legislation enacted to provide employers relief from certain taxes. The three bills are designed to do this."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3154, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1505-96 and S.B. No. 3170, 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. 3170, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WAIMANALO," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1506-96 and S.B. No. 3231, 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. 3231, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF REAL PROPERTY BY THE COUNTIES," having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Halford voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1513-96 and S.B. No. 2402, 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. 2402, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR ENERGY DEVELOPMENT," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1514-96 and S.B. No. 2713, 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. 2713, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1515-96 and S.B. No. 2733, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2733, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Kawanakoa rose to speak against the bill, stating:

"I voted no on this measure earlier and I would like to continue to keep that stance.

"I find that some aspects of the bill are managerial and are acceptable; however, there is an added increase in taxes with regard to a one percent increase in the gross premiums received from all of our annuities within the state. That's from people who have set aside moneys in order to live off, perhaps in their old age, and retire upon these plans, and we want to go in and tax those particular investment vehicles you could think them as, or retirement vehicles, a way by which to live out your golden years. And we're reaching into, in many instances, our elders' savings accounts and pulling money away from them, probably when they can least afford it, especially with the rising costs in our islands.

"I find this to be another attempt for us to balance our budget, and balancing it on other peoples' backs. We are balancing it on our taxpayers in this instance, many of our elderly who use these insurance annuities in order to support themselves, to supplement their incomes. I find it egregious, and I will be voting against it.

"Thank you, Mr. Speaker."

At 11:16 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:17 o'clock a.m.

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

"On Opening Day, January 17th, you and I stood either explicitly or by implication saying, 'No new taxes,' and here we are with a new tax -- a one percent increase on annuities.

"As my colleague indicated, this is against those who are the more vulnerable, those who want to, if they can retire in Hawaii, retire, and keep their heads above water. This will tax them, and we will gain three million

dollars out of this. Three million dollars will go into the Hawaii economy.

"I don't think you should see the Minority speaking in a minority position here because 32 states, or the majority, do not tax annuities. This is, I would say, unorthodox, but Mr. Speaker, I think it is symptomatic of our budgetary crisis, and I know that's what it is premised by. But as competent legislators, we must use this experience to fundamentally alter the way in which we conduct business to avoid another budgetary crisis in the future. We must stop the practice of making ends meet by taking and taxing citizens' funds when it suits our fancy. We must find the political willpower to cut our bills with government -- that is a large government that we have -- and cut it down to size. When we as legislators decide to tax elderly savings to cover our costs, it is indicative of a government desperate to maintain the status quo.

"And as I said earlier, and I got called out of order, the way we've chosen to take money from the University of Hawaii, OHA, and General Assistance is symptomatic of that, Mr. Speaker. We need a more systematic and an equitable way.

"Thank you."

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

"With respect to Senate Bill 2733, I speak in support of this measure, Mr. Speaker. In part, I note for the record that the purpose of the bill is to improve the administration of insurance premium taxes by requiring all insurers to pay their premium taxes quarterly and to file quarterly tax statements. In addition, it does impose a one percent tax on gross premiums from annuity insurance contracts.

"Mr. Speaker, premiums written for annuities totaled \$285 million in 1993. One percent of that is \$2.85 million in revenues that would generate or accrue then to the State. As has been previously noted by the last speaker, approximately 18 states in this nation have imposed a premium tax on annuities. However, those states have imposed a tax of two percent or more.

"This proposal is a one percent tax. As we discussed previously, Mr. Speaker, the position is that each of us should be paying our fair share, and the interest accrued and the moneys accrued here are part of the fair share that we believe should come forward to assist the State.

"It is for this reason that I would support this measure and ask my colleagues to do the same.

"Thank you."

Representative Kawanakoa then rose and stated:

"I didn't intend to speak at length on this matter, but fair share? What is the fair share that we're spending that we're taxing all of our constituents on a daily basis, whether through our fee increases, our tax increases? We are one of the highest taxed states in the nation. The, as I understand, so when we talk about fair share, let's be very careful, because we're asking a lot of elderly folks to now come to the plate and to pay more. They're already paying the four percent general excise tax. Tell me, what state has that tax? We're the only state. That equates to maybe a 16 percent to 22 percent sales tax. We tax everyone. Every elderly person who buys their coffee, who buys their lunch, pays four percent tax. Who pays their medical bills pays four percent tax. That equates to a sales tax of a much larger number, so I think we are

paying our fair share across the board. Government has to learn how to spend its fair share. We are spending way too much.

"Thank you, Mr. Speaker."

Representative Ward then rose and stated:

"One very important thing that I forgot to mention, Mr. Speaker, was the profundity by which the Insurance Commissioner gave the rationale for there being a tax. Why I say profundity was that in the Finance Committee, he was asked, 'Mr. Insurance Commissioner, why are you imposing this tax?' He said, 'Well, I got my staff together and we were told we got to find some more money, so we looked at all of our products and this is the only one that didn't have any tax attached so we just put the tax on.'"

"So when I say that we're doing things intuitively rather than objectively, to me, that does not a tax make on our elderly, Mr. Speaker. We've got to have a little more depth rather than wealth because the mountain was there. We climbed it because there are people who are old and retired, that we have to tax them. I think we need to be a little bit more profound in the way that we handle our public's finances.

"Thank you, Mr. Speaker."

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

"I think it's time we recognize that there's some inevitable things in life besides life itself. Death and taxes are those -- inevitable. We cannot avoid them. We pay taxes and then we pay in death our lives. It is only natural that government seeks revenues to fund its services. I think it's very important to recognize that innovative, imaginative and enterprising efforts of our predecessors in a territorial government which was dominated by the great Republican Party.

"My fellow colleagues. . .

Representative Thielen rose and stated:

"Mr. Speaker, I would say that the former speaker is out of order. The Democrats are now dominating and they're taxing the elderly. Is that the kind of argument we want to have on this floor?"

The Chair interrupted and said:

"Representative, I'm calling you out of order," and asked Representative Lee to "please proceed."

Representative Lee continued, saying:

"Unfortunately for the short interruption, may I proceed with my train of thought that the tax system of Hawaii is a very consistent, well-thought-out system that is not part of any one party. It is the result of society's efforts in addressing the problems beginning with the Hawaiian monarchy, the missionaries who came, and the many different peoples. . .

At this point, the Chair interrupted and said:

"Representative, please stick to the subject of S.B. 2733."

Representative Lee: "Let me refer again to our tax system. In 1900, the first. . .

The Chair interrupted and said:

"Representative, we're on S.B. No. 2733. I know you wish to give a historic background, but I think we should consider the insurance premium tax, plus or minus. You're speaking in favor of the insurance tax. Please proceed."

Representative Lee: "The excise tax by the powers that were in power in the Legislature. The excise tax was instituted by the Republican Party in 1935. . .

The Chair interrupted and stated:

"Representative, I am going to have to call you out of order."

Representative Lee continued, saying:

"Well, Mr. Speaker, if I'm not able to present the background to this issue, I will simply stand on the merits of the measure itself, that we need to look at different sources of revenue and what the Tax Director has stated is absolutely right. There is nothing wrong if eighteen other states institute the same tax, so why should we be the only ones who would waffle on this issue.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2733, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," having been read throughout, passed Third Reading by a vote of 40 ayes to 10 noes, with Representatives Anderson, Halford, Kawanakoa, Marumoto, Meyer, Stegmaier, Takai, Tarnas, Thielen and Ward voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1516-96 and S.B. No. 2821, 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. 2821, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1517-96 and S.B. No. 2836, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2836, 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:

"I am happy to see that we are taking the steps to adjust the actuarial assumptions on the ERS formula, Mr. Speaker, that determines the system's pension obligations.

"By decreasing the assumed salary increases from 6-1/2 percent to 4 percent, we are factoring in the current economic reality, which results in a more accurate estimate of what the future pension obligation will be.

"Any and all efforts to use correct actuarial assumptions, methods, and changes to benefits will more closely reflect the current and future needs of employees and retirees, and the associated costs of meeting this future obligation. And as we all know, Mr. Speaker, the general fund is subject to being tapped when we aren't doing our job well on the Employees' Retirement System.

"I would like to have the balance of my remarks, Mr. Speaker, inserted in the Journal if I may," and the Chair "so ordered."

Further remarks by Representative Thielen are hereby inserted:

"Although several bills were introduced in the 1995 Legislature to reform the State's Employee Retirement System, none of them passed.

"The Employee Retirement System is the pension and retirement system for state and county workers. Why should we care about the ERS? Because more and more, it's our tax dollars that are funding the ERS, that's why.

"A little background is necessary. Like any other system, there is no free lunch when it comes to pensions and retirements. There is a cost associated with providing benefits to 'x' number of employees, who have worked 'y' number of years, and are expected to live 'z' number of years. Actuaries determine the appropriate cost for which the system is obligated.

"So, what's the problem? First, the ERS uses an antiquated method in determining its liabilities, the 'frozen initial liability' formula. Under this method, an estimate of the system's obligations is made for a single point in time and used every year thereafter, without factoring in changes such as inflation, increased numbers of retirees, or the liberalization of benefits.

"Second, the Legislature is often asked to increase benefits without having the information necessary to determine what the additional costs of these benefits will be. When the state cut a deal with early retirees last year, we were promised cost savings, but no figures were provided and no cost-benefit analyses were performed.

"Third, the ERS is underfunded. According to the ERS 1994 annual report, the system's unfunded pension benefit obligation is \$1.6 billion! A major reason for this underfunding is a statutory provision which funnels excess earnings of the system into the general fund. In other words, instead of being able to retain all of its investment profits, the system loses any earnings over 8 percent to the state and counties. The result: almost \$1 billion that should have been reinvested in the system went instead into the general fund.

"Finally, and here's where we all come in, investment returns are dropping. In 1993-94, for the first time in a decade, ERS investments were lower than 8 percent. So what? Constitutionally, the state and counties are required to assure that the ERS meets its obligations. This meant that \$389 million in taxpayer moneys had to be spent shoring up the ERS' bottom line that year. If investments continue to slide, the taxpayer contribution will increase. Is anyone surprised that the state is facing a deficit? Much of it can be attributed to taxpayer dollars flowing away from the general fund to shore up the ERS.

"Here's what needs to be done:

- (1) Repeal the requirement that ERS earnings in excess of 8 percent be funnelled to the general fund, allowing the system to retain 100 percent of earnings effective immediately;
- (2) Require county representation on the ERS Board of Trustees;
- (3) Repeal the use of the frozen initial liability method in the determination of liabilities and

require the use of the annual projected unit credit method; and

- (4) Require the ERS to provide actuarial data and cost-benefit analyses on all proposed changes to the system."

Representative Pepper rose and requested a conflict ruling, saying that he is a current beneficiary of the Employees' Retirement System, and the Chair ruled "no conflict."

Representative Pepper then spoke in favor of the bill, with reservations, stating:

"I am in support of the measure. I recognize that it is in response to current economic problems. I am concerned, however, that the obligation of the State to meet the shortfall, if there is a shortfall in earnings, will decline every year.

"This seems to me patently unfair, particularly since the earnings of the Employees' Retirement System have, over the last decade and a half, enriched the State by over a billion dollars. Over a billion dollars of earnings which come from the Employees' Retirement System have been put into the general fund in the last fifteen years.

"At this point, Mr. Speaker, what we are being told is, if there is a shortfall in the earnings which may mean that the Employees' Retirement System is perhaps unable to meet its obligations, the State's obligation to meet that shortfall will, in fact, decline year after year. This seems to me patently unfair.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2836, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1464-96 and S.B. No. 2421, SD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2421, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1465-96 and S.B. No. 2728:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2728, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1467-96 and S.B. No. 2797, SD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2797, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WOMEN, INFANT AND CHILDREN SERVICES (WIC)," having been read throughout, passed Third

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

Stand. Com. Rep. No. 1468-96 and S.B. No. 3052:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 3052, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION AND LICENSING OF PROFESSIONS AND VOCATIONS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1470-96 and S.B. No. 3188:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 3188, entitled: "A BILL FOR AN ACT RELATING TO TAXES ON TIME SHARE REAL PROPERTY," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1477-96 and S.B. No. 2912:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2912, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose and requested a potential conflict ruling, saying that she comes from a contracting family, and the Chair ruled "no conflict."

Representative Thielen then spoke in favor of the bill, with reservations, stating:

"My concern about this bill is that it's like taking a hammer to kill a mosquito. The contracting community is one of the hardest hit in today's economy. Many contractors have gone belly up, others are hanging on by toenails, trying to exist.

"What this bill now does is, it says to the Contractors Licensing Board, someone gets behind in taxes and bingo! you can yank their license. I argued successfully in the Committee hearing to say, please put something into the Committee Report, at the least. I would have preferred it in the bill, but to put it into the Committee Report to say, and it was put in by the Chair to say that the Contractors Licensing Board, when deciding whether to revoke, suspend, or refuse to renew a license, should take into consideration any good faith effort by the contractor to negotiate a payment plan with the Department of Taxation. I think, today in our economy, Mr. Speaker, we need to be helping those businesses stay afloat and stay alive.

"Unfortunately, I think this may be implemented in a heavy-handed way. I do hope that the Committee Report follows it wherever it goes, and in the final Conference Committee ... well, there won't be one, this will pass as is ... so that the paragraph in the Committee Report will direct that sensitivity from the Contractors Licensing Board. Otherwise, Mr. Speaker, we'll just see more firms go belly up.

"Thank you."

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

"Mr. Speaker, the contractors that are in business right now that are in good standing in their business affairs are all in support of this measure. If they pay their general

excise taxes and their competitor does not pay his general excise tax, that allows the competitor to have an advantage in bidding, in paying his employees, in advertising, because he is not paying what he should be paying to the State.

"Good contractors strongly support this measure because it will support them as they go about doing their work in the State of Hawaii. Those that have difficulties paying their taxes will be covered by their negotiations with the Tax Department. The Contractors Licensing Board will take this into account so that they can continue to stay in business.

"This is a pro-business bill and it is a bill that will help the economy. It is a bill that will get these contractors to work, and those that are delinquent and decide not to pay their taxes will no longer be able to do business in Hawaii. So I think the contractors fully support this, and I support it as well.

"Thank you."

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

"Mr. Speaker, I am compelled to respond for the sake of what the Yum Yum Tree has just gone through in its Chapter 11 bankruptcy. I ask the question: Why are we singling out the contractors?"

"The point is that without this bill, those contractors who are on a payment plan with the Department of Taxation can be shut down. This one says, if you are one day defaulting on your GETax. All of those new small businesses that want to get in, if there's a Machiavellian person in that position on the professional licensing board, they can shut them down.

"But the equitable question which I would pose to the last speaker is -- why contractors? Why not physicians, or why not plumbers? Why not the Gray Lines -- why didn't we shut them down before they went belly up? Why didn't we take the Yum Yum Tree, or all of these other people? Because we could pull their Health Department licenses if they were defaulting. Why are we picking on contractors?"

"Mr. Speaker, that's why it's hard to not interpret that this is to not only threaten those who are not paying their taxes but to, if you will, constrict the movement of the private sector by saying, if you are one day late, and I have trust that those people are not going to enforce it, but anybody who is without principle and wants to get back at a contractor can use this and say, if you're just defaulting, you can, in effect, shut a person down by pulling the license, and we never do that to any other profession. We don't even pull a driver's license for some people who are doing drunk driving or other areas that are equally severe.

"Thank you, Mr. Speaker."

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

"The purpose of Senate Bill 2912 is to authorize the Contractors Licensing Board to revoke, suspend, or refuse to renew a license for failure to pay delinquent general excise taxes, interest, or penalties related to the business of contracting.

"When the question is asked, Mr. Speaker, why not anybody else? -- Senate Bill 2912 is entitled, 'Relating to Contractors.' So simplistically, why not anyone else?"

Because this bill deals with the licensing board for contractors.

"The Contractors Licensing Board supported this measure which provides clear statutory provisions that if the contractor fails to pay delinquent taxes, then penalties would be assessed. Although most licensed contractors do comply with their tax obligations, the Department of Taxation has stated that it is experiencing a serious collection problem with a number of contractors, that these contractors owe the State more than \$3.7 million in back taxes. It is a problem that was brought to our attention, Mr. Speaker, and one that we needed to take action on.

"Presently, contractors are required to obtain a tax clearance or proof of a payment plan from the Department of Taxation prior to the issuance of a license, or prior to the renewal of a license. And some contractors have been exploiting that payment plan alternative and using it as a means to obtain a license only to become delinquent soon after the license was issued. To alleviate this problem, the Department of Taxation has been working closely with the Department of Commerce and Consumer Affairs to provide every opportunity for contractors to keep current with their tax liabilities. But as a last resort, this bill allows the Contractors Licensing Board, upon notice by the Department of Taxation, to revoke a license soon after the contractor becomes delinquent.

"The Tax Committee of the Chamber of Commerce of Hawaii supported this measure as it would strengthen the enforcement of tax laws and acts as a deterrent to the violation of these laws. Last year, a poll of the Chamber members revealed that the leveling of the playing field for Hawaii's businesses occurred by (1) eliminating the pyramiding of general excise tax; and (2) tightening enforcement of tax laws as a priority. That was in their testimony which was given before this committee.

"It is, therefore, because of these reasons that I would urge the support of members.

"Thank you."

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

"The only reservation I have about this bill is that contractors are being given preferential treatment over others like hotels and restaurants that are not given the opportunity to make payment agreements with the State.

"Thank you."

Representative Thielen then rose and stated:

"Mr. Speaker, I do want to acknowledge that my contracting family is current with its taxes. My concern is that the Contractors Licensing Board may be somewhat heavy-handed, as my colleague has stated, and yank a license.

"I am hoping that they will pay strong accord to the paragraph that the Committee Chair put in which says -- take into consideration the good faith effort by a contractor to negotiate a payment plan because contractors are hurting, Mr. Speaker. If they are trying to come current with their taxes, it is going to do the State a lot more good if they stay in business and pay those taxes rather than if their license is pulled and they go belly up. Then we get no money at all.

"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. 2912, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1479-96 and S.B. No. 2965, SD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2965, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1487-96 and S.B. No. 3267, SD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 3267, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT ACTIVITIES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1538-96 and S.B. No. 1602, 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. 1602, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT SECURITY," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1539-96 and S.B. No. 1698, HD 3:

By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 1540-96 and S.B. No. 2087, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2087, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"Mr. Speaker, this bill would essentially allow the Department of Education, or would instruct the Department of Education, to work with Waiialua High School in the development of their entrepreneurship programs out there, and I just wanted to commend the Legislature and the legislative body and those involved with the whole program out there.

"As a community like mine goes through the very difficult times we are going through right now, the innovation, the ideas that are coming forth to be supported by this legislative body should be commended and encouraged, and I think we're doing something like that through this bill.

"There are other measures that we are trying to also facilitate in the community as we go through the change from a sugar plantation era. And so with the support of

the Legislature and the school, I am looking forward to some really good-tasting mushrooms from the school.

"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. 2087, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1541-96 and S.B. No. 2340, 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. 2340, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1542-96 and S.B. No. 2437, 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. 2437, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1543-96 and S.B. No. 2726, 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. 2726, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1544-96 and S.B. No. 2856, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2856, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Pepper rose and stated:

"Mr. Speaker, I rise to speak in favor of Stand. Com. Rep. 1544-96 and 1545-96 with slight reservations, stating:

"Mr. Speaker, both of these bills allow the Governor to reorganize his office in order to meet what he feels is the best way to address the problems of the State.

"There will be retained in the Governor's Office a special assistant for children and youth and a special assistant with respect to aging. I can only hope that these two special assistants will, in fact, represent enough of a presence and a force in the Governor's Office to indicate to everyone -- federal officials, our State -- that issues related to helping children and youth maximize their growth into healthy and productive adulthood will be a central issue over the next ten years, at least in our State. Similarly, the demographic time bomb of our aging population will be a central issue in our State over the next ten years and beyond and must, in my judgment,

receive maximum attention from the administration and, in fact, from the Legislature as well.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2856, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF CHILDREN AND YOUTH," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1545-96 and S.B. No. 2859, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2859, 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:

"Mr. Speaker, I share in the concerns of my colleague who just spoke and have a couple of statistics that I am not sure all of the members heard as these measures were being considered.

"By the year 2010, nearly one-fifth of the total State population will be 60 years or older, and 32 percent of the State's households now have at least one member aged 60 and older. It is, as my colleague has said, a generational time bomb, and the State needs to be prepared with programs and services to help that it needs to have in place to help our elderly population.

"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. 2859, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE OFFICE ON AGING," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1546-96 and S.B. No. 2875, 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. 2875, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1547-96 and S.B. No. 2902, HD 1:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2902, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose to speak against the bill, stating:

"Mr. Speaker, what this bill will do is to divest the Legislature of its future authority to set the salary of the President of the University of Hawaii.

"I voted against this measure before when it originally came before us, and now we're going to say we're going to get out of the business of setting the UH President's

salary totally. I think during the time of economic uncertainty, it doesn't make very much sense to provide an open checkbook for the people that are going to make that decision -- the Board of Regents. They're going to be able to say -- we will pay with taxpayers' money whatever it takes to get someone that we feel is qualified to lead the University of Hawaii system.

"Let me tell you how that translates into money. Currently, the Governor makes \$94,780 yearly. The Mayor of Honolulu makes \$98,000 yearly. Currently, the taxpayers are paying for the President of the University of Hawaii approximately \$150,000 a year as his salary, and I don't frankly think that a man who runs a university system, comprised of approximately 50,000 citizens, really deserves to make more than the Governor of our State who governs over one million residents.

"I think right now, we should take a look at whether or not we should get out of the process of putting a cap on the salary of the President of the University of Hawaii. If we give away our authority and turn it over to the University Board of Regents, there's going to be no end to the salary that that person could command. And again, Mr. Speaker, compare it with our Governor's salary. Why should a University President get, now it's nearly double the amount that our Governor makes? I don't think that's justified.

"Thank you."

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

"I think the previous speaker is absolutely right about the figures -- there's no question about that. But I think the salaries, if I may say so, are set by the market, and the market, you know, is a great mechanism for setting salaries.

"The salary of a University President is beyond \$150,000 throughout the United States. The University of Hawaii is one of the great research universities in the United States. Indeed, many other people at the University of Hawaii received emoluments a great deal more than the President himself, but let's not quibble about the salaries. Let the market decide that. See if you can get a President for \$150,000. Of course, the question is: What kind of President will you get?

"Now, on the question of the Legislature giving up its authority, it's only for six years. We will revisit this item in the year 2002 and if any one of us are still here, we'll continue the debate at that time. In the meantime, members, please vote for the bill.

"Thank you, Mr. Speaker."

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

"Primarily a philosophical reservation. If we want a university of excellence, we have to pay to get the best and the brightest. If we want to have a university, we have to give it autonomy.

"My reservation is this, that we keep our eyes open. When we realize that when we give more autonomy to the Board to set the salary, the proximity between the Board and the Governor is so close that I am not sure that we are just giving more power to the Governor and not really empowering the university to be the center of excellence that we need it to be.

"The point is this: We've got to give autonomy to the Board, but the Board has got to give the autonomy to the

President and, Mr. Speaker, I would contend you don't have to read David Yount's book to figure it out. The Board is not giving that autonomy to the President because if they give the President \$150,000 or \$200,000, if he is only responsible to someone who perhaps works for the Governor, how are the people of Hawaii going to get their money's worth? There is no university of excellence in the United States that has a President controlled as strongly as ours -- by the Board -- and we have to admit, we get our hands in there and we play the power struggle.

"So, Mr. Speaker, we're doing the right thing, but we have to keep our eyes open to know that as we give the power to the Board, i.e. the Governor, let's have the Board give the power to the President that they're going to pay these high salaries to so he can be independent and really bring us a center of excellence, as the whole opportunity of society is based on the education we give our people and the jobs that they find.

"This is a very important bill.

"Thank you."

Representative Case then rose and stated:

"Mr. Speaker, on the same bill, I rise to speak in opposition, although I find myself in agreement with the two proponents of the bill and in disagreement with the Minority Floor Leader who also opposes the bill.

"I am not opposed to giving the Board of Regents the authority to set the University of Hawaii President's salary. In fact, I think that's exactly the right move. I think that in the last couple of years we have done the right thing, which has been to devolve some of the responsibility over University affairs away from the Legislature and to the University, which is where it belongs. And I am talking about those items that really do not relate to broad public policy and the role of the University in our state. I am talking about items that relate more to the details of administrating the University, and I consider the University President's salary to be one of those details.

"So I think this is just part of the move that we need to continue, which is to devolve both responsibility and accountability to the University. I think that's where our mistake has been in the past, in not telling the University it's up to you to run it, but you are also responsible for how you run it.

"My opposition to the bill comes from the fact that the Legislature still holds a hand in this by retaining a sunset date. I realize it's a long way out, but somehow I think we have to find the political will to cut the cord altogether; otherwise, we continue to send mixed messages to the University.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Case, Stegmaier and Thielen voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1548-96 and S.B. No. 2999, 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. 2999, SD 2, HD 2,

entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1549-96 and S.B. No. 3042, 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. 3042, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1550-96 and S.B. No. 3232, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 3232, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"As we hear often in committee testifiers who say, 'I support the intent of the bill,' and that is how I feel about this bill.

"This bill abolishes the Office of State Planning, an agency that was primarily responsible for the 38.4 percent growth in the Office of the Governor between 1989 and 1994. The Office of State Planning, and its reason for existence at all, is an excellent symbol of what's wrong with state government and why we are facing a shortfall. It was originally conceived as a super agency -- one that would coordinate the planning arms of all other agencies and provide policy guidance. It has, in fact, over the years, been given a few unique functions, but by and large it grew like Topsy and quickly turned into an unaccountable, redundant, amorphous creature with a distinctly political edge.

"I'm glad we're getting rid of it. The shuffling of personnel may or may not be appropriate, so I'll reserve judgment until I see the final product.

"Mr. Speaker, this measure assumes we will need all these people so it doesn't save us any money. I would urge the conferees on this bill to challenge that assumption and see if perhaps a few dollars can be shaken loose in this rearrangement.

"Thank you, Mr. Speaker."

Representative Tarnas rose and requested a conflict ruling, saying that his wife works in the Office of State Planning, and the Chair ruled "no conflict."

Representative Tarnas then spoke against the bill, stating:

"First, I must emphasize that my opposition is based on the principles of good planning and not on any concerns for employment since, as you know, this bill will break up the Office of State Planning and take the personnel and other bits and pieces and spread them out amongst various departments.

"I refer first to the Governor's Office testimony on a similar bill before a committee on which I served that specifically stated the Governor's desire to have an integrated multi-disciplinary team to deal with the crosscutting social, environmental and economic

development issues that cross over the jurisdictions of several departments.

"This bill, I feel, is a big step backward.

"As a planner, I know the value of a strong multi-disciplinary team so I would suggest the following: First, keep the Office of State Planning together but move it out of the Governor's Office. They've already taken a major cut of about 53 percent so I think we have already seen savings from the Office of State Planning over the last year.

"Second, I would attach this unit administratively to another department like the Department of Business, Economic Development, and Tourism; Department of Commerce and Consumer Affairs; or the Department of Land and Natural Resources.

"Third, refocus their efforts to be a broad policymaking, planning effort in support of administrative initiatives that cross various departments' jurisdictions such as the implementation of the ocean resources management plan and other projects.

"In this way, you could address the concerns of the business community with how heavy-handed the Office of State Planning has been in the past, and you keep a multi-disciplinary planning team together for the purposes of getting the State to move forward on these important issues.

"I would encourage the Conference Committee to consider these alternatives as they move forward.

"Thank you, Mr. Speaker."

Representative Garcia then rose in opposition to the bill and requested that Representative Tarnas' remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

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

"I will vote for the bill, but I would like to associate myself with the remarks made by the Representative from Waimea on the Big Island.

"I first became acquainted with the Office of State Planning when it was part of DBEDT and I was in the Neighborhood Board system. I have a great deal of admiration for the professionalism and the work of the people in the Office of State Planning. When it was taken out and became attached to the Governor's Office, it really coordinated planning and decision-making on a very, very statewide, very important and in a cohesive statewide manner.

"It is unfair to blame the Office of State Planning for what has happened in the past. We are all to blame. Let us consider the things that were done as part of an overall State planning. We instituted the School Facilities Special Fund and used three years of cash to fund building schools throughout the State. That's \$207 million.

"The other decisions made which were attributed to the Office of State Planning but represented the consensus of the government as a whole, both the Legislature and the Executive at that time, the decision to proceed with the building of the Second City in Kapolei, the decision to provide affordable housing on the basis of a single-family housing, the decision to buy land in Kapolei at \$200 million in a trust fund, and also the decision to return one year \$125 per person and then the next year another \$65.

These are decisions made by the Legislature and it's not the Office of State Planning that did this.

"What I am trying to suggest is that it may be necessary to reorganize, to refocus definitely, but let us not lose track of the essential element which the speaker from Waimea has pointed out, that the Office of State Planning has provided a very useful service to the entire State. We in the Legislature and Executive, which ultimately make the decision, must bear the responsibility for their recommendations or their actions. Let us not vilify those in the past in order to make ourselves look better at the present time. Let us all accept either the credit or the blame for whatever you may wish to ascribe to it for what has been done in the past which evokes pride, and I think there's nothing greater that I could be proud of than the school that was built from scratch in two years with a high tech equipment the best school in the State, the school that is supposed to be a model for other schools and, hopefully, we can return to it, and I speak about the \$27 million in cash that was used to build Mililani-Mauka Elementary School. And I would like to say it is not in my district -- it may be in Mililani but it is not in my district. But I am very proud that we did do this with one school, and let us use that as a model for future decisions in state planning and the implementation of the greater goals that face us today.

"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. 3232, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Garcia and Tarnas voting no, and Representative Chang being excused.

At 12:01 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:51 o'clock p.m.

Stand. Com. Rep. No. 1551-96 and S.B. No. 3248, 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. 3248, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION MANAGEMENT," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1552-96 and S.B. No. 2007, 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. 2007, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTORSPORTS INSURANCE," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1553-96 and S.B. No. 2263, 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. 2263, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN MONEY JUDGMENTS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1554-96 and S.B. No. 2380, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2380, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Kawakami rose to speak against the bill, stating:

"Mr. Speaker and colleagues, as a former educator, I have experienced first-hand the frustrations as well as the triumphs of the classroom. Every teacher experiences both, remembering their best students as well as the problem students.

"However, as an educator, I have always felt a responsibility to do the very best I could for all of my students -- those that excelled, those that kept pace, and those that struggled just to be there. The students that made teaching a chore, those whose intent, it seemed, was the total disruption of a classroom, were those that needed the most attention and help. Not necessarily help from me, nor the principal, maybe not even from their parents, peers or family. What these young people needed during those tough growing-up teenage years was understanding, support, attention, and guidance from all of us as well as society as a whole. To be told don't give up, keep on trying, we'll stand by you -- that was my teaching philosophy.

"This bill takes that support away from the very group of teenagers that need it the most. I have seen too many 16 and 17 year olds in this very predicament, and I do not feel that it is right to give up on them. Instead, we need to reach out to them. Alternatives need to be found before we remove these students from our public schools. Sometimes it's a curriculum change, sometimes a change to another teacher, a work study program, a transitional program, a vocational education program. These might be a motivational thrust, a caring response for someone with many problems.

"The teenage years are very difficult ones, and many of us know how tough they are as we are parents. Imagine what these young adults are faced with. Time is a precious commodity. As many parents work double, triple jobs just to get by, and almost 50 percent of those are single-parent families, the teenagers of today are forced to grow up with less time and guidance from their parents, and lucky if everyone lives in the same household.

"Mr. Speaker and fellow colleagues, I grant you there are a handful of students who may not benefit from any alternative programs. However, the Department of Education has that ability right now to remove them from the public schools. Why then do we need to put this into statute and consign a population of students, no matter how small, to be given up on? Let us not take the easy way out.

"Thank you, Mr. Speaker."

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

"As the former speaker so articulately stated, the bill gives the message that we're giving up on youngsters, at least those that have turned sixteen. We're saying -- you finish your ninth grade education and you can opt out of school. That's awfully young to let that youngster make that decision even though it has to be made in

conjunction with a guardian or a parent or parents and the school itself.

"I took this bill out to the schools in my district, Mr. Speaker, and held mock legislative hearings. The students chose to present their testimony either in favor of the bill or opposing it. The message that came out loud and clear was -- don't give up on us. Sixteen is pretty young to make a decision like that, a decision that can be very life-changing, and don't give up on us.

"The thing that I find, Mr. Speaker, is that we don't have the real alternatives in place to ensure that the youngsters that opt out won't be on the street without a future. Every youngster in my mock legislative hearings said, no, they don't want to be flipping hamburgers for all their lives. They said, 'yeah, at age sixteen, we can get a job doing that. But we recognize loud and clear that if we don't go on with our education, we won't be able to move beyond that level of employment -- minimum wage.'

"The House Finance Committee didn't hear a Senate bill that would have financed students from traditional high schools in alternative high schools, and it would have required an annual transfer of \$3,000 per student from a traditional high school when she or he opted out. But the Senate has put that language back in to a House bill, so that choice will remain before us as we look at this measure as it goes through this session.

"And I take a look at our obligation as State legislators, that we need to still reach out to those students that are currently unreachable by whatever alternative program we implement. Otherwise, we send them out on the tightrope of life without a safety net, and that's pretty scary when you're sixteen years old and made that decision and think that you're right. And then all of a sudden life faces you and you realize that you don't have the tools to move on and do anything with your life.

"I think we can have safety nets, I think we can have alternative programs, and I think that we can integrate those with the bill. What scares me is sending this bill on just by itself without those other programs and alternatives in place.

"Thank you."

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

"Mr. Speaker, I heard the comments today and I think that they were very well founded.

"First of all, I would like to thank Chairman Stegmaier and his Education Committee for passing this bill down to us and giving the Judiciary Committee the opportunity to hear the bill. I must say that I am not a teacher. I don't know what it means to really work in the schools other than the fact that I have visited many schools as a State representative. And I have two teenagers myself, so I do know how difficult it is growing up when you're young.

"I guess my problem is wondering and just keep thinking to myself and mulling this out ... what is the mission of our educational system? I know the mission is to do what is best to give the kind of appropriate education to every student so that each child can reach his/her highest level. I know that; I wrote a song about it -- **Children Like Me**. And I know what empowerments children have.

"But the question is, are we saying that the mission of education is to educate each and every child, no matter what it takes, no matter if that child wants to learn, no

matter if that child and his parents or whatever, is being so disruptive that others cannot learn? Are we saying that the mission of education should be, come hell or high water, you must educate every single child in this State, no matter what it takes, no matter even if that child throws everything at you and becomes so disruptive, or is absent to the extent that that child cannot and does not want to learn and is reaching out for something else? I don't think that's the mission, Mr. Speaker. And I think that when you look at how this bill originally was, that it basically singled out reducing the age to sixteen to every child in our educational system.

"I had a problem with that. I think we had to do something with that, and what the Judiciary did was, okay, we recognized the situation and we narrowed it down. We only reduced it to sixteen in situations where the child was disruptive to others, where the child did not want to learn, where the child was disrupting the learning process of other kids, or where the child just didn't come to school. Not just didn't come to school, but he didn't come to school and his absence became a significant factor not just any factor, but a significant factor that would hinder his learning. And even then the bill said that someone had to take charge of the situation, and if this child who was either absent or disruptive didn't want to learn and he was sixteen years old, then that child and his parents had to work with the school in coming up with an alternative program.

"What else did you want the Department of Education to do? What else does a teacher have to do? I am not saying that a teacher has to get stabbed or killed before we look for something else. But I think what the Judiciary Committee tried to do is bring recognition to the fact that, where does the mission of education in our State end? And when do we say, ENOUGH! But at a certain point, the adult, the guardian, the parent, that child, is going to have to take hold of his/her life and make something of him or herself.

"I don't know if the bill, as it came to us, totally did that, and what we tried to do as a committee was add finality to this bill by saying that if the Department of Education could not do anything because the child refused, because the parents refused, because they didn't want to buy into a system with alternative plans, that there had to become some finality at a certain point. And so that is what this bill attempts to do. Maybe not the best way but that's what it attempts to do.

"Former speakers said we want to do good for all our students. Yes, we do, but it's not realistic. I don't know. I don't think so. A former speaker said those who were disruptive needed the most help. Yes, they do, but is it through the Department of Education? Is the Department of Education supposed to be a baby-sitter no matter come hell or high water? Is the teacher supposed to risk his/her life come hell or high water? I don't know, but I don't think so. Come up and we'll stand by you. Don't give up, we'll stand by you. Yes, but how far do we go? I don't think you can put that in a law, and I really don't think the Department of Education is going to come to the point where they are going to say, hell with the kids, and we just want them all out. I don't think so.

"They told us in the hearing that less than one percent would come under this category. Thirty-three states have the age of sixteen, and we don't reduce the compulsory age. We had that as one of the exceptions so that child, if he absolutely does not want to respond, can opt out for something else.

"Mr. Speaker, I think all of us here, either as parents or individuals, care about our schools and our children

and our future, but how far do we have to care before we say, you know, we just can't go any further, and that is what this bill tries to do -- strike a balance.

"Thank you."

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

"As Vice Chair of the Education Committee, I know the length and the arduous task the Chairman accomplished in working with the committee in crafting the first House draft of this bill which I supported when it came to the floor for Third Reading. It included an important balance of parental involvement and the decision to have the child leave the regular school and get into an alternative program instead of a collaborative process to develop and agree upon a plan for the student to receive an alternative education. And it had three State departments to develop a plan on how to address the needs of these students. With these provisions, we were able to get consensus among committee members that it should move forward for further refinement. As a professional, working in the field of conflict resolution, I know how careful we need to perceive to keep this consensus.

"The bill, as it comes out of Judiciary, is radically changed and does not respect the hard work we put into it. The bill is not a refinement of our draft, and it breaks apart the consensus that we worked so hard to develop.

"Now, the principal has the sole responsibility and authority to send the child out of school. The principal can already do this. In addition, the bill removes the request for the agencies to develop a plan to address the needs of these youngsters. And there are a number of other differences that the Chairman of the Judiciary Committee has already articulated.

"Mr. Speaker, in its current form, the bill does not move us forward in addressing the problem of disruptive children in the classrooms and providing them the education that they need. It polarizes an important discussion, and we don't need that now.

"For these reasons, I must vote against the bill.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I call this the Lex Brodie bill. It goes back to the good old fashioned, disciplined, and respect in the classroom if we're going to have learning, and I think some of these old, tried and true measures need reinforcement.

"The bill, I feel, dispels three myths and it is based upon three solid factors. The first is that if we lower the age from 18 to 16, that schools are going to have children running out the doors. Studies have found, particularly in Illinois, that when there are these options, there is not a stampede, enrollment fluctuations are nominal, if not minimal. The studies indicate that dropping out is a process, it is not a snap decision like, hey, I think I'll drop out today. It's like running for office -- you kind of sit on it for awhile and it works its way through.

"The second myth that the bill dispels is that all school leavers will either be (1) unemployed; (2) delinquents, criminals that is, or both -- unemployed and criminals. Again, two studies I would cite that said that this is a major finding, Mr. Speaker, is that delinquency precedes dropping out. It's not that you drop out and then become

delinquent. Delinquency precedes dropping out which means this process of disruption of the classroom during, after and before what's going on is when the real delinquency and criminality is taking place.

"The second factor of the study is that those who drop out are no more deprived in the work place than others. Their spirit is not down and whether they're flipping hamburgers or flipping whatever, that they were able to fend for themselves which, for those who don't want to be in school, probably getting a job is a release.

"Thirdly, and I think the most heartrending. I still think the logic is that this compulsory attendance is going to constitute 'giving up' on our youth. I think this is probably the most seductive of all and fails to recognize that education relies on the cooperation between adults and students. In fact, if you look at all the studies on education and performance, every study, bar none, says, if you want a student to achieve, you've got to have parental involvement. Don't get your parents involved and you don't get any achievement out of the students.

"Mr. Speaker, we cannot re-engineer the families, those that may be dysfunctional, those that may have abusive and other behavior, those that don't promote education. To say that we're giving up on those is in effect saying that those who are not really unruly deserve to be interrupted in their education. We already know what's going on in education by the SAT scores. We already know what some parents fear in the public school system -- it's a violent place, there are drugs there. In fact, Hawaii has 2.5 times the national rate of violence, or occurrences of violence, in our schools. Now, to say that we're throwing the baby out with the bath water by giving up on those students, I think it's probably giving them a new lease on what they want to do -- find themselves, and to go somewhere and to do something -- not just under duress trying to learn when they cannot. The bottom line, Mr. Speaker, that is social and intellectual reality is that student achievement will not improve until we successfully deal with this discipline problem.

"I hope the Conference Committee will seriously look at what the Senate just passed today. It's a bit cleaner in what it does. It doesn't make, as this bill does, the school principals into social workers. I think that's a difficult transition, but between the two drafts, I think it will help bring respect, discipline and, hopefully in the long run, in what this whole thing is about -- put learning back in the classroom, achievement back in the classroom, and the kids will have a chance to do something with their education rather than just competing with some of the noise and disrespect that's there now.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I share the reservations of my Vice Chair about the draft that we are considering today, but I speak in favor of the bill because it still contains the theme upon which the House generally has concurrence. This theme is that we must find a better way to ensure for the vast majority of serious-minded students a much more stable school environment that is optimally conducive to learning.

"While our House position does allow for the removal of disruptive students and frequently truant students from the regular school environment, it is also the House's position that a plan for alternative education and/or alternative work will be established for each sixteen or seventeen year old before he can officially cut his ties with the school to which he was originally assigned. While the

issue of how the plan will be developed remains to be further discussed in conference between the Senate and the House, I can assure you, Mr. Speaker and the Representative from Kauai and all of the House members, that we are not opening the floodgates. We are not throwing students out on the streets, and we are taking care that all students who leave school at age sixteen or seventeen have a personal plan of constructive activities which will occupy their time.

"In response to the comment from the Representative from Kailua, if a student realizes that he doesn't have the wherewithal to stay out of school, he can decide to come back to school at anytime. The doors are open to such a student returning. And educators tell us that those who come to this realization are ill-equipped without an education and come back to school much more eager to learn. In fact, they often become model students upon returning for the rest of their time before they graduate from high school.

"So in conclusion, Mr. Speaker, while we still have a way to go in working out all the issues of this bill, I ask my colleagues to support it so that we can have a chance to improve it further in Conference Committee.

"Thank you."

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

"Mr. Speaker, I share many of the reservations that have been articulated, and as you well know, in an earlier version I spoke long and hard against any movement which might give the impression that we have, for an entire age group, given up on them. And I would like to acknowledge the acceptance of other approaches on the part of the Chair of the Education Committee who worked with the committee very intently to produce, as the Vice Chair of the committee noted, a consensus that dealt quite effectively with not only the issue of disruptiveness, but more importantly, the issue of how we would construct an environment, an activity, an alternative, for those who are disruptive.

"I believe very strongly that it is our duty to pass legislation in this forum which very clearly signals to the young people involved that they are not going to be invited to simply leave the school, but they will be invited to be partners in constructing an alternative place and activity for them because we care for them. Perhaps the worse thing that could happen is for a young person to believe that we did not care for them. The worse thing that could happen is for a young person whose family life was so disruptive that the only place they could turn to in acting out, in begging for attention, in the way that an immature individual might, the only place to turn to would be the school. And that school would not turn their backs on them but would sit down with their parents, with the school administrators, with everyone involved, including those agencies which offer special services, including employers, and say: What are you going to do for the next year that's going to help you sort yourself out? What are you going to do in terms of your commitment to yourself, to your self pride, to your family, to your community?

"I felt that the bill, as it left the Education Committee, pretty well addressed those issues. I have always felt that we set up our committees by subject matters to concentrate as best we can on difficult issues like education, and I have always felt that it is the Education Committee that should set policy in making proposals for how to deal with these. I have not always agreed with my good friend from Hawaii Kai, whom I have known very well since 1978, but I know that he cares extremely deeply

and works long, long, long hours in trying to fashion the best for every student, to accept that responsibility for an entire educational system.

"The Education Committee devotes itself to education. The Education Committee is not always right, but it does make, I believe, the best effort of this House, and I would like to stand, in spite of my reservations, for some of the flaws in this bill. On behalf of and in admiration of the work of the Education Committee in attempting to marry the two goals of this; one, which is to avoid the disruptiveness of troublesome youth; and secondly, to step up to their cry of need and to help them out of their difficult period, I think we have the ability to do that. I think we have tettered on the edge; the ideas are out there.

"My great hope is that when this bill emerges from the Conference Committee, that everyone will say -- yes, we have responded to the challenges that our schools face with disruptive children; and yes, every child is our responsibility; yes, that moral obligation which we hold in trust has not been diminished. A plan has been enacted, a plan which the parents and the guardians, and the administrators, and the teachers, and the employees all agree -- let's try this, let's see if we can get your life together. If that plan is not there first, then I believe we would have shirked our duty. And I believe that when we come out of this, that plan will be there, and we will have met our obligations.

"Thank you."

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

"You know, Mr. Speaker, as a member of the Education Committee, I do wish to note that there were an awful lot of testimony and hard work that went into crafting of the bill that left the committee, the bill that I was able to support when it left the Education Committee.

"I cannot support this bill as it is written now, and I note with interest that the testifiers that came before the committee -- it was really interesting to see HSTA come out in support of the measure, and the Department of Education come out somewhat lukewarm in their support, but to see all the people who work with this particular clientele we're talking about -- these kids -- HPD; we had people come out from Store Front; we had the Office of Youth Services; we had people from other ALC's, including, as I understand, the Judiciary; the ILWU came out, and they've all stated this is not the way we have to deal with this problem. In a roundabout way, I think this is an extremely healthy discussion because we're finally beginning to acknowledge that this is not the way to deal with the problem kids, these kids who so many of us seem to be so intimidated by.

"I hearken back to the words of Representative Kawakami from Kauai. She was a teacher. I worked in alternative learning centers. I understand that these are kids in need of alternative learning centers and, if nothing else, we need to focus on that as our goal and not necessarily just simply lowering the age and providing some quick fix to a very, very systematically difficult problem.

"Hopefully, as we move forward in this discussion and it goes to conference, I have confidence in the fact that the Chairman of the Education Committee, who I also disagree with at times, will do whatever is best for the students. I have never questioned the sincerity with which he wishes to push forth something that is very, very good for all the students of Hawaii, and I continue to hope that.

"Thank you, Mr. Speaker."

Representative M. Oshiro then rose to speak in support of the bill, with reservations, stating:

"I speak in support of the bill, Mr. Speaker, because it addresses a concern of our schools, our teachers, our students, and our communities.

"My reservation arises because I am particularly concerned with the present language of the bill which I read to mean that we will not have the responsibility for the cost of obtaining appropriate educational services for the child if the parent or guardian should disagree with the principal or counselor in the plan for the student that is formulated. That is my concern, Mr. Speaker.

"Thank you."

Representative Kawanakoa then rose in support of the bill, but in the interest of time, asked that his remarks be entered into the Journal, and the Chair "so ordered."

Representative Kawanakoa's remarks are as follows:

"Mr. Speaker, I rise with reservations on Senate Bill 2380. I support lowering the age of compulsory attendance to sixteen with parental and principal's permission, but I feel strongly that this policy should not be hampered by other requirements.

"Mr. Speaker, we need to spare overburdened and frustrated school, family court, and law enforcement personnel from trying to (1) get truants back in school; and (2) trying to get students to behave themselves.

"According to the last report on **'Violence and Vandalism in the Public Schools of Hawaii'**, administrators agreed that attempts to go through the family court system to enforce attendance are lengthy, cumbersome, and most often fruitless.

"Senate Bill 2380 does not solve our problem because if you thought it was impossible keeping track of these kids in school, what do you all think will happen when the community is responsible for tracking students out of school? To complicate matters more, present law requires employers of youth under age eighteen to notify schools within three days of termination of employment.

"We have heard from any people assigned the responsibility for tracking these teens -- principals, teachers, counselors, police officers, and family court judges. But where should the ultimate responsibility for care and guidance of these teens rest? I think the choice is obvious -- the ultimate responsibility should rest with the parents.

"We spend much of our legislative session costing out various programs and their alternatives. When costing out compulsory attendance law in our State, the Senate Committees on Education and Judiciary determined 'forcing unwilling children who are between the ages of sixteen and eighteen to attend school and compelling disinterested parents to take an active role in the education of their children preoccupies the finite resources of the Department of Education, family courts, and the county police departments in a way that does not bring meaningful return to the public effort to enforce compulsory education laws.'

"I agree with their findings. Forcing unwilling students to remain in a place they don't want to be in is not serving the public interest.

"Requiring resistant youth to stay in school for their 'own good' lowers the instructional level for other students and increases the level of school violence.

"Coercion does not work well with teens ... some of them are bound to rebel, sabotaging the educational process for everyone. Instead, merit lays in attempting to persuade youth that schooling can prepare them for satisfying adult careers. If persuasion fails, as it will for some, we should allow those who have decided to interrupt their formal schooling to return to school when they desire to do so.

"House Bill 2515, SD 1, is a better policy; it would allow students to leave at sixteen with their principal's and parents' permission -- nothing more, because we know two things: (1) fighting sixteen and seventeen years old truants is useless; and (2) the physical presence of the youth in a building called school is no guarantee that learning will take place."

Representative Thielen then rose and stated:

"Mr. Speaker, I am the parent of four children. Their education was of highest priority to me, and it may be because I was a school dropout, although it was after my freshman year at Stanford. And it took me twenty years to get the courage to get back into the educational system. I have then finished my undergraduate work at the University of Hawaii and went on to the law school there.

"As my children were growing up, during their teenage years, we had a lot of debates, a lot of arguments, but we never had to argue about the fact that you have to go to high school and you have to finish. If this bill had been in place, I can guarantee you that one and probably two of my children would not have completed high school. One, my daughter, is now a lawyer. Without the high school diploma and going on, she wouldn't be that. One of my children works for Microsoft, and graduated with a physics and math degree. He wouldn't have been able to accomplish that. He now is a software developer and doing very well. That took education. We never had to argue about the fact that they had to complete high school. That took one of the major arguing points off the table as they were going through their teenage years.

"I'm really concerned about the impact of this bill on students -- sixteen year olds -- that shouldn't be getting out of school, that shouldn't be given that choice, that shouldn't be badgering the single parent or the parents, or the foster parents, saying, 'I don't have to go to school; the Legislature said I can get out.' It concerns me.

"The fact that they can get back into the school creates a whole new set of problems, because if we say to that youngster that opted out at age sixteen -- now you're seventeen and three quarters, you can go back and be a sophomore -- I don't think that's a good idea. We're going to have mature students back in with sophomore-level students. That's a whole new social problem that would be created by that.

"I am concerned about the bill. I think we need to watch it as it goes through. I'm not that clear that we've got the protections in it, certainly not from the Judiciary Committee, because it changed it. But I am not that clear that we have the protections in it that were initially intended, and I am very grateful that the Conference Committee will be led by the Chair of our Education Committee, because I think he has listened to all of these concerns today and will take them into account as he conferences with the Senate on this measure.

"Thank you."

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

"Mr. Speaker, the times that I have been at Kapaa School on Kauai and talked with the children that attend that school ... it's one of the largest schools in the State ... as well as the teachers that teach at that school, their major concern is the violence in the schools.

"The difficulty that children who want to learn have in gaining an education, this bill attempts to allow teachers to teach. They were taught to be teachers. They weren't taught to be day-care providers or to be child-care providers, or to be disciplinarians -- they were taught how to teach their class. When a math teacher cannot teach math, every single child in that class suffers. When they have to spend 80 percent of their time dealing with disciplinary actions, they cannot teach and everyone suffers in that situation.

"Some of the speakers today have talked about not being able to get the children into the school if they decide not to. Mr. Speaker, that goes back to the family problem. This whole discussion is based upon family values, parents not being able to teach their children those things that need to be taught in their homes, and then they go to school and the parents expect the teachers now to do what the parents were supposed to have done.

"I do not question that the Representative from Kailua's children would have still achieved what they now are because for them to achieve what they are today, they would have made decisions along the way that would have still allowed them to attain the degrees and the levels of education that they have today.

"I believe that we need to create an environment where children can learn. This bill starts to attempt to do that. It has evolved from a bill that dealt with getting rid of the age of eighteen and making it sixteen. It is a different bill today. It is a bill based upon disruptive behavior, attendance that no longer allows a child to progress in his classes. It is a bill that makes sure that there's a plan for the child to receive education in some manner, and it is a bill that puts responsibility back on the parents. As a parent of four myself, I need to be involved, and if it takes legislation to force me at this point to be involved in the lives of my children and in their schooling, then I support that legislation.

"I ask my colleagues to look at this also. It is time for us to look at families and how we can create within our homes the type of environment where when our children go to school, we allow teachers to teach, and I don't live in a glass bubble, not realizing that there are many extenuating circumstances and factors that come into every single family -- poverty, violence, abuse -- all those things exist today. But, Mr. Speaker, we have to end asking our teachers to be the ones to deal with that. That's not what they're there for.

"Thank you."

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

"Mr. Speaker, by just listening to the debate, there seems to be a lot of misconceptions about this bill. Let me clarify this.

"One of the statements that was made was that HSTA and the Department of Education supported strongly the bill when it came to the Judiciary Committee. But that bill, the way it came out of the Education Committee, is to reduce the compulsory age from eighteen to sixteen,

which means we let those kids from within that bracket to have an option to get out. What the Judiciary Committee did is not to reduce the compulsory age from eighteen to sixteen; we kept it at eighteen. But we just started at age sixteen and above as a way to opt out just to solve certain problems within the schools.

"The second misconception that I have been hearing is that by coming up with this bill that came out of the Judiciary Committee, that we might be giving up on the kids. It's exactly the opposite. We are coming out with alternative programs before we let the kids go with the parents, the guardians, the teachers, and everybody joining in coming up with a plan.

"This bill is targeted to problem kids. It is also targeted to those with significant absenteeism, meaning those that don't really want to go to school, so the teachers will have more time to teach.

"I hope that based on what I have been hearing from the Chair of the Education Committee and the Chair of the Judiciary Committee, that they can still improve on this bill. In my mind, this is the best thing to do. We should not be giving up on our kids by changing the compulsory age from eighteen to sixteen, and I had to differ from a lot of my constituents as well as my colleagues that the best way to do this is to reduce the compulsory age from eighteen to sixteen.

"With that, Mr. Speaker, I strongly support this bill.

"Thank you."

Representative Santiago then rose and stated:

"Just a point of clarification. In talking about the testifiers, I was referring to the Education Committee and not the Judiciary Committee.

"Thank you."

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

Representative Ito's remarks are as follows:

"As a former Department of Education teacher, I spent 17 years in the classroom at Kalani High School teaching industrial arts, followed by another 7 years at the Honolulu District Office as a resource teacher.

"I saw firsthand the effects mandatory schooling up to the age of eighteen can have on both individual students and students as a whole. I would like to briefly summarize four major problems that take time away from other students in the classroom.

"The first is discipline in the classroom. Disruptions caused by problem students who do not want to be in school wastes precious quality time of students who want to be in school to learn. When time must be taken in the classroom to discipline students who are misbehaving, instructional time is lost.

"The second is chronic absenteeism. Students who constantly skip out of school take up extra teaching time to catch up with the rest of the class. Teachers should be spending this time to help students that do come to school.

"The third is that problem students take up much of the time of our school counselors. They end up trying to track down the students who aren't coming to school

regularly and don't have time for kids who come to school and need career counseling or help with other difficulties.

"The final point is that problem kids roam campus, forcing security, administration, and faculty to waste time rounding up these students to get them back in class.

"Mr. Speaker, this bill will only be used as a last resort after attempts have been made to salvage kids by putting them into different programs. After a school has explored all the avenues available, sometimes the bottom line remains that a few kids just don't want to be in school, and why should every other student be forced to pay the price for this? That is why I believe that this bill is necessary.

"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. 2380, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMPULSORY SCHOOL ATTENDANCE," having been read throughout, passed Third Reading by a vote of 42 ayes to 8 noes, with Representatives Hamakawa, Kahikina, Kawakami, Saiki, Santiago, Takumi, Tarnas and Yoshinaga voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1555-96 and S.B. No. 2487, 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. 2487, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OMBUDSMAN," having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Pepper voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1556-96 and S.B. No. 2548, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2548, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

Representative Marumoto's remarks are as follows:

"Hikers will be glad to find that Senate Bill 2548 will increase hiking opportunities as well as opportunities for other recreational activities.

"The measure will afford landowners who are required by law to provide access to recreational areas the same immunity as abutting landowners who are already provided that protection.

"With such protection, landowners will be more comfortable in providing access to persons who cross and park on their property. In my district, the Waialae Iki V subdivision residents will eagerly welcome people through their property who want to reach Bishop Estate land and State land for hiking, hunting, picnicking, camping and other recreational activities.

"Hawaii Loa Ridge, another private subdivision on the next ridge over, is able to require hikers to sign a waiver; however, the Board of Land and Natural Resources has not yet acted favorably to allow Waialae Iki V this same

privilege. Waialae Iki V, therefore, is vulnerable to potential lawsuits, and asks the Legislature for its consideration in providing them a modicum of protection and a feeling of security. The kind residents will continue to welcome the public through the neighborhood."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2548, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1557-96 and S.B. No. 2659, 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. 2659, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE AND GAME MANAGEMENT," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1558-96 and S.B. No. 3054, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 3054, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1559-96 and S.B. No. 3165, 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. 3165, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA DISCOVERY," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1560-96 and S.B. No. 659, SD 3, HD 2:

Representative Amaral moved that the joint report of the Committees be adopted and S.B. No. 659, SD 3, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"First off, I need to make it clear that I do want to make sure the lights stay on back home on the Big Island, and on the other neighbor islands. The bill, as it came out of the Energy and Environmental Protection Committee accomplishes this goal.

"There is one company that barges oil among the islands and they had no problem with the provisions that we put in, that they buy the maximum available insurance for their operations. They said they already carry the maximum available insurance and they will continue to do so. That company also had no problem with the sunset provision we included in the bill. That provision provided a way for us to review the situation in a few years, and sends a message to the utilities that we do want them to shift from the use of heavy fuel oil to the use of diesel because it is far less polluting if it does have a spill. Without the sunset provision, we lose that automatic leverage.

"So with these reservations in mind, I do hope the Conference Committee can try to address them, to improve the version that comes out to return to this floor.

"Thank you, Mr. Speaker."

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

"We addressed this bill two years ago and it had a sunset provision in it with the hope that things would be resolved so we would not have to extend it. The Department of Energy, DBEDT, nobody came forward with a long-range comprehensive energy policy plan, particularly for the neighbor islands.

"I don't want heavy oil shipped between the islands for energy development. I don't want diesel shipped between the islands for energy development. I want a long-term comprehensive plan that will take advantage of our natural resources that we have in all of our islands to develop alternatives to shipping any fuel oils.

"I support the bill and I support the dropping of the sunset provision because the last one didn't work. And at the committee hearing, I think we made it quite clear to both the Department of Health and DBEDT that what this House expected was for them to come back next year with a comprehensive, long-range energy policy for this House -- this Legislature -- to consider.

"This bill keeps the lights on until we can arrive at some sensible energy policy for all of the neighbor islands.

"Thank you."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 659, SD 3, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Santiago and Shon voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1561-96 and S.B. No. 2416, 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. 2416, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1562-96 and S.B. No. 2003, 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. 2003, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1563-96 and S.B. No. 2067, 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. 2067, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout,

passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1564-96 and S.B. No. 2125, 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. 2125, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE INSURANCE," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1565-96 and S.B. No. 2456, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2456, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Meyer rose to speak against the bill, stating:

"This bill seeks to provide third party reimbursement to advanced practice registered nurses and clinical social workers for certain mental health and substance abuse services.

"Because this bill mandates additional providers of health care services, it must have a financial and social assessment in keeping with chapter 23-51, Hawaii Revised Statutes. This law states:

'Before any legislative measure that mandates health insurance coverage for specific health services, specific diseases, or for **certain providers** of health care services as part of individual or group health insurance policies can be considered, there shall be concurrent resolutions passed requesting the legislative auditor to prepare and submit to the Legislature a report that assesses both the social and financial effects of the proposed mandated coverage.'

"Without some up-front assessment, there is no way to know the impact of this expansion of providers on the cost of health care in Hawaii.

"For this reason, Mr. Speaker, I would ask all my colleagues here in the House to take a more prudent approach and vote no on this measure until an evaluation by the Legislative Auditor has been completed and we can look at the assessed social and financial effects of such a mandate. Let's not jump the gun here. The State of Hawaii, through the Quest Program, is responsible for a great deal of health costs.

"Passing of this bill today without an adequate study could create real financial trouble down the road.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I have a legal opinion and, in fact, the study which the previous speaker referred to is not necessary in this matter, and I would be happy to share that opinion with the previous speaker.

"I would point out that we are not adding new services under this bill. What we are doing is increasing accessibility to these two services by providing that individuals who are qualified to provide those services are able to do so. We are not adding any new practice to

social workers or to nurses in this bill. We are simply saying, if you are already licensed to do something, it is reasonable that you get paid for doing it.

"Thank you."

Representative Ward then rose and stated:

"Mr. Speaker, I share the same legal reservations, that there should be joint or concurrent resolutions, particularly for certain providers of health care services. It seems rather clear that that would be called for.

"Now, if it's legally in step, I think the intent and the concept of this bill is fine. It is only that if it is not legally so, I think we should look at it very closely.

"Thank you, Mr. Speaker."

Representative Cachola then rose and stated:

"I am in support of this bill, and I also am concerned about the possibility of requiring a concurrent resolution and the possibility of increasing health care costs every time you add health care providers.

"However, if there is a need to pass this bill out, we should at least look into the matter of providing a sunset provision of this bill so that we can review the matter as we go along, in terms of giving health care providers the right to see patients like nurses and social workers to treat our needy patients like substance abuse patients and the mental abuse patients.

"With that, I support this bill, Mr. Speaker.

"Thank you."

Representative Meyer, in response, stated:

"Currently the law permits only physicians and, in some cases, psychologists to prescribe and supervise treatment and approve treatment plans for these services. Senate Bill 2456 will allow advanced practice nurses and clinical social workers to become primary care providers.

"My concern is that mental health and substance abuse problems are serious conditions that require fully-qualified practitioners to prescribe treatment plans that will truly address these medical conditions. I am not confident at all that advanced practice nurses and social workers have the qualifications or experience necessary to provide identical services currently limited to physicians.

"As far as an assessment, the Legislature has requested repeatedly that the Department of Health provide an evaluation of this mandate that includes its financial impact. Act 202, 1988 Session Laws, requested reports to the Legislature in 1991 and 1994. Act 111, 1994 Session Laws, which extended the sunset date of this mandate, requires reports in 1996 and 1998. So far, the only report created was in 1994; however, this report did not include any financial analysis.

"I repeat again, to be more prudent, we should not let this measure move forward. We should vote no.

"Thank you."

Representative Santiago then rose and stated:

"Mr. Speaker, just for clarification, a couple of things need to be clarified in terms of concerns.

"If an individual is concerned about the qualifications of the social workers or the advanced practice nurses, I

would like to explain that the qualifications are very stringent so that a social worker like myself, who is licensed in the State with twelve years of work in the field, who has provided clinical therapeutic interventions, would not qualify to be reimbursed under this type of legislation. I would need to get additional educational criteria, et cetera. These are the very top in the field of social work as well as in the nursing profession, and they are providing the service as it stands now.

"If the concern is about the financial implications, all of the studies that were presented in the committee hearing provided the states that have gone into this type of legislation showed a reduction in cost because we have some of the highest costs right now. Of course, there are psychologists and psychiatrists who provide these services. If social workers who provide these services at a much, much reduced price would be allowed to do this, then areas such as mine and areas such as Representative Meyer's would definitely benefit, as well as those on the outer islands, because we lack the services right there now.

"This is not just a bill that would provide for a profession. We're talking about people who are in need, who are not being provided with the services, because it simply does not exist, and I think we need to focus in on that portion and that intent of the bill.

"Thank you, Mr. Speaker."

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

"I agree with the previous speaker. I represent an area twice the size of this island with very little medical coverage and anytime that we can authorize advanced practice nurses to care for our people, whether it's no care at all, that is better than nothing. And every time we have a bill like this that comes along, I will support it.

"Thank you."

Representative Shon then rose and stated:

"Mr. Speaker, I would like to also support the bill and add some rather specific statistics.

"One of the definitions of a medically underserved area is one in which a physician to patient ratio is 3,000 to 1. In 1992 -- we haven't made that much progress since then -- in Puna on the Big Island, the ratio was 1 in 23,000 -- 1 in 23,000! The neighbor island districts altogether is 1 in 8,744. In Kahaluu, Oahu, it was 1 in 15,000.

"I think it is quite obvious that we need more progress in increasing care to these areas.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2456, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE BENEFITS," having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Meyer voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1566-96 and S.B. No. 2750, 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. 2750, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACISTS," having been read throughout, passed

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

Stand. Com. Rep. No. 1567-96 and S.B. No. 3160, 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. 3160, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1568-96 and S.B. No. 2737, HD 2:

Representative Amaral moved that the joint report of the Committees be adopted and S.B. No. 2737, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"My reservations on this bill fall into the category of, this is a good bill, but there are questions that remain to be answered that we will have to address in the future.

"Essentially, the problem that this bill seeks to address is this: When I receive a bachelor of arts degree or a master of arts degree, or a PhD, or any professional degree from the University of Hawaii, for example, I'm getting that degree from an accredited institution, meaning that that degree and the institution behind it have met certain minimum standards regarding governance, accountability, financial stability, program, curriculum, et cetera. And that means that the degree is worth something. It's worth something to the graduate who paid for it, his or her family, and it's worth something to the people that rely upon that degree in one way or the other.

"How many of us, for example, in our committee hearings, when a PhD was testifying before us, made at least some initial assumption of basic competence? I am not talking about the lawyers who testify before us -- let's just take the PhDs now. The observation is that the degree means something and, therefore, it has value and somebody else will pay for that value.

"Now, the problem here in Hawaii is that we do permit unaccredited institutions to offer degrees. We are one of a declining number of states that do that. The testimony was that there were roughly 80 such institutions now throughout the islands who are able, without regulation from the state, to offer these degrees although they are not accredited. The only standards are self-imposed standards.

"The testimony was very favorable in terms of some of those institutions, and so it's very difficult to generalize as to all 80 of those institutions if some of them obviously try very hard to offer a good quality education and succeed. The problem is that probably some do meet the true classification of 'diploma mill' where a student simply meets some very minimum standards and is awarded, for example, a PhD in the extreme.

"Now, why does this hurt Hawaii? Because I think it's a legitimate question that was asked during the hearings. Is anybody complaining? Is it somehow bad that we allow institutions to offer these degrees? Many of these institutions have now integrated themselves into our local economies, particularly on the neighbor islands, and that also offers an element of complication.

"The problem is that I think it devalues the degrees from the accredited institutions that we do have. For example, the University of Hawaii; for example, the University of Hawaii-Hilo; for example, the other institutions which have gone through the accreditation process and, therefore, offer something that they depend on and that we depend on, and I think that's something very important. I think it's also important that we not be perceived in the world as offering degrees that turn out perhaps to be not so meaningful.

"So I think this is a problem that we are going to have to address. I think we are going to have to impose some standards. I agree with the decision of the Chairs of the final committees on this that this is not the year to do it, and the solution fashioned this year, which is to provide further disclosure of non-accredited status on not just brochures, but also on diplomas and transcripts, is a wise one.

"But I just want to point out that I think we are going to have to confront this problem in future years, and I look forward to us all doing that.

"Thank you."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 2737, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS," having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Isbell and Ward voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1569-96 and S.B. No. 2773, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and S.B. No. 2773, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG PRODUCT SELECTION," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1570-96 and S.B. No. 2144, HD 2:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2144, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION EASEMENTS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1571-96 and S.B. No. 2330, SD 1, HD 1:

By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 1572-96 and S.B. No. 2772, 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. 2772, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRIBUTION OF CIGARETTES IN PACKAGES CONTAINING LESS THAN TWENTY CIGARETTES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1573-96 and S.B. No. 2992, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2992, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STADIUMS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1574-96 and S.B. No. 2532, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and S.B. No. 2532, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1575-96 and S.B. No. 2459, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2459, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY AMBULANCE SERVICE PERSONNEL," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1576-96 and S.B. No. 3204, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 3204, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1577-96 and S.B. No. 1738, 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. 1738, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1578-96 and S.B. No. 2227, SD 1, HD 2:

By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 1579-96 and S.B. No. 2758, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2758, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Kawanakoa rose to speak against the bill, stating:

"My concern and my opposition to this bill is the minimum requirement of net worth that a mutual benefit society will be required to maintain and actually to bring forward, or to bring with them into the market. To have

a net worth of one million dollars before you open your doors is a lot of money. I find that this may be very debilitating for many of the smaller companies that wish to compete in our island market, and as it is, we don't have enough competition in our mutual benefit societies.

"As this may stymie future businesses from moving West -- moving to Hawaii -- I am opposed to this measure.

"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. 2758, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading by a vote of 40 ayes to 10 noes, with Representatives Hamakawa, Hiraki, Kawanakoa, Saiki, Santiago, Shon, Takai, Takamine, Takumi and Tarnas voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1580-96 and S.B. No. 2848, 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. 2848, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH FEES," having been read throughout, passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives Anderson, Halford, Kawanakoa, Marumoto, Meyer, Thielen and Ward voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1581-96 and S.B. No. 2850, 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. 2850, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY WITHHOLDING OF FEDERAL AND STATE INCOME TAXES FROM UNEMPLOYMENT COMPENSATION," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1582-96 and S.B. No. 1234, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1234, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Pepper rose and stated:

"Mr. Speaker, I rise to speak against Senate Bill 1234, SD 1, HD 2, because it threatens rather than enhances the quality of health care we enjoy in Hawaii.

"Mr. Speaker, health care in Hawaii has been a model for the rest of the nation. Not only is Hawaii's rate of participation in health care insurance the highest among all states, but Hawaii's residents enjoy the best health in the nation. The foundation for our good health is Hawaii's Prepaid Health Care Act of 1974. As you know, this Act requires employers to provide health care coverage to qualified employees, but the bill before us threatens this Act.

"Some historical background may be in order here. Three months after the Prepaid Health Care Act was enacted by the State Legislature, Congress enacted the

Employee Retirement Income Security Act of 1974, known as ERISA, which prohibited state regulation of self-insured employers. Following years of litigation and efforts to exempt the Prepaid Health Care Act from the provisions of ERISA, a waiver was enacted by Congress in 1982 which, at that time, gave legal status to our Prepaid Health Care Act of eight years before.

"However, the exemption specifically prohibited implementation of any substantive amendments to the Prepaid Health Care Act. This effectively froze the Prepaid Health Care Act in its original form as a matter of federal law. Since then, minor modifications to the Prepaid Health Care Act have been made, but the bill we have before us proposes changes that are so significant that the possibility of losing the ERISA exemption and, therefore, losing the basis for a universal health care insurance in Hawaii is very real.

"Let me share part of the testimony of the Department of Labor and Industrial Relations on this matter. They have expertise in this area because it is their responsibility to review health care plans and to determine whether the coverage offered by these plans is adequate. The Department of Labor and Industrial Relations has testified that the bill may result in a substantial change in current standards for evaluating health care plans and may, therefore, jeopardize Hawaii's ERISA exemption.

"In addition, according to the Department of Labor and Industrial Relations, the bill before us may violate the provisions of the Prepaid Health Care Act because it does not clearly indicate the employer's contribution into the medical savings account.

"Mr. Speaker and colleagues, the Prepaid Health Care Act is one of the main reasons for the good health we enjoy in Hawaii. Since so much is at stake in this matter, I believe we should take the conservative route and first be certain that any legislation that we pass does not threaten the Prepaid Health Care Act.

"Furthermore, I believe that medical savings accounts will push back the advances we have made in recent years in the area of preventive health care. For example, practices such as immunization and prenatal care for expectant mothers result in better health and reduced future health care costs. These are typically covered by health care insurance, thereby encouraging people to receive these services.

"With medical savings accounts, individuals may opt not to receive these services under the mistaken belief that they will be saving money for themselves. In this regard, they are penny-wise but pound-foolish, and I might add that it's bad enough when an adult chooses not to get care at an early stage in their illness or preventive care, but it would be unconscionable for an adult to decide that a child did not need that care and to make that decision primarily on the basis of cost. I believe that the State has a responsibility for ensuring a minimum level of health care for everyone.

"Another concern that I have about this bill is the routing of this bill in the House. Mr. Speaker, this bill was apparently seen as primarily a labor issue because it is my belief that the intent was to look at the possibility of this kind of insurance -- medical savings accounts -- for workers' compensation and perhaps the concept does make some sense for workers' compensation. As a result, neither the Health Committee nor the Consumer Protection Committee was a part of the decision-making of this bill. I wish it had been otherwise. Frankly, I wish I had been more vigilant in realizing that this was a significant health issue beyond workers' compensation.

"In conclusion, Mr. Speaker and colleagues, this bill should not be approved because it discourages people from receiving preventive care, it discourages people from receiving care early in their illness, and above all, it threatens the Prepaid Health Care Act. In doing so, it threatens the very foundation of the good health we enjoy in Hawaii, and our reputation throughout the country as the Health State.

"Thank you."

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

"The medical savings accounts are presently being debated in Congress because there is a great deal of support for the concept. It is a part of the Budget Reconciliation Act and is expected to be passed this year.

"I think it is important for everybody to know that the medical savings accounts do not detract or diminish the coverage for the injured. . .this is the prepaid health plan part. There's two portions to the bill -- the prepaid health plan and the workmen's compensation.

"Under the prepaid health plan, the insured is still going to be receiving coverage. The only difference is that a part of the premium will be put into a medical savings account so that the individual will be able to go to the doctor of his/her choice and to receive the immunizations for the babies. They also can get eye glasses, get their teeth repaired, get hearing aids, anything having to do with the Medical Care Act.

"Under the present Medical Care Act, some of the providers of insurance do not even cover an employee or a person's physical examination which is very important for the prevention of illness. I think that before we get excited about how much this bill changes the system, we should look at how much it helps the system.

"Finally, there is also an opportunity in here to get people to not go to the emergency room for every little thing that happens which has been a real problem for our hospitals. When individuals go to emergency rooms, it cost a lot of money and for those people who have a prepaid health plan, I can tell you that most of them do not even know how much it cost the last time they went to a doctor. Because they figure, well, it might be a little co-payment but the doctor's bill goes to the provider of the insurance.

"I think that it is also very important to note that the medical savings accounts are an incentive for people to try to take better care of themselves. For those people who are smokers, they will probably start to think about their health first. For those people who are maybe drinking a little bit too much, they might start thinking about how much it's costing for that. Perhaps, in the long run, this will help people to start taking better care of themselves.

"Mr. Speaker, the medical savings account concept was used for the workmen's compensation part of the bill. And it is important for everyone to note that this is an incentive for people to try to keep from being injured in the work place. It provides for medical savings account in a trust in the State of Hawaii or in any federally-certified institution. The employer puts money into that account and as the account grows, the employer's contributions are lowered. At the same time, the worker -- the employee -- is given the opportunity to see an account grow in his name which he can use at a later time. There is more details on it but it you read the bill, I am sure everybody understands that.

"So I think it is really important. The thing that bothered me was that the biggest complaint about this was that there will be a disincentive for people to claim they are injured. Now, I thought about that and I said -- how could anyone not admit they are injured if they are really injured? But if that's a disincentive, perhaps the injury wasn't so bad after all. But I would think if a person really was injured, he would want to seek help and they would seek help. It's just that now the employer and the employee form a partnership and try to do what is best for both of them, and they have some control over this instead of a third party insurance company.

"There are no diminishments of providing care under either plan, and that is really important to note. Under the prepaid health plan, the employer is required to provide that care. Under workmen's compensation, the same is true. So I would ask that you all look at this very carefully. It is unique. It is something that is going to become more and more popular as time goes on. I know there is always a hesitancy to try something new because nobody else has done it. But I think you should all know that there are eighteen states that now have a medical savings account plan in various forms. We just happen to be one of the states that have put ourselves into a prepaid health plan that's very, very expensive. It may be a model for the United States but it also put a lot of businesses into bankruptcy, as well as the workmen's compensation premiums that we pay. So if there is some way to lower it and still provide the coverage, we should be looking at this as an advantage, not as something to be frightened of.

"Mr. Speaker, I ask that all of my colleagues look at this very carefully, put yourself in the position of the insured, and if you feel that you would not have the coverage, then vote your conscience. But I think if you look at this, you will find it very unique. It's an opportunity for you to do something that's courageous, that's different, and its far-reaching implications that will lower the cost of doing business in Hawaii.

"Thank you very much, Mr. Speaker."

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

Representative Shon continued, saying:

"Mr. Speaker, one of the things that is troubling about this proposal is that it is part of a growing fragmentation of our treatment of health care.

"If you look back several years ago, we had a vigorous School of Public Health, the Health Department was the leader in developing new ideas, the SHIP Program came out of the Health Department. In the last few years, what you've seen is that the Department of Human Services captured the gap group health insurance away from the Health Department and for all of the Department of Human Services' good intentions, they are basically a group that counts the money and disburses it rather than provide health care services.

"And that orientation of Medicaid, HICFA-type organizations in health is dramatically different than public health organizations, and so with the shift from SHIP in the Department of Health to Quest in the Department of Human Services, we saw a major diminishment of the public health agenda. We've also seen the School of Public Health barely hanging on, where a lot of leadership in health prevention has emanated in the last several years since statehood.

"Even in the last three years, in this Legislature, we now look at health care not as health care, but, well, this is workers' compensation health care so we see it through the eyes of labor. This is auto insurance health care so we see it through the eyes of auto insurance.

"But the fact of the matter is that until we begin to see health care in a holistic system, regardless of which insurance mechanism that it may be delivered by, until we do that, we are going to further compromise integrity of the system which, at least until a few years ago, was something like one-third the cost of health insurance as it was on the mainland. Those companies who would always want to provide health insurance, whether or not we had prepaid health care, found that they got a great deal in Hawaii because everybody was in the pool.

"I think one of the troubling issues about savings accounts is that it takes money away from the health care pool and isolates it for individuals, and so the management of preventive services and others is compromised. It may very well be for this or that individual, an idea like this will work. But I ask you, are we really sure that our health care system is not being shredded in the name of, well, here's a good idea, here's a good idea, here's a good idea? The fact that this bill did not even go through the Health Committee is. . . I don't know what that says. I think it says, we don't think of it as health. We don't think about the entire holistic health care system which has been our strength. It has been our strength.

"So I would urge, if this bill moves on with the others, that perhaps we should begin to think about a more holistic approach and try not to fragment it as much.

"Thank you."

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

"Mr. Speaker, earlier I spoke of a paradigm shift and clearly with this bill, I think we probably made the biggest contribution to health care in the State of Hawaii for the past decade, if not even longer. Why I am saying that is that we have a system of health care that is not only in trouble nationally, but it is locally. We have a system where we give a piece of plastic and we get whatever we want. Some of us in this room are paying probably \$300 to \$400 a month. At the end of the year, we get back nothing.

"This bill, the genesis of it and the simplicity of it, is that the structure of the incentives to take care of yourself are there in such that if you do, you get rewarded with the money that is not being used.

"Now, I would disagree with one of the previous speakers who basically implied that people are stupid -- they won't take care of themselves because they want the money. I think that denigrates the intelligence level of the public. I think it denigrates what otherwise is the structure of the human incentives.

"The reason why the medical problems that we've had in the United States are such is that the human condition or the human structure -- the incentives -- have never been matched up with the system. And the parallel of that is why communism fell, Mr. Speaker, because the incentives to do a good job -- you get paid the same if you did a bad job, and the Russians have told me face-to-face that's why they fell. There was no structure of incentives to do for Mother Russia what was good for Mother Russia. The structure of the incentives here to stay healthy is very apparent -- take care of yourself. If we jog, if we do things that lessen our chances of disease

or illness, it's saying -- hey, you keep the money. If you want to retire, put your kids through school, you want to go to private whatever, vacations, you can use this money.

"I'm going a little bit beyond perhaps this bill, but the concept of medical savings account is so innovative, so American, if you will, that I am appalled that something new gets such a -- we're not ready for this yet. And I admit that, and I think the author admits there's a bit of a Rube Goldberg machine to get this thing implemented. Some of the agencies are still finding out how to make this thing happen. It needs to be worked out. But the concept of the incentives for people to take care of themselves -- what more would a nation want to do? And what more could Hawaii do that pioneered this, to experiment with it, and get a healthier and a richer people out of it? It's a no-brainer.

"Lastly, Mr. Speaker, two-thirds of us in America are overweight, and I would say, here's an incentive to slim us down.

"Thank you."

Representative Pepper, in rebuttal, stated:

"This discussion has convinced me that what I considered a minor part of my speech was in fact the major part and I need to highlight it now for my colleagues, and that is the process that this bill has undergone in the House of Representatives. This is, in fact, a serious change in health and in health insurance. It needs to be reviewed by a health committee. It needs to be seen in terms of its consumer protection issues.

"I can't count on this bill going to conference. I rather suspect that the Senate will like the bill as it comes over from the House and will accept it as it is, and we will never get the opportunity in the House to review this in terms of its health issues and in terms of its consumer protection issues, and I think that we must do that. I would, therefore, ask my colleagues to vote against this bill at this point.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1234, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL SAVINGS ACCOUNTS," having been read throughout, passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Garcia, Pepper, Shon, Takai, Takamine and Takumi voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1583-96 and S.B. No. 2662, 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. 2662, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENTALLY DISABLED," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1584-96 and S.B. No. 2522, 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. 2522, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HOSPITALS," having been read

throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1585-96 and S.B. No. 2900, SD 2, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1586-96 and S.B. No. 3012, SD 2, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 3012, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"There was an earlier bill something like this on which I raised some reservations, and in this bill these provisions have been put in to eliminate the requirement that the State and the counties make monthly contributions to the Health Fund for employee-beneficiaries or dependent-beneficiaries who are covered by another health benefit plan or a spouse's health benefit plan.

"At that time, I raised the issue of -- what about Medicare? Well, I would like to thank the Chairs who worked on this bill, for amending that original concept and making Medicare exempt. But I would ask that in conference, that they please look at adding a few more words which would say -- or supplemental health care plans such as the Medi-plus kind of policy. Otherwise, I think this bill will run into some snags and that people will be hurt by this when originally that was not the intent of the bill. It was to keep people from getting double benefits for which the State was providing the money on both cases.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3012, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Stand. Com. Rep. No. 1587-96 and S.B. No. 3110, 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. 3110, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Kawanakoa and Meyer voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1588-96 and S.B. No. 2304, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2304, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Arakaki rose to speak in support of the bill, with a few reservations, stating:

"I support this bill because it allows for a continuing open-ended discussion on the need for and the degree of limitations on eligibility for general assistance.

"I want to thank the Chair and members of the Finance Committee, as well as the Human Services Chair, for their willingness to continue the dialogue in the face of the State's revenue shortfalls. Let me also say that the Chair of the Finance Committee is not the hardhearted Grinch or Gingrich of the State House. In fact, the size of his heart is only exceeded by the width of his shoulder upon which we have placed many of the difficult financial decisions of the State of Hawaii. Still, he and many of my colleagues might wonder why I continue to speak with such passion on an issue that seems to run counter to a growing public sentiment against those who are on public assistance, and at a time when government resources are shrinking.

"My passion has much to do with the statement you made yesterday, Mr. Speaker. It was a statement that should hit all of us here like a ton of bricks about the magnitude and effect of our decisions. And you said, Mr. Speaker, whether we realize it or not and whether we like it or not, we make life and death decisions here -- life and death decisions. And just look at your agenda and ask yourselves, how many of these decisions will mean someone's life or death? Regarding these life and death decisions, perhaps because I realized it early in my legislative career that we do make these decisions, that I speak to the urgency of providing for basic needs of our citizens.

"Many of us would never support the reinstatement of the death penalty, but for some of the general assistance recipients, terminating benefits will mean hopelessness and despair. Realizing the harsh realities that many of these recipients are mentally disabled, some may choose death rather than despair. For others, we may provide a fate worse than death, taking away what little dignity and independence they have and force them to the streets, the beaches, or in institutions.

"These are life and death decisions, and it is not my intent to lay guilt trips on all of you. After all, the numbers who may die as a result of our actions will probably be very few, if any, and they represent the extreme end of a spectrum. At the other end which lies those who will abuse the system for their personal gain, it would be unfair to characterize the results of our actions with people committing suicide enmasse, just as it would be unfair for people to characterize public assistance recipients as able-bodied cheats who leech off the public trough. The fact is, most of the four thousand who will lose their benefits as of June 30th fall somewhere in the middle. They are people who are generally disabled, who want to remain independent, but must rely on supports to provide for basic needs, the most pressing of which is housing.

"Our State is again being schizophrenic with one hand forcing homeless people off our beaches, off our streets, while the other hand takes away one of the few means they may have to find a legitimate home. And, yes, they will retain their food stamps and health insurance, but what good is healthy food and health care if you're forced to live in unhealthy conditions?

"There comes a time when we must all be held accountable for the decisions we make, especially when it involves these life and death decisions. We cannot hide beneath the budget shortfall because that cover is filled with holes, and people see us considering funding promotional baseball leagues, or tax credits for sole source providers. Tell me, are these life and death decisions? Why is it that we have a government housing

corporation with over a billion dollars in assets that spends miniscule amounts for the homeless and the disabled? It all boils down to priorities, and for me and I hope for many of you, those life and death decisions that affect the dignity of how we want to see our people live must come first.

"Thank you, Mr. Speaker."

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

"My concern is for those people who have permanent long-term disabilities who may fall through the cracks. They may not qualify for the SSI federal assistance, and we will be cutting off their benefits at some undetermined time from the State. I know that we don't have the money appropriated for unending support to these people, but by cutting off their benefits, they will lose their rent, in many cases, and may be put out on the streets.

"The increase in costs to the State from the increase in disabled homeless people may, in fact, be greater than what we're paying now. I encourage the Conference Committee to consider these points in their deliberations.

"Thank you, Mr. Speaker."

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

"I want to thank the Chair of our Finance Committee and the members of Finance, as well as this body and the Senate, because I know there is a lot of effort to try and find moneys to provide for those most in need, those that are physically and mentally disabled, that rely on general assistance for rents and for other basic necessities.

"As Chair of the Human Services Committee, I gave prior concurrence to our Chair of Finance to leave blank or to amend the bill as it passed out from Human Services to Finance, to leave blank the time limit on which we would provide general assistance to recipients, and this was prefaced on the understanding that we would not go in less than a year's time in assistance. And the Chair of Finance advised me that with this kind of blank in the bill, that that would give us flexibility over the conference table to negotiate the possibility of even extending for a longer period of time of assistance the General Assistance Program to recipients. And I really thank Chair Say for that flexibility.

"I also would like to acknowledge the Strength Coalition, the advocates in the Department of Human Services, because they, too, have been great supporters of the General Assistance Program for our disabled individuals in Hawaii. And to the extent that they can provide their expertise in tightening up the eligibility so that we can assure that we help the most vulnerable in our State, I really appreciate that help. And I also thank the Department of Human Services and the Legal Aid Society because they, in fact, hopefully will be assisting a number of people on General Assistance who have been denied SSI assistance, which is the program which the federal government funds for permanently disabled individuals, to try and get more of our Hawaii people that assistance for their permanent disabilities.

"With that, Mr. Speaker, I support this measure.

"Thank you."

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

"As has just been stated by the previous speaker, the Chairperson of the Human Services Committee, to whom I have a tremendous amount of respect for all the hard work that she has put into all of the issues that have come forth, probably some of the most difficult issues we've ever had to face. There have been a lot of people that have participated in this discussion, and I commend the Chairs of both committees, including the Finance Committee, for giving us a shot at this.

"The only point I wanted to make, and I will be brief, is that the question has come up -- can we afford the additional funds that will be necessary to continue on to help these, the most vulnerable people of our society? I think the question really has to be -- can we afford not to? Because in speaking with the people from the Strength Coalition, it has been shared that the cost to society in the long run will be tremendous when we begin to see the effects of these individuals, many of whom, through no fault of their own, do require our help.

"And I am hopeful that as it goes through the Conference Committee, and I am confident that with the leadership of the Chairman of Finance and the support of the members of this body, we will find the money.

"Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I think it was very moving, very impassioned, on his part to speak as he did, and with the seriousness of some of the things that we do do could be life and death. But if there is death, on whose hand is the blood? Whose decision is it to unfund the needy and the vulnerable? Whose decision is it to prioritize what is being done by this bill?

"And I know it was jokingly meant about the Grinch and the Gingrich that was suggested to, but I don't think the federal Newtonian or Newt Gingrich has anything to do with it. You know that, and you know that this is a decision by the Majority to unfund these individuals. You know it is the decision of the Majority to, as we talk later about OHA, to unfund; as we talk about later, the University of Hawaii.

"I know I am going to get out of line, but once we know where the responsibility lies, Mr. Speaker, that's what I am trying to clarify. On whose hands are these decisions in? Because it is not a mystery as to what's being done, and I think the public knows this. But what my real question and my reservation are -- on what basis have we made this decision to hit the vulnerable and the weak?

"Again, I call for what was earlier, not intuitive but objective prioritization of what we're doing in government; not intuitive but objective measures of what we should do by putting our money in places. And the impassioned speech by the Majority Whip reminds us that -- hey, we may have some misplaced priorities, and we may have to be able to justify why we're doing that, and I know the easiest thing is to escape to the federal level but, you know, we just know it ain't so.

"So, Mr. Speaker, objectification of government and its decisions, not just warm and fuzzy -- well, the money was there, we just took it away from them -- and if it happens, as he says, if these people are going to end up more homeless, more of a burden on the system, we would have been very penny-wise and pound-foolish by what we are doing today on this bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2304, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Shon voting no, and Representative Chang being excused.

Stand. Com. Rep. No. 1589-96 and S.B. No. 2485, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 2485, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Halford rose to speak against the bill, stating:

"Mr. Speaker, this bill combines the ideas of two previously passed bad bills into one terrible bill. I spoke against and voted no on each of the previous bills.

"We addressed the furlough issue before. Using furloughs to save money is bad management. It's bad for the public who seek services from government. It's bad for public employees who expect full pay to use to take care of themselves and their families. It is an inefficient policy approach, an arbitrary, one-size-fits-all program, to solve overspending by the State.

"This simplistic bill gives no consideration to what the department, agency, or program is doing. For our educational institutions for example, clearly, someone must be paying attention while students are present, so this bill must necessarily mean we will furlough educational personnel during spring, summer, Xmas vacation, or holidays. That means simply, in this case, it is a pay cut only, not a furlough at all.

"At hospitals or patient-care facilities, some categories of employees are already working overtime because of shortage of qualified personnel. In Section 3 of this bill, department heads specifically are prohibited from permitting overtime pay or increased work hours to make up furloughs. Who then will care for the patients? Furloughs obviously cannot work in these situations.

"Rather than an awkward, harmful, across-the-board approach to reducing the State payroll, we must identify what functions or services are least important, that we can live without, or can postpone or delay, eliminate or put off those functions and services, transfer those employees into positions that become vacant by retirement or other natural attrition. Let's use attrition to avoid hurting any workers, and let's eliminate the least important programs to avoid hurting the public. We can reduce payroll costs in a win-win mode of operation.

"With respect to the payroll lag, no matter how anyone tries to explain a way, the bill provides that the Governor "may allow a one-time once a month payroll payment to all public officers and employees to effect a conversion to after-the-fact payroll."

"The bill does not say there will be a gradual transition or phasing in of an after-the-fact payroll. The one-time once a month payroll to effect conversion to after-the-fact payroll would have a devastating effect on those families suddenly missing a paycheck, especially those living from paycheck to paycheck. Also, it would have a depressing effect on Hawaii's economy that month -- \$47 million I believe.

"While many proponents of this bill intend the lag to be about fifteen days, the bill does not specifically say how much pay lag there will be. In the private sector, labor law provides for no more than seven days of lag. This bill provides no guidance or limit at all upon government.

"Mr. Speaker, as presently drafted, this bill injures people, both those providing services and those receiving services. It diminishes the effectiveness of good programs and does nothing to address cutting back the least important government programs. It does cut all State employees' pay and does cut all State employees' work.

"Since the combined goal of this bill, through furlough and payroll lag, appears to be to cut ten percent of payroll -- ten percent of each worker's pay -- let's use attrition as the best approach to spending cuts.

"Thank you, Mr. Speaker."

At 2:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:38 o'clock p.m., Representative Say rose to speak in support of the bill, stating:

"It's been a great afternoon and morning as far as the discussion we have had on the floor. What we've all heard in this overall economic financial crisis that we have before us, and I can respect all of the measures and presentations given by our fellow colleagues.

"Mr. Speaker and members of this House, this particular measure is a companion measure that we did pass to the Senate in trying to address our \$250 million shortfall that we are now seeing. Yes, last month the Council on Revenues did revise the Council's projections with an increase of \$50 million, but in talking to the analysts of the Finance Committee and Budget and Finance, the Council on Revenues double-counted a particular \$20 million in the non-tax revenue area, so in essence, we have a \$30 million increase in our general fund revenues.

"Mr. Speaker, the furlough program, I believe for all of us here and the people of the State of Hawaii, is just one alternative in trying to address the budget shortfall. It is not the panacea or the answer to our financial problems, but it is a tool that could be utilized by the administration on behalf of balancing the State's financial crisis that we have here this session.

"The payroll lag, I think most of the members of this House and the Minority agreed when the measure passed as a separate measure and it is held right now, as far as I can recall as of this afternoon, in Ways and Means. That particular measure would have saved the State, or deferred the State's salary payment of about \$47 million until the individual employees do retire. This is in regards to the payroll lag, and we had a discussion, Mr. Speaker and members, when the Minority called a recess, that it was for a total of seven days. I believe the Minority Floor Leader and the Minority Leader agreed with us on that particular note.

"These two measures are part of House Bill 2800, HD 1, overall financial plan in resolving our budget shortfall. It is just a tool to be sending it back to the Senate to take these two ideas or concepts into conference. I don't know what the Senate has proposed in trying to balance their budget shortfall, but for my neighbor island colleagues, for whom I am very much concerned about and also our Oahu colleagues, the Senate position, in regards to the counties TAT, I think we have all read in the papers, they have kept it at \$70 million which is not what the House has proposed.

"This is just one example of the differences that the House Finance Committee will be going into conference in trying to address the budget shortfall. I don't know, Mr. Speaker, in reference to the budget, where the 1,400 employees that will be laid off, I don't believe the 1,400 are all vacancies because if it is vacancies, I can say this to all of you -- the Chair of the Finance Committee was irresponsible in the creation of the biennium budget, and I take full responsibility.

"Members on this floor, during the past four months, have been faxed, have been given telephone calls, have been sent letters and correspondence, in regards to all budget cuts that are happening, Mr. Speaker, throughout the State departments.

"The plea this afternoon, in regards to General Assistance, is one that the Finance Committee listened very carefully, humanely and compassionately. Other measures that will be coming up will be trying to address not this year's budget shortfall also, but for the next biennium, in trying to educate the members of what we passed as far as legislation of the past that has caused us to spend general fund resources for all programs that are out there.

"So, Mr. Speaker, I take it very frustratingly when the previous speaker talked about furlough hurting the State employees. The furlough measure here before us is just, at this point in time, which I have told the Majority caucus, enabling legislation if the executive branch and the Governor want to implement it. Most of the Finance Committee members recognize that the twelve days is just for discussion purposes, and the Senate killed the bill in regards to furlough.

"During our hearings, Mr. Speaker, there was a conflict of opinion in regards to whether the furlough can be implemented right now. The union representative that the Finance Committee members heard said, no, it had to go to the Hawaii Public Employees Relations Board. The Deputy Attorney General said, as far as management, maybe yes. But last year, with the support of the Majority caucus, the furlough program was one idea introduced when we heard about the budget cuts that were coming down as a proposal from the Executive Branch. And what has transpired during these past seven months really, I don't think, Mr. Speaker, if there is any discussion between management and the unions, I don't think this measure should be passed out in conference also if there is that negotiation going on.

"Secondly, Mr. Speaker, this measure, as far as its original draft, dealt with the County of Kauai which requested that employee benefits be preserved. Maybe the counties will be furloughed, I don't know, Mr. Speaker. But that was the County's initiative in regards to preserving employee benefits, rights, and privileges. We have gone one step further for the members of this House in seeing that if furlough is enacted, there shall be no layoffs of State employees which the Chair of the Finance Committee is very much concerned about. State employees that are working right now are very much concerned and frustrated in regards to getting a pink slip and then the pecking order of who gets bumped. In reality, it will probably be the youngest one that just started a state job with the state government; a young family, like all of us here, who may have a mortgage to pay, who may have bills to pay on behalf of their families. I, for one, Mr. Speaker, and my wife will be hurt, but I am willing to hurt for those twelve days if the Governor ever enacts a furlough for twelve days. Both Cora and I will take those twelve days. I am not afraid of the sacrifice we have to make on behalf of the programs all of you feel are worthwhile.

"And, Mr. Speaker, this is just one tool out of the six to eight that the Minority Caucus and the Majority Caucus got to see ... the different proposals tied to the financial plan. And so, members, I ask for all of your support in regards to this measure because, in the final analysis, it may never come out of conference if there is a disagreement by the Senate. But, as I warned all of you, if it doesn't come out, we may have to agree with what the Senate has proposed also with the \$100 million package that we have here, as far as HUD, taking away the TAT from the counties, and other measures that I haven't seen, in trying to address the budget shortfall.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I appreciate the comments of our Finance Chair and understand the dilemma that he is under on this, and it is a dilemma I don't think any of us wish to be placed under. I don't know if this is the best way to go -- that's my reservations.

"But for the first time this past Saturday at a soccer game, a good friend of mine came up and told me that he lost his job as a State employee, that he was bumped and the guy that bumped him had like six months more of seniority, so he no longer has a job. That changed my way of thinking.

"You know, all the telephone calls and the faxes that I am receiving from the State employees about this ... faced with the situation of losing your job or taking a cut in pay, most people would choose the cut in pay. And again, I don't know if I support that; I don't know what needs to be done. I know our Chairman needs to be able to go in and sit at that table and be able to work things out. He needs to have something in his back pocket that he can deal with. I don't know if this is what this is for as I don't sit on the Finance Committee, but I know that people lost their jobs and many of us here I don't think understand that. We read the numbers but we don't see the bodies. We don't talk to those who have actually lost their jobs and are no longer able to provide for their families.

"So the measure that is on the table places us in a position where we have to deal with the shortfall as something that is real. It is not something that we just debate in these chambers and behind these doors. And after talking to a warm body who has lost his job, it gave me a totally different perspective of this issue.

"Thank you, Mr. Speaker."

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

"I am going to support this bill because we really are between a rock and a hard place concerning how we make up the millions of dollars in shortfall that we are concerned with. As one who has voted against proposals to increase taxes and against other revenue-generators such as gambling, I admit that I haven't helped to lead many options available to the Finance Committee for making up the difference between the revenues that we have and what the current cost of government is.

"I can appreciate that this furlough idea is one of the few options available to the Finance Committee; however, Mr. Speaker, I do reserve the right to vote against this furlough on Final Reading should I find that we have not done all that we can to reduce government programs and eliminate positions as a way of balancing the budget.

"While this is more the Senate position than the House's, I have to admit to a preference for this approach over the furlough, and I would ask the conferees to look again at other means of resolving the shortfall.

"Thank you."

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

"I am going to vote for the bill but I would like to express my reservations about it.

"I can support the payroll lag because I do have a pension from the Department of State in Washington, D.C., and my payroll lag is one full month. Although I am due to have my pension on the first of the month, I don't get paid until the end of the month, and that is what you call a real payroll lag, and the motivation for that is exactly the same as in this bill. Because of the high cost of living, it forces me to find another job and that is the reason I am here.

"On the furlough itself, I think logic would say it is much better that we all suffer a little instead of having a small minority suffer all of it but, nonetheless, I think it gives us a great deal of misgivings and pain because we know of individuals and circumstances whereby it's going to be somewhat difficult, if not very difficult. And for these reasons, I cannot articulate any better than what has been said here by other speakers and I share the misgivings, and I would like to revisit the whole issue at the appropriate time.

"Thank you, Mr. Speaker."

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

"As was mentioned by a former speaker from Maui, two wrongs don't make a right, two bad bills jammed together don't make a good bill. You know, I voted against both these measures at a prior discussion, and I think what we're doing here is we're doing a little more than taking a Band-Aid approach to our budget deficit. Rather than bringing forth a real solution that would be aimed at truly resolving our budgetary shortfall, and it's going to be repetitive, but the purpose of this bill is to mandate a government-wide furlough of twelve days and authorize the Governor to institute an after-the-fact payroll lag payment basis.

"You know, all we're doing is, we're simply putting off our problems to another day. The furlough cannot continue. I can't imagine people continuing to have their work experience furloughed in tough times, and what does the decision do for us? It simply puts off until a later day when we need to decide today, I believe, and what decision is that?

"Well, we only need to look at the private sector, Mr. Speaker, both nationally and locally, where thousands of workers have been laid off because their companies, when faced with a sagging economy, falling revenues and bloated expenses, they reduced, they cut back, they downsized, they rightsized -- call it what you might -- but they had to meet the realities and address the causes of the problem.

"The real problem we face is that there simply are too many state workers -- period. If government is too big for the state dollars we have, how should we deal with this? Once again, we can look to the private sector for clear examples of leadership. Very few corporations, facing a tough economic environment, have leaders who

decide that instead of making the necessary reductions, painful as it may be, that they would instead burden all workers, both the necessary and unnecessary, hardworking, less than hardworking, competent and incompetent, as is suggested by this measure.

"Now the private sector leaders make the hard decisions. I think it is most important that they identify their core mission and their core function and they trim. They trim their operations and whatever is or was unnecessary and wasteful, and that is what we must do. We need to reduce the number of government workers by identifying our state government core functions and doing away with everything else that is outside of what the public requires and what the public truly needs.

"Instead of discussing the possible payroll lag and the furlough program, we should be contacting and contracting with an independent and objective auditing and consulting firm to advise us on the objectives and performance of every government department and agency, which will result in a clear and apparent decision-making process that ultimately defines government for what it is and what it is not, and most importantly, what it should be. What is also apparent is that it makes no sense to penalize everyone because we simply lack the courage to make the tough decisions and cut government spending when necessary. But that is what Senate Bill 2485, HD 2, proposes to do. Because of this; Mr. Speaker, I will be voting no on this measure.

"Thank you."

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

"Mr. Speaker, this bill proposes both a payroll lag and a furlough program. Instead of forcing us to divide state programs into what is necessary and what is not, this bill penalizes all state programs and employees by refusing to do the right thing and cut state government where necessary.

"How long are we going to play these games? We need to stop these attempts to balance the State budget on the backs of all State workers simply because we lack the courage to say, 'This program is essential, this one is not.'

"Mr. Speaker, this bill makes no attempt to determine the necessity of programs and workers. It classifies every State worker in every State program as equally important to the public.

"From 1986 to 1994, government grew by 20 percent while our total population grew only by 8 percent. Spending has outpaced State revenues for the past five years. We are currently paying, on average, 42 percent of our incomes in taxes. We have the second highest tax rate in the country. This is the cost of rampant government growth. Now is the time to identify and eliminate government programs which waste our tax dollars. Our administration and we legislators need to address the issue of fiscal crisis where it begins -- in our overgrown public sector.

"This is why I cannot support this bill.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, to trivialize what we have gone through over the past few years as a lack of courage is insulting, I think, to us all. We have made many cuts and, yes, in

the future I don't doubt but that we will make more cuts, but for now we stand at this line, saying we would rather not cut any more State workers, Mr. Speaker, saying that if we can share the burden that we are under right now, we would rather that than to put more State workers out of work.

"That is the philosophy that we have, that is the philosophy that we share, that is the philosophy that we are committed to, and I ask you, please members, to support this measure.

"Thank you, Mr. Speaker."

Representative Ward then rose in response to the Majority Floor Leader, stating:

"Mr. Speaker, I don't believe efficiency should be equated with cuts. I don't believe that economies of scale should be equated with slash and burn. I don't believe anything that is effective economically has to do with any philosophy of keeping people who are doing the job that they are paid for. Let us be very frank, Mr. Speaker, there are people within this government who are laughing at us and the leaders of their departments for the inefficiencies -- the featherbedding -- and, if you will, the incompetence that is allowed to be perpetuated.

"We are not talking about cutting for the sake of cutting. We are talking about efficiency, we are talking about prioritization, we are talking about the way that the Congress, when it did take over in 1994, said, let's get Price Waterhouse in here and show us what works and what doesn't work, and let's eliminate that which is bad and keep that which is good. There are some departments, Mr. Speaker, that should have their budgets doubled. There are some, of course, that should have their budgets cut.

"But what we have before us today ... we've got a lunch menu -- it's ala carte. We can go from \$47 million for a payroll lag. You can choose furloughs for \$60 million; tax credit repeal for \$27 million; and annuity tax, you get \$2.8 million; a pension tax is still blank -- we haven't given that a price on the menu yet; pensions, then to premium tax credits that's \$6 million; money from escrow that will take us to \$40 million; and then we can go all the way down to transferring from the Highway Fund \$21 million.

"This is the strategy, if you will, to balance the budget. These are the cuts, but I don't see any rational, sound, long-standing policy that this administration and this state is basing it upon. It's the way that I lived in Borneo and the Peace Corps-kind of jury-wiring and jury-rigging everything together, and you just kind of make it last as long as it can stay afloat. That's the issue, Mr. Speaker, and that's the issue the Minority would take exception to, to say when we are cutting.

"We are saying, let's make government efficient, let's make it work for the people of Hawaii, let's give them their money's worth if they are, after all, the most taxed in the nation. We should have the most efficient government in the nation. We should have the most accolades from our public citizenry towards their government. Unfortunately, they don't, and our jobs are suspect because of that, because we keep taxing and we keep spending; we keep taxing and we keep spending. . .

The Chair interrupted and said:

"Stick to the subject, please."

Representative Ward continued, saying:

"Therefore, the subject is, if we're going to spend without efficiency ratings, every business in Hawaii, every business in the nation, would go bust -- it would go belly up. That's just not the realities of survival of organisms, be they alive or be they organizationally bureaucracies.

"Thank you, Mr. Speaker."

Representative Halford then rose and stated:

"I would just like to briefly refer to maybe some misunderstanding on one issue, and to additionally say that if this bill is just for discussion purposes, then I would like to say for discussion purposes that it is a bad bill. But in regards to layoffs, we have more options than just choosing to furlough or lay off. We do have the option to use attrition.

"Last summer, the Governor laid off 600 people. I disagreed with that then and I hope he doesn't do it again. He could have used attrition. In three months, he could have had 600 fewer jobs without laying off anyone -- no one being laid off -- just the elimination of a job category. That's all.

"Thank you."

Representative Swain then rose and stated:

"Mr. Speaker, if I could respond to some of the comments also that have been made.

"Mr. Speaker, when you talk about attrition, you're talking about somebody who did a job, maybe did it extremely well. The job is now vacant. Attrition means you don't fill that job. Who said that job wasn't necessary? That job is necessary or could very well be perceived as necessary, so you bring somebody up to fill that position. So is there attrition in that job? Well, there's no prioritizing in attrition as well, Mr. Speaker. Attrition just means somebody is out of a job and you don't fill the job. All this prioritization that's been talked about, attrition does nothing about prioritization. Attrition cannot solve the problem. We've been talking about this for a while here.

"I would like to see my colleagues to the left come to this body and say -- I looked at this department, this is what's going on with this department. They've got a thousand jobs that are not necessary, but we come in and we talk about rightsizing, downsizing. We can talk about that all day long. They have just as much ability as we have to call in a department head and sit him down at our desk and say, explain to me what works, who do you need, and who don't you need. They can do that just as well as anyone in this room.

"It is time for specifics. I don't say that I disagree with everything that they said. Maybe we need to look at rightsizing, but let's get specific then. Don't come over here and throw all this out without telling us what it is. It sounds good, but it doesn't mean anything. They are representatives as well. They have the power and the ability to look at every department and to decide what is taking place in those departments. They have sat through budget hearings. There's a Minority member in every single committee -- they have heard the department heads come in and justify their positions. They could have used that time to grill those department heads, find out where the problems are, and then call them back and decide what they are going to do here. I would like, the next time that we do this, to hear the specific proposals -- which department, how many, who -- and let's see where the priorities are. I would love to see that."

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

"Certainly, furloughs are something that we do not want to do if we can help it, but there comes a time when we need to make those tough decisions and they're certainly difficult decisions to make. We need to realize that we have cut very deeply into our budget. We have already laid off a great number of people and people are tired. Constituencies are screaming at us to restore certain programs and we just can't do it. There has to be a realization as it is on Kauai that many of our larger local firms have had to enter into furloughs, and this is for an extended time period. Some of the firms for at least six months, not on a one day a month, but one day a week, and that represents a twenty percent reduction in wages. We're talking about one day a month, and that equates to about 4-1/2 percent cut, not the ten percent that had been previously mentioned.

"What does one day a month equate to? Budget and Finance has indicated that we are talking about perhaps sixty million dollars in savings. My calculation indicates that the amount is probably more, but let's take sixty million dollars and equate that to newer jobs that we're talking about. If we were to divide an average annual salary of about \$30,000, that comes out to two thousand jobs that we are equating this furlough to. If we're talking about an average annual salary of about forty thousand, we're talking about fifteen hundred jobs. What we're saying is that this is an option, and we do need to keep all of our options open.

Thank you, Mr. Speaker."

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

"Mr. Speaker, we do not need to furlough people when we take a look at what the Minority has proposed in the past and is still proposing today. I recognize the difficulties that the Chairman of the Finance Committee has. I think that furloughing should not be an option and should not be on the table.

"We eliminated the Office of International Relations, Mr. Speaker, because at least one member of the Minority caucus was saying, we don't need to spend the money on that. We don't need to be into international relations -- we need to focus what we need to do here at home in Hawaii and use our resources here locally. That saved us money.

"We proposed privatizing the prisons, and you've heard from one of my colleagues on the Minority side that this can be done more cost effectively for the State. A private company can run the prison system, build it, operate it, run it, and it will cost the State less money. Then we don't need to furlough our State teachers.

"Eliminating the high-three, Mr. Speaker, does save money not today, but in the future.

"Stopping funding for sports events. Why are we funding sports events and furloughing teachers? We could leave it to the commercial ventures who would like to have that publicity. They can fund those sports events.

"You can go down the list as we have picked out, and in the past I think I mentioned to you -- go see the movie again called 'Dave'. Take a look at how they pooled the different portions of funding from different areas to save homeless shelters. I'm saying, Mr. Speaker, that we should not ask State employees to be out of work for twelve days a year because we have let government grow

too large, and haven't had a handle on how we've been spending our money.

"I've heard from a lot of teachers throughout the State not just from my district, but throughout the State, most of whom are single parents. And they're saying, look at us, we're barely hanging on as it is. The teacher's salary is pretty minimal, and they are saying -- it's going to be very difficult for us to be unemployed for the twelve days, and to not have that income to pay the rent, to put food on the table, to be able to support our children. I don't think we should lay that burden upon them.

"I am in support of the payroll lag because I think if we have a payroll lag of at least one week, this makes sense because then we won't be paying State employees for days when they may have been out on vacation or have been sick. So the payroll lag makes sense, and the Finance Chairman was correct when he acknowledged that both the Minority Leader and myself support that concept. But the furlough situation, I think, is the wrong way to go. I think we're hitting people that should not have to bear the burden of our excessive spending.

"I would suggest, Mr. Speaker, that all legislators be furloughed for thirty days, all department heads be furloughed for the twelve days, all deputy directors be furloughed for the twelve days, then you're getting the higher salaries, the higher pop, for your money. But I would think that we would be the first to stand up and say -- we will accept a furlough of thirty days, and willingly put that money back on the table for the Finance Chair to be able to deal with. And I would hope that I would get the concurrence of my colleagues, and we would have fifty-one thirty days' furloughs, and that concurrent money on the table.

"I got more ideas, Mr. Speaker, but you'll probably call me out of order. . .

At this point, the Chair interrupted and said:

"I think we've heard enough of your ideas. Some should be furloughed on a permanent basis."

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

"Mr. Speaker, one of the things that I'm really proud of in serving in the State Legislature in Hawaii is because I believe that here in Hawaii, we still retain a sense of community and we still have that sense of wanting to help each other. I think a good example is the blood drive that we just had where everyone is asked to bleed a little so that people can live.

"For me, it's so easy to say, well, we're going to cut these positions and have these people lose their jobs, but these positions have faces to them. I would much rather face a person and ask him to sacrifice a little. For example, if it would mean saving the payments for General Assistance programs, and saving for a life and death matter, I think a lot of these people would make that sacrifice. I wouldn't be able to ask someone to give up their job, though, so that these programs can be funded.

"And these are some of the tough decisions we have to come to grips with eventually but at this point, like it was mentioned earlier, I think we need to look at an overall strategy and how we want to develop our financial plan for the State of Hawaii and what our priorities are. This is what the process is all about. This is what we're going through now, and to limit ourselves, I think, would be foolish. We need to have all the options available to us, and in the end we hope that we can make the right

decision and the wise decision, but we need to have these options available.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2485, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading by a vote of 37 ayes to 13 noes, with Representatives Anderson, Halford, Hamakawa, Hiraki, Kahikina, Kawanakoa, Meyer, Shon, Takai, Takumi, Tarnas, Thielen and Ward voting no; and Representative Chang being excused.

Stand. Com. Rep. No. 1590 and S.B. No. 1810, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1810, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"To be frank, I have some discomfort in following the previous two bills with the discussion on this bill.

"This issue, which, of course, is the high-three reform, is not, as in the case of general assistance, a matter of potential life or death, and it is not, as with the furlough, a question of reducing salaries for state employees, and it is not, perhaps contrary to the Minority Floor Leader's statement, any more than a drop in the bucket from a financial perspective.

"But perhaps it is also appropriate that this discussion follow the previous two because I think in its own way, this is a very important issue -- as important as those two -- and as I will get into, it's very much related to these and other of the difficult financial issues that face us. Of course, it is very difficult and controversial for a number of reasons.

"First, I don't think there's any doubt that when you add up all of the benefits enjoyed by legislators, our pension benefits are by far the best in state government.

"Second, I don't think there's any doubt that the nature and scope of those benefits breed widespread resentment and distrust of the Legislature both inside and outside government.

"Third, there is, in my mind, no doubt that specific aspects of our pension benefits have in fact eroded legislative independence of the executive branch. And fourth, unfortunately the only citizens in a position to reform the system are those who benefit directly from it -- us.

"But I do think that one of the ultimate tests of leadership is the ability to do the right thing directly contrary to one's own self interests. And I think it is important in that spirit to recognize those that did lead in this debate in the House. I refer to the chairs of the Finance and Labor Committees; the leadership of the House; and many of those individual legislators, among whom I do not count myself, whose self interests are very much affected but who will nonetheless vote for this bill today.

"Reduced to its essentials, this bill, which accomplishes much more far-reaching reform than that produced by the Senate, corrects the two most egregious aspects of the legislative pension system: the current 'high three,' under

which legislators may earn higher legislative-based benefits for non-legislative government service; and the virtually unique ability of legislators to retire after only ten years of service without regard to age. And these two aspects must and should be corrected, because it is the current high-three which has threatened the separation of powers between our branch and other branches of government, and there is in fact, as I can ascertain, no legitimate justification for any government employee to retire after ten years of service, regardless of age.

"But I think there are other, broader reasons why this bill is both necessary and appropriate at this time. First, I don't think there is much doubt that, with the rapid growth in government fixed costs that we've heard so much about in the past two years, we will in fact have to change government employee benefits in the coming years, whether we like it or not, and it will be virtually impossible for us to reach out to those affected for some sort of consensus if we are not also willing to take the same medicine. Let me quote, for example, the words of a public schoolteacher constituent opposed to the bill that we just heard -- the furlough bill -- and I quote: 'Until legislators halt their practice of rewarding themselves with the ridiculous lifetime 'high 3/high 5' retirement plan, the public will entertain no thoughts of any state workers taking pay cuts.' Second, perhaps never in our history has our credibility as an institution been so low when we most needed it. True high three reform is therefore crucial in my mind to regaining public confidence in our ability to lead as we encounter what I believe will be even more difficult years ahead.

"So I strongly support this measure, and urge the leadership of this House and those that will take this bill into conference, to bring forth from that conference a final version which will be viewed both as true reform externally and as fair and necessary internally. Please do not succumb to the temptation to allow this major advance to slip away behind closed doors in the waning moments of the session.

"Finally, please allow me to bring into the public discussion two related matters which I think do need to be said in this debate. First, while I do support this bill, I am troubled by its sweeping retroactivity. There are several of my colleagues who, while they do not have vested rights under the current system in the constitutional/legal sense, certainly have long-standing expectations on which they may have legitimately depended in fashioning their family's financial future. Like the Chair of the Democratic Party before me, I would stand before my constituents and defend some limited grandfathering of specific categories of existing legislators on grounds of simple fairness.

"Second, while I support this specific bill, I do not support the sentiment of that segment of the public that will always believe legislators are paid too much. Let me say unequivocally something that is massively politically incorrect: I am worth my salary. In calendar year 1995, as one example, I logged personally 1,487 hours in my three-and-a-half month 'part-time' government job (I know because of my lawyer's habit of logging my hours on a daily basis down to the minute); a full-time employee of government logging a normal workday and taking vacation and holidays, would work somewhere around 1800 hours. So I am working over 80 percent of that full-time employee, and I have no doubt that there are many members among us who work much harder than I do, and to be even more politically incorrect, I will state that I think I am doing a good job in earning that salary.

"So for the same and other reasons, I may even be entitled to some form of a pension package which is, on balance, better than that available to other state

employees. But this particular pension system that we have is rife with problems and I believe must be changed this year.

Thank you."

Representative McMurdo rose to speak against the bill, stating:

"I do speak in opposition to this bill but not because of the reform of the high three. I think that has been a problem for a long time, and I think that has been the biggest problem that the public has perceived as being wrong. I do speak in particular against a 25-year retirement for legislators. I don't care, at this point really, if the public perception is that we are just like everybody else. We are not like everybody else! We are not civil servants, we are not appointees, we're not businessmen, we aren't executives out in the civilian world -- we are legislators.

"And, in order to keep this job, we have to be different, probably a little crazy. There aren't too many people who would consider taking a job with so little job safety. Every two years, in this House, you have to go out and get your report card signed for whether you were efficient, whether you're still popular, and any number of other things which I will not belabor. It costs you time, it costs you money, it costs you family life; it costs your families a lot ... and you know it!

"Four months out of the year, you spend intense time sitting in this chamber ... just think it took an hour-and-a-half to two hours on that one bill a while ago. And the hours that you spend in hearings, and the hours that you spend in going over bills is something very few people in this State or any other state would do for the amount of money that you are paid. If you take what the prior speaker said of the number of hours that he spent and the annual salary received, it would amount to -- I have no idea ... maybe twenty cents an hour, thirty-five cents an hour -- not much!

"But, most of us come in to this because we get mad. We see things we don't like and most of us decide we're going to run for office without any regard for what the salary is. I didn't know what the annual salary was until I had been in, I guess, at least six months. I really didn't care because you get a mission in life and I think most of us retain that throughout our service.

"It's not a nine to five job! It's not something where you go home at night and put it all out of your mind. It's a 24-hour, 7-day a week job, and it doesn't stop at the 60th day. You may relax on some things, but there are professional trips that, even if the public thinks they're boondoggles, you know and I know that those trips are vital to the people in this Legislature to take because we can't just drive across the state line to find out what somebody else is doing. We have to get on the plane to go back to refresh ourselves and bring back new ideas.

"I just hate to see a bill of this magnitude come out of this Legislature this session as sort of a knee jerk reaction to public criticism. I think a lot of this criticism is unwarranted because people don't really understand a lot of things that go on up here. There is a lot of good legislation which comes out of here -- sure, there is bad legislation, too. But I think the good far outweighs the bad.

"Just think, before you destroy the benefits which make it worthwhile for people to run and give up a solid job, you want people to come in here, give of themselves, contribute what they have, and maybe get retirement.

Twenty-five years, I believe, is going to make such a difference. You may see a mass exodus of the present legislators on both sides of the aisle, and you may see coupling of this kind of thing with term limits. Then what?

"So, I would hope that when the Chairs get into conference on this bill, they really consider that what they originally started to do was get rid of the high three. If I may quote an old saying which I have used in many campaigns: 'When you're up to your okole in alligators, it's difficult to remember that your initial objective was to drain the swamp.' So I implore the Chair of Finance to consider that the initial objective of the high three was to drain the swamp. Perhaps all the rest of this reform which is coming in without too much reflection on what it's going to do could be put into some kind of commission or group to study so you could come back and visit it another year. Once you pass this, you are never going to be able to turn the clock around. It will be all past.

"Thank you very much."

Representative Marumoto then rose and stated:

"We have before us a strong high three reform measure, Mr. Speaker, and I am very happy to speak in favor of it. It is not a knee jerk reaction as mentioned by the Representative from Waikiki, but it is more like a smoldering volcano that has been building up for decades now.

"The high three is not a 'perk' for all legislators. I think we all understand this, but the public may not. But we do know that it has been awarded only to a favored few -- for their talent, know-how, and, of course, for their political connections. The bill, therefore, will not adversely affect all elected officials -- only those few who have not yet been appointed, and those who have been appointed but have not yet retired.

"The main reform in correcting the high three, I suppose, will become the high five now, changes the calculation of pensions, so after September 1st, legislators would no longer be able to inflate their pensions based on their higher appointed salaries.

"In calculating the reform pension, legislators could still use the favorable 3.5 percent multiplier for their legislative years, but they would have to use the 2 percent multiplier for their executive salaries.

"This change is a significant improvement and, if passed in final, would go a long way in restoring peoples' confidence in their government.

"This bill would also require retirees to wait until they reach 55 years in order to retire. They still have to accumulate only the total of ten years, combined legislative and government service. But they have to wait until 55. That's bad news to those of you who are in your 20's and 30's, but it is good news to many other general employees who are required to work 25 years and wait until they are 55 years old.

"Another provision would no longer allow legislators from retiring on paper and continue to collect both a pension and a salary.

"The Employees' Retirement System has provided me with suggestions to improve the clarity of this bill and to ease the administration of this measure. I will be providing these ideas to the Chairman of the Finance Committee. Incidentally, I must commend Chair Say and the committee members for allowing this measure to

advance this far. I also extend kudos to the Labor Committee and to the Senate.

"We are now at a point in time where we have strong reform measures in both the House and the Senate, so it looks good for eventual passage. However, it will still require the political will to see this measure to final passage.

"This is a very important bill, a very symbolic bill, and we've got to unfeather our nest before we cut the pay of our fellow government workers.

"I ask all of my fellow House members to keep your eyes on the 'trifurcated formula', which is what the calculation is called, and make sure it is still there on April 29th.

"Mahalo."

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

"Mr. Speaker, this bill is all about the morphology of the high three to the high five, and it deserves the scrutiny of a Sherlock Holmes and the straight talk of a Harry Truman.

"Why am I saying that? It's because when we first had the reform, what we read and what it was said to be just didn't turn out to be as it is. And the way the language is in this bill (that's why I say Harry Truman), it needs to be clear and specific, and I actually called the head of the Employees' Retirement System to see if what was said is what, in effect, could be done. He said it is still loosey-goosey ... no, that's my term, he didn't say that ... but if we get into Conference Committee and it is loosey-goosey, the way the language is, which, by the way, is very difficult to understand even though it is easy to speak of what was being said verbally.

"Mr. Speaker, I am afraid that our rhetoric about having done away with the high three doesn't fit the actuarial bill, and I think it needs to be cleaned up. It needs to be specified what this 'bifurcation'/'trifurcation' is and having examples, like when we went to the Finance Committee, we had an example. And the high three, which was going to be the best thing since sliced bread, became the high five, and it actually gave us a pay increase instead of a decrease.

"So, Mr. Speaker, we need strict scrutiny, and we need the Conference Committee to really put in some street language so it can be understood and it can be implemented without confusion. As my colleagues have said, this will then clearly give us the mandate to deep-six the high three."

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

"Mr. Speaker, after much public debate, the bill we vote on today will amend the retirement benefits for all government workers. This bill will affect the Governor and the Mayors. It will affect the judges. It will affect all of us, including those of us on the floor today.

"Mr. Speaker and members of this House, your Finance Committee heard strong arguments both for and against this bill. Those favoring the bill noted that the elected officials and judges receive retirement benefits computed at a higher rate and which can be received earlier. However, those who were opposed to the bill raised concerns that this bill will discourage, Mr. Speaker and members of this House, the average citizen from

running for office or the best candidates from applying for judgeships.

"After carefully weighing all of the testimony and following lengthy discussions, we the Finance Committee decided to make the retirement benefits uniform for all public servants, uniform for those of us who are not educated in labor law for State employees. We have forgiven but we have not gone along with the present law of ten years. Most of you should recognize that any elected official in the State House from 1959 to present, the average tenure was 7.8 years. If they went on to higher office, I wish them the very best. I wish them the very best if they took a high three.

"Mr. Speaker, this bill proposes to treat elected officers, judges, and certain legislative officers like civil servants by taking away the early retirement provisions and repealing the 75 percent cap on retirement benefits. In addition, Mr. Speaker, this bill provides, as far as what the Minority stated, a separate computation of our retirement benefits based on each category of service after September 1, 1996.

"Mr. Speaker and members of this House, the reason why I speak with grave reservations this afternoon is this: I think all of us here, when we first ran for office, never even considered the ten years and out. That's the premise that I always believed in. Mr. Speaker, when I first got elected, the salary of our elected officials was twelve thousand dollars. Through the public outcry of the general public ... I can't recall in what year -- 1980 or 1982 ... that we reverted to a pro-rata share of twelve thousand dollars for four months. And it was ironic because on the Perry and Price Show, my check after session was out was zero.

"What I am alluding to this afternoon, Mr. Speaker and members, is that I am very, very much concerned about the quality of the candidates of the future. I take a different stance in regards to how the public may perceive us, that we are all sincere, dedicated individuals, working for the good of the people of the State of Hawaii. Somehow, Mr. Speaker, we always get confused by the rash political perception that we are all bad people. But I look around this House, Mr. Speaker and members, that all fifty-one members here have a mission of doing the best for their constituencies, and that's the reason why we get elected every other year.

"Mr. Speaker and members, I am very much concerned, which I stated in caucus, that during these past four years we have had a turnover of over 75 percent of our membership which does not give this institution any stability, continuity of past legislation that we have adopted that is tied to our government operations.

"I recall yesterday in caucus when one of our colleagues stated, it is up to the individual -- himself or herself -- to look inside of them if they are interested in a high three. The high three goes throughout partisan politics with Republicans and Democrats, and I believe these individuals who were selected to those appointed positions were very qualified because of maybe their institutional background in lobbying all of you here today, in understanding the issues that they were part of the committee chairmanships, but it is a concern that I wanted to voice to all of you because what I perceive, which I am very fortunate to say is in the Journal, is that (1) you have the very rich running for office; (2) you'll probably have the young ones like me when I was 24 years old when I ran for office with no responsibility but myself; and (3) the seniors and retirees of our community.

"What happens to that particular generation that is in between that is working very hard, trying to make a living at a salary of \$32,000 if he or she decides to run for office? And I have been very fair and honest to the Press, and that is why they printed what I had in the papers in regards to the Say family: \$32,000 with my pay; I'll probably retire with the maximum of the 75 percent cap based on my twenty years of service plus my annuity, but it is inside of me individually that it was never my intent to go after that high three. To purposely say that we are all here for the high three or the high five is very incorrect, on behalf of the Press in trying to persuade our constituencies, because you and I have to go back and they'll ask -- hey, Representative Say, you're going for your high three? No, I enjoy doing public service as far as being the Chair of what I am today, Mr. Speaker -- thanks to all of you -- in being an educator/facilitator of the Finance Committee. I have talked very softly and closely and warmly with some of the freshmen in regards to, yes, Representative Say may be part of the old guard, but I am educating all of you with the discussion we are having in caucus and on the floor of this House, when the day of reckoning comes when I may not be back here but the baton has been passed.

"It is really, Mr. Speaker and members of this House, and that is why I say with grave reservations, an injustice by the media to have elected officials carved out with 25 years, or to not give you that ten years of service, because if you can withstand five elections, you deserve it because your constituency has elected you. And like I was saying in caucus during lunch, when you think about it, we're up for reckoning every other year, Mr. Speaker. My grave concerns -- I told our caucus and I will tell the Minority caucus -- that regarding some of these provisions, that yes, Representative Say, if this bill passes, will probably retire before September 1st of 1996 to opt out of the retirement plan contribution. And I'll state on the floor that the Press incorrectly stated that I am running for re-election and I will have all of you consider me a 'double dipper' after the elections are over because I'll be collecting my retirement plus my legislative pay, and I am not ashamed of it, to tell you folks where I am coming from. But I look at the young faces here today and I personally hope that whatever transpires in conference, that the thoughts you may have are with me as we go into conference with the Finance conferees and the Labor conferees.

"Mr. Speaker and members of this House, this is your institution. You are a select few that Representative Marcus Oshiro and I and others were talking about one evening, that if you look in the sky, you see a million stars and you're one of them -- the lucky few representing 1.2 million people in the State of Hawaii in trying to address the major problems that we have.

"I personally hope, as far as what I've said on Olelo today and which is recorded in the Journal, that the people of Palolo and St. Louis Heights in Kaimuki respect my personal views because I have always told them, it's been an honor and a privilege to be sitting in this body, a privilege that no one can take my relationship away from any of you. Ten years is very difficult. Recognizing the vacuum of information that we have here when we're making these tough decisions, if there's a 75 percent turnover of membership, is a concern that I've always tried to convey to the members of the Finance Committee.

"And so, Mr. Speaker, with these reservations, I hope that something can be done in looking at the institution first for the people of the State of Hawaii.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1810, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM," having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative McMurdo voting no, and Representative Chang being excused.

The Chair directed the Clerk to note that S.B. Nos. 1735, 2145, 2152, 2209, 2210, 2211, 2341, 2795, 2866, 2887, 2941, 3240, 3262, 608, 2022, 2090, 2264, 2322, 2401, 2552, 2682, 2699, 2769, 2770, 2777, 2781, 2891, 2894, 2998, 3154, 3170, 3231, 2402, 2713, 2733, 2821, 2836, 2421, 2728, 2797, 3052, 3188, 2912, 2965, 3267, 1602, 2087, 2340, 2437, 2726, 2856, 2859, 2875, 2902, 2999, 3042, 3232, 3248, 2007, 2263, 2380, 2487, 2548, 2659, 3054, 3165, 659, 2416, 2003, 2067, 2125, 2456, 2750, 3160, 2737, 2773, 2144, 2772, 2992, 2532, 2459, 3204, 1738, 2758, 2848, 2850, 1234, 2662, 2522, 3012, 3110, 2304, 2845 and 1810 had passed Third Reading at 3:35 o'clock p.m.

THIRD READING

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

S.B. No. 2098, SD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2098, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 3135, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 3135, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUDGET REDUCTIONS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 3205:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 3205, entitled: "A BILL FOR AN ACT RELATING TO OFFICE MACHINE AND OIL PRODUCTS DEALERSHIPS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2503, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2503, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTALS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2546, SD 2:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 2738:

By unanimous consent, action was deferred one day.

S.B. No. 2984, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2984, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD-TENANT CODE," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Anderson, Herkes, Kawanakoa and Meyer voting no, and Representative Chang being excused.

S.B. No. 2223, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2223, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY AND BUDGET STABILIZATION FUND," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2502, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2502, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2637, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2637, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE COMPANIES," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2538, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2538, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2248, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2248, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY VIOLENCE," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 3004, SD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 3004, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 3159, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 3159, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE, ANNUITIES AND SECURITIES ACTIVITIES OF BANKS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 3134, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 3134, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT OF UTILITY SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2740, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2740, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 3068, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 3068, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATION SERVICE OFFENSES," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 3266, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 3266, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2280, SD 2, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2280, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES BY MOBILE FOOD VENDORS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2962, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2962, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT REGULATION," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 3171, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 3171, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT REPORTERS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2993, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2993, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM PROBATE CODE," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2101, SD 2, HD 1:

Representative Amaral moved that S.B. No. 2101, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"License revocation has proved to be an effective and potent weapon in the collection of delinquent child support, and at least twenty other states have enacted license revocation statutes for the nonpayment of child support. And these states report significant success stories with these statutory measures.

"The point is that it has been proven across-the-board in these states that licenses really don't have to be revoked. It's merely the concept that the law is on the books that makes the people come forward and bring their child support payments current.

"Our society benefits and our children benefit, and I strongly support the measure, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 2101, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2001, SD 2, HD 1:

Representative Amaral moved that S.B. No. 2001, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

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

"First, a great degree of gratitude I would like to express to the chairs of the three committees that heard the bill as it was going through the House, and it weathered the storm and it came through with a very fine bill at the end, but I have two concerns about it.

"My primary concern is that under this bill, the cost of the increase in medical insurance would be passed on to the employer in a prepaid health plan configuration. This should be changed, I think, to make sure that the employee pays the increase since the employee is the one who gains the benefit from the decrease in the auto insurance premium.

"Secondly, I am concerned that the regular medical insurance does not cover chiropractic care or other medical services.

"I suggest that there should be an optional coverage plan available for prepaid medical insurance policies that the insured party -- the employee -- would be able to purchase on his or her own. That will address both of these issues.

"When this goes to conference, I hope the House delegation can address these concerns. I wish them great patience, persistence, and fortitude to carry our message to a successful fruition.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 2001, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Kanoho voting no, and Representative Chang being excused.

S.B. No. 2724, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2724, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2491, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2491, HD

1, entitled: "A BILL FOR AN ACT RELATED TO INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2088, SD 2, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2088, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND CONTRACTS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2333, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2333, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PURCHASES OF SERVICES," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Meyer, Shon and Thielen voting no, and Representative Chang being excused.

S.B. No. 2819, SD 2, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2819, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2405, SD 1, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2405, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 1305, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 1305, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2295, SD 1, HD 1:

Representative Amaral moved that S.B. No. 2295, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Thielen rose and requested that her remarks, in support of the bill with reservations, be entered into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Thielen's remarks are hereby inserted:

"Mr. Speaker, the bill has certain provisions that are soft on crime:

- (1) Allows persons with one felony conviction for offenses under the Controlled Substances Act, offenses relating to drugs and intoxicating compounds, and offenses against certain property rights (excluding robbery) to be sentenced to probation.
- (2) Allows the court to hospitalize a person suffering from mental illness or substance abuse and dismiss the prosecution for class B felonies.

(3) Provides that for class A felonies, except for sexual offenses and child abuse offenses, sentencing is left up to the discretion of the judge and allows probation rather than keeping the required mandatory 20 year prison term without probation.

(4) Allows the court to impose a lesser mandatory minimum period of imprisonment without the possibility of parole for offenses against the elderly, children, or the handicapped.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 2295, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2160, HD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2160, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

The Chair directed the Clerk to note that S.B. Nos. 2098, 3135, 3205, 2503, 2984, 2223, 2502, 2637, 2538, 2248, 3004, 3159, 3134, 2740, 3068, 3266, 2280, 2962, 3171, 2993, 2101, 2001, 2724, 2491, 2088, 2333, 2819, 2405, 1305, 2295 and 2160 had passed Third Reading at 3:54 o'clock p.m.

At 3:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:00 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 1539-96 and S.B. No. 1698, HD 3:

Representative Amaral moved that the report of the Committee be adopted and S.B. No. 1698, HD 3, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Ward rose to speak against the bill, stating:

"Mr. Speaker, this is probably one of the worse priorities in cutting our budget or balancing our budget. I want to bring us up to snuff by going back to 1983 when I did a five-year study on the social origins of business behavior among Hawaiian entrepreneurs. This is related to OHA.

"The study was the first of its kind to systematically and comprehensively document the economic development potential of the Hawaiian community through the Hawaiian entrepreneurs. One of the major findings was that although the entrepreneurial response in the Hawaiian community is small, that which is there is very vigorous and very successful. In fact, I had a control group made up of Caucasian entrepreneurs who in business did exactly as well as the Hawaiians, and the Hawaiians did exactly as well as the Caucasians. The results of this study, one of which was obviously my dissertation for receiving a PhD from an accredited university, was that it showed that the economic

development potential of the Hawaiian community, when given unlimited resources, was there. The study knocked down or took away the stereotype of Polynesian analysis/paralysis, or the stereotype of the lazy Hawaiian, or the alamihi (crab) syndrome, where Hawaiians are all perhaps in a bucket and when one tries to get out, is pulled down by another.

"Those myths put aside, this bill is the antithesis of the economic development of the Hawaiian people, Mr. Speaker. In fact, this bill is probably the political slogan of the alamihi (crab) syndrome that we are now pulling down the Hawaiian people by the fact that there's a few dollars in the coffer -- \$212 million to be exact -- and out of perhaps our own jealousy in that we have a deficit of practically that much, we are saying that we need their money, or we need to reduce their money by 80 percent. We will be reducing OHA from \$15 million per year down to \$12 million. This revenue formula is unfair; in fact, it's like saying, we'll give you the equivalent of a GETax of four percent when in fact we used to give them 20 percent. This suggests that the \$212 million and the socio-economic ladder to which we are saying: Hawaiians, you've got enough money, you are not, as the statistics indicate, the lowest on the totem pole income-wise, education-wise, health-wise, prison inmate-wise, and even last week, Mr. Speaker, we learned that the Hawaiian community was the most likely to be homeless, or half the beach in homeless population was Hawaiian.

"So how does \$212 million that they have take care of the problem? It doesn't look like it's going to do very much and it's not going to be very long before that money is gone. Which is to say, this bill, Mr. Speaker, is tantamount to X-ing out, obliterating, otherwise putting control of the elite on your screen, and I think it is control/alternate delete on your screen that is wiping out the program for the Hawaiian community.

"Mr. Speaker, the bottom line of what I am saying is this: My understanding, when I came as a freshman five years ago, was that we made a commitment to rebuild the Hawaiian community, we made a commitment to rebuild the Hawaiian people. We said not only through the Organic Act that there was going to be a return to the land, we reneged on that and there's 13,000 to 15,000 on the waiting list. But now, Mr. Speaker, when the Constitution and the statute said we are going to rebuild the organization of the Hawaiian people in the Office of Hawaiian Affairs, we are now tantamount to reneging on that.

"Mr. Speaker, why are we doing this? What is the objective, not intuitive, or grab-for-the-money priority? Why are we doing this when, in fact, sovereignty is around the corner? Why are we doing this, Mr. Speaker, when in effect those who are most in need, we are now, as the Majority Whip indicated with General Assistance, taking from the mouths of those who can least afford it? I think it's bad policy, it's bad priority. We have no basis on which to do this; there is not the money in the coffers by which they are able to survive and, in effect, this is another destination of the Hawaiian community, Mr. Speaker, and I think everybody not only in their conscience, but in their mind and in their sense of history, in their sense of being a part of Hawaiiana, should not vote for this bill. This is not good legislation.

"Thank you."

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

"The function of Senate Bill 1698, House Draft 3, is essentially to redefine revenue for the purposes of funding the Office of Hawaiian Affairs. Presently, the statute in

subsection 10-2, with respect to revenue, already exempts our money to OHA as it relates to taxes; or regulatory and licensing fees that the State may get; fines, penalties, or levies; registration fees; moneys that are received by any public educational institution cannot accrue to OHA; interagency and intra-agency administrative fees of assessments cannot accrue; moneys derived from or provided in support of penal institutions and programs; grants; and federal moneys. It goes on to say that moneys collected from the sale of government publications cannot accrue to OHA; the Department of Defense proceeds on state-improved lands; or moneys derived from the development of housing projects. All of these cannot accrue to OHA.

"We have added to that then substantially five other new definitions of revenues that will not accrue to OHA, and that is moneys derived from the incidental rental of public facilities; moneys received by the Department of Health from the operations of its health care programs and facilities; moneys received from the operation of rental housing; the recreational use of public facilities; and moneys received by the Airports and Harbors Divisions.

"As the previous speaker noted, the 80 percent of OHA's budget therefore has then been eliminated. That means that they have gone from a \$17 million budget to a \$3 million budget, not \$12 million -- \$3 million. And, therefore, because of that I have some reservations.

"In the past, Mr. Speaker, we have discussed the public land trust at great length and I realize that, as I was thinking about those past discussions, that it's been almost twenty years since the Office of Hawaiian Affairs was created and the funding source for OHA was established. There have been eight elections since 1980, and with the passage of time, many of us have tended to forget what the fundamental reasons were for the creation of this agency.

"I would like to, therefore, if I can, reduce a complex issue to its simplest form. First, the Constitution of 1840 confirmed that the King was the only trustee and managed all the land for the chiefs and people in common.

"When the land was divided in 1848, one-third went to the people in the introduction of fee simple ownership; one-third of the land went to government for public purposes; and one-third went to support the Crown. That system remained in place until the overthrow of the government in 1893. Thereafter followed the Provisional Government and then later the Republic of Hawaii. Crown and government lands were consolidated under the Republic, and in the Joint Resolution of Annexation in 1898, those lands were 'ceded' to the United States.

"Remarkably, the lands have remained intact, and the trust nature of the land was recognized by each controlling government -- from kingdom through revolutionary government to statehood.

"When Hawaii became a state in 1959, the former government and Crown lands were ceded back to the State under the Admissions Act and the State then became the trustee.

"In the Admissions Act, section 5(f) provides that the income from the former government and Crown lands are to be held by the State as a public trust:

- (1) for the support of the public schools and other public educational institutions;

- (2) for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act of 1920;
- (3) for the development of farm and home ownership;
- (4) for the making of public improvements; and
- (5) for the provision of lands for public use.

"The Admissions Act also cautions the State that the lands, proceeds and income shall be managed and disposed of for the trust purposes under the Constitution and laws of the State and 'any other object shall constitute a breach of trust for which suit may be brought by the United States.'

"Mr. Speaker, the trust language of the Admissions Act originated in a 1947 Hawaii statehood bill before Congress and carried forward in every subsequent statehood bill. Clearly, Congress was concerned about the welfare of native Hawaiians and the horrendous changes that had put them at risk of extinction.

"I believe an assumption can easily be made that these concerns prompted the 5(f) language with regard to the betterment of conditions of native Hawaiians. The Department of Land and Natural Resources has been charged with the administration of the trust lands since statehood.

"The Admission Act neglected to provide a formula for trust proceeds, and OHA's early research found that between the advent of statehood in 1959, and 1980 when OHA began operations, the Department of Education was almost the exclusive recipient of the public land trust revenue. The Department of Hawaiian Home Lands, meanwhile, was in dire straits, barely able to keep afloat by generating its own revenue.

"It was into this context that OHA was born in the Constitutional Convention of 1978. Some of you were there when new sections were added to the State Constitution to implement the section of the Admissions Act relating to native Hawaiians.

"Native Hawaiians are of 50 percent or more blood quantum. The amendment did, however, include Hawaiians with less than 50 percent.

"The Con-Con amendment did not define a pro rata share of the trust revenues for OHA. It was the Legislature that set it at one-fifth or 20 percent. We were reminded in our caucus that there are about 40,000 qualifying as native Hawaiians and more than 150,000 qualifying as Hawaiians. While the trust revenue is for the smaller number, the Legislature complied with the needs of the larger population by providing general funds.

"That plan may have worked and did work when our State coffers were full, but it no longer applies. So we now have a situation where Hawaiians have made lawful, completely justified gains, but the State is facing a terrible budget crisis.

"It appears that the State has changed its mind and now wants to apply a different allocation formula than agreed upon in 1990 in Act 304. A formula that may well be in direct conflict with inherent trust obligations rooted in both ancient and modern history of Hawaii.

"I believe that as State lawmakers, we act here in the capacity of trustees with legal obligation to the public land trust...and the trust singles out a special class of people defined as native Hawaiians.

"I don't believe that we are living up to that trust responsibility with this measure. I believe instead that this Senate Bill is being used as an opportunity to redefine justice. It is being used as an opportunity to circumvent paying a bill owed. It is being used to interrupt a lawful pursuit, due process in the courts of law.

"I stand here today, Mr. Speaker, I think, asking all of us to reconsider this action that we are taking, to re-examine our role as trustees of the public land trust. And as this bill proceeds, to consider then that this may not be truly in the best interest not only of native Hawaiians, but of all of the people of Hawaii.

"Thank you, Mr. Speaker."

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

Representative Arakaki's remarks are as follows:

"Yes, Mr. Speaker, I did give my concurrence to allow the Finance Committee to insert an amendment that would provide for a definition of the trust obligation and the method of formulation for the 20 percent share of the five-f public funds of ceded lands. If nothing else, the bill has made it clear that there is no consensus on a singular definition, it depends on one's perspective on the issue. The bill has clearly demonstrated the need to research the intent of the Constitution and the statute that mandates the allocation.

"My reservation on this measure is that we are on a track to allow the free expression of the Hawaiian people to pursue the establishment of a sovereign entity of the Kanaka Mao'li or native Hawaiians. Mr. Speaker, I have no doubts that the sovereign nation of Hawaii shall someday rise like a Phoenix from the ashes. The resurrection shall be made possible by the restoration of a land base, the rejuvenation of cultural pride and the re-birth of the native Hawaiian tongue.

"There has been an acknowledgement and legal opinions on all levels of government -- international, national and local -- that the overthrow of the Hawaiian kingdom was a wrongful taking. While there is no expectation that the lands and the kingdom of Hawaii shall be returned to the Hawaiian monarchy, there is certainly an expressed desire and intent by this Legislature to better the conditions of the native Hawaiian, including but no limited to, housing, culture, health and well-being.

"For those of us who truly believe in self-determination and democratic principals, the watchword is ahonui (patience). A hundred years of wrong cannot be made pono in a year or two or even five. The disagreements on sovereignty is not a sign of disunity of purpose of the Hawaiian people, it is the labor pains of a Hawaiian nation about to be born. The new form of Hawaiian self governance will have much to do with how the lands and other resources shall be allocated. If the new nation is to be land based, then lands shall be set aside whereby revenues can then be derived from that land base. If the nation is to be based on services directed specifically from Hawaiian people, then a consistent revenue stream must be developed to fund these services and programs.

"The bottom line is that the measure is premature and the issue needs further study before definitive action is taken. Let me recommend that a resolution be adopted to have a study done by the Legislative Reference Bureau or the Auditor.

"Mahalo!"

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

"Mr. Speaker, the U.S. government and Hawaii's Supreme Court have made it clear that because of the historical and political relationship, our government owes a unique obligation to natives who descend from people who resided in the U.S. when the westerners arrived, court decisions over two centuries have recognized the legitimacy of special programs and preferences for natives.

"Delegates to the 1978 Constitutional Convention expected OHA would provide Hawaiians the right to determine priorities which would effectuate the betterment of their conditions and welfare and promote the protection and preservation of the Hawaiian race, and that it would unite Hawaiians as a people.

"Mr. Speaker, I have much respect for Chairman Say and the Finance Committee. This vehicle was a very educational discussion in trying to address the budget shortfall for the State of Hawaii. I, as a native Hawaiian, stand here in opposition not because of some of the things that our previous speaker have spoken about, but simply because, as a native Hawaiian, it's another attempt to renege on an agreement. The Indians, for instance, called those people 'fork tongues', they called them 'Woshashu' -- we call them haole. It doesn't mean 'White', by no means. It means the breath of your life -- the haaa, how you talk -- is it for real, or are you doing something other than what you're saying?

"I, as a native Hawaiian, believe that in this ho'oponopono process to right a wrong, I would love to see stability and unity in this process. This effort does not give us stability and unity. As a native Hawaiian, I know Chairman Say and his intention is pono in looking at the whole forest, in trying to address the budget shortfall. But as a native Hawaiian, I can look at that one tree and that one tree is saying that, for years we made agreements; for years you've promised things for the native Hawaiians that never came true -- it just never came true. I can attest to that. I was born and raised on that land that we call the Department of Hawaiian Home Lands. I still live on that land. I can stand before you because I am quantified as 87.5 percent Hawaiian. So, yes, this would directly affect me.

"But I am concerned about the whole State of Hawaii -- the stability and unity. How do we go through the process of ho'oponopono? I was very encouraged with the process of democracy, the attempt to look at the Department of Hawaiian Home Lands, the creation of the Office of Hawaiian Affairs. I personally, as a native Hawaiian, felt that the moneys from the ceded lands should have gone to the Department of Hawaiian Home Lands because it was a federal creation to address half of the nation but because of blood quantum, only service the 50 percent and more.

"So, I am standing here on one hand as a State legislator, knowing the predicament of our State and very much wanting to be a part of the solution and on the other hand, as a native Hawaiian being torn and tattered, promised and dismayed, wanting stability and unity in the process of ho'oponopono. I need to express that I know I won't be there when the Senate and the House go to their discussion on this bill, but I hope and pray that you would take these words in your heart, that if you're here to really ho'oponopono with the Hawaiians, I say, God bless you. If you've got other intentions, may I say, may God forgive you.

"I ask my colleagues to vote this measure down.

"Thank you."

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

"I would like to request, Mr. Speaker, that the words of the Majority Floor Leader be entered into the Journal as if they were my own (the Chair 'so ordered'), and I am using those words as saying that I am in opposition to this bill. And also to my colleague who has just spoken, I may be haole but I have worked with native Hawaiians on a lot of issues, and I care very deeply about being fair.

"This bill is not fair. OHA -- the Office of Hawaiian Affairs -- should, under State law, be getting these revenues.

"OHA reaches out to native Hawaiians for the betterment of the conditions of native Hawaiians. Those are really important words -- for the betterment of the conditions of native Hawaiians. OHA has established programs that have helped with the economics, the health, and the welfare of native Hawaiians throughout the islands. And we know that native Hawaiians are overrepresented in the prisons, they are overrepresented in the poverty community, and they are overrepresented in all of the categories, dropouts in school, et cetera, and the money is essential for OHA to perform its functions.

"The bill is about being fair, and as a haole, I stand here and I say -- I agree with you, Representative, that we should be fair, and I will vote against this bill taking away the money from OHA, because they will not be able to perform their functions without the money.

"Thank you."

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

"I think it was important for me to hear what had to be said, relative to this issue, by the Majority Floor Leader and the Representative from Nanakuli. I think it is important, as Representative Amaral stated, that this bill has ramifications not just for the native Hawaiians, but for all of the people of Hawaii and especially for us here in this chamber who are trustees of the lands that were taken away from the native Hawaiians.

"In reading over the history of what has happened to native Americans and what the United States government has done to them and the American people actually, I have seen the years and the many promises that were made and the treaties that were broken, and I just can't help but think that perhaps this issue would not have been brought up if not for the fact that we are going through the financial difficulties that we are going through now in the State.

"I think it is important perhaps that this issue has forced everyone who is a party and has a stake in this to come to the table to rethink, review the history once again for that exercise only. But I think that in its entirety, as we look at this and the intent of the measure, I really think that we should step back and really go through the whole ho'oponopono process as Representative Kahikina has mentioned. I witnessed such a ceremony once some years ago, and it is really something to see. The people come together and talk it out, reveal their intentions, and hopefully right a wrong.

"I know we can't right the wrongs that were made and committed so many years ago that led to the situation we have now, but I just hope that as the discussions proceed

with this measure, that we really think about what it is that we are trying to do and the impact this will have on the native Hawaiians, and what it will say about us as a people, and what this could do to those people who have the right to the proceeds from the ceded lands as envisioned by those who set it up in the laws and had set up OHA, and the distribution of the revenues from the lands.

"With that, Mr. Speaker, I have stated my reservations.

"Thank you."

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

"I certainly applaud the people who have spoken in support with reservations for standing up and stating their reservations. And while they stand and make great points about why they are reserved in their vote of yes, I question the integrity of that vote because what's before us is an egregious matter. When we talk about ho'oponopono, that is right, that's correct, we should be open and caring and sharing of the aloha spirit.

"The Hawaiians have shared long enough. They have shared their land, they have shared their revenues, they have shared their lives, their culture. It is time now for the Hawaiians to stand up, and so I suppose as much aloha I would like to think that I have, I suppose it is time for me to be a warrior and to stand up and speak out for Hawaiians.

"No longer can we sit back and allow the Legislature, the State of Hawaii, or others to dictate our future, and to go in after we were good enough to settle at 20 percent of the ceded land revenues. We entered into negotiations for 28 months to come to a resolution. We shook hands, we had pono between us. And now to have that ripped away -- no, it's not time to be sharing and concerned about the State's problems. It's time for Hawaiians to be concerned with their own problems. We all must stand up and ask ourselves -- what's right?

"This bill is wrong; we know it's wrong. Don't sugarcoat it, vote against it.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, this is not about OHA, this is not about the moneys that they will receive. This is about attitude, this is about defining who we are as a state body, this is about defining the direction that we, as legislators, and the State will take in dealing with the Hawaiian people and someday the Hawaiian nation.

"I respect the Chairman of the Finance Committee highly. He knows that I respect him. I understand the process. I understand what needs to be done so that we can negotiate, deal with the shortfall. This is not where we should go to deal with the shortfall.

"This is about a race of people that lived upon this land before any of us came here. This is about people who no longer can sustain themselves because of the atrocities that have taken place through history.

"This is about people who have been allowed to take a few steps forward over the last few years and are now being forced back again, back to the beaches -- I think we kicked them off the beaches -- back to the streets because there is no money in General Assistance, and

that's what this is going to do. This is going to affect a segment of our community that cannot handle this. This is a group that is trying to take care of themselves. We have set up a system under which we have an organization that addresses the concerns of these citizens, these native citizens of our State.

"Many of us on this floor disagree with what they do, how they do it, but they were set in place to deal with the inadequacies of the Hawaiian people, the things that they have been plagued with throughout the last hundred years. We cannot take away from them anymore.

"During my campaign, I always felt it was time for us to get past the Hawaiian activist and move now to those who would form the government of the Hawaiian nation. And I've always felt that that's not the activist. The activist did what they needed to do. They brought this to the forefront. They did a fabulous job in making this an issue that everyone knows about -- sovereignty. But it is now time for others to move ahead in the formulation of the government of the Hawaiian nation. But when we do something like this, we need the activist. We need the activist to be out there again because we bring up an issue in this body that only the activist can penetrate and get to the heart of the matter. The Hawaiians that sit on this floor today grieve and many of them, out of deep respect for this body, cannot fulfill what is in their hearts, and I speak for them. And I know where they are today, and I know what they want to say and what they want to do, but they can't.

"Mr. Speaker, it is time for us to make a commitment to the Hawaiian people. This is not about OHA -- this is about those natives who have populated these Pacific islands for thousands of years. This is about being able to help them to stand up, have dignity, gain the respect, gain the knowledge, gain the education, gain the expertise to stand along with their comrades anywhere in this world and say, I am a Hawaiian lawyer, I am a Hawaiian businessman, I am a Hawaiian principal, I am a Hawaiian schoolteacher, and allow them to become part of the everyday life that people elsewhere in this State and in the United States enjoy every single day. That is what this bill is about, and I truly ask my colleagues to vote this measure down.

"Thank you."

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

"This bill proposes a major shift in policy for what revenues accrue to OHA. I feel this is an issue of critical importance to this State and deserves much, much greater deliberation and ho'oponopono with the Hawaiian community. We need to negotiate and articulate clearly once and for all what money goes to OHA and pay it. Let's follow through with our promises. Maybe the future Hawaiian nation will be our negotiating partner, so let's wait for the nation to take shape and then start that process.

"This bill, I feel, is a unilateral attempt at re-engineering history, and I cannot support such a move.

"Thank you, Mr. Speaker."

Representative Kanoho then rose in support of the bill, with reservations, stating:

"Essentially, as expressed in yesterday's caucus which also include asking for consideration in the forthcoming conference, that appropriate compensation be given to the Hawaiian people for the use of the ceded lands.

"Thank you."

Representative Kawakami then rose and requested that her remarks, in support of the bill with reservations, be entered into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Kawakami's remarks are as follows:

"Mr. Speaker and colleagues, this measure before us attempts to bring clarity to our responsibilities in providing for the public land trust of native Hawaiians. The Hawaii Supreme Court has said it is up to the Legislature to resolve the differences.

"I believe we need to review the intent of the 20 percent requirement established in 1980 and ensure that our decisions provide a fair and equitable solution to all parties. But again, most important, that this solution follows the original intent of the requirement."

Representative M. Oshiro then rose in support of the bill with reservations, and requested that the remarks of the Majority Floor Leader be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

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

"Before I begin my speech this afternoon, and as I can recall at the opening of the Legislature where we were all sworn in to uphold the State Constitution, and where all of us here are the trustees of the public land trust.

"Mr. Speaker and members of this House, it is with a heavy heart and sorrow that we are here today. This bill, Mr. Speaker, clarifies the State's obligation to the native Hawaiian public land trust. The purpose of this bill, Mr. Speaker and members of this House, is to decide how and in what amounts the State is to make payments to OHA for the benefit of native Hawaiians.

"The speakers here this afternoon have been very eloquent in their discussion of the issue, and since the 1978 constitutional amendments, the State, yes, has been obligated to transfer to OHA twenty percent of the income generated by ceded lands. But the question that we had is -- just how this twenty percent requirement is to be implemented has not been established.

"In 1987, the Hawaii Supreme Court, in OHA vs. Yamasaki, concluded that the 1980 legislative version of this twenty percent requirement was not sufficiently specific to determine OHA's share. The Court went on to say it was up to us -- the Legislature -- to provide the standards, and I think the members who spoke in opposition and with reservations so eloquently stated 'yes.'

"In 1990, in response to the Court's ruling, the Legislature clarified how this twenty percent was to work. We tried to distinguish between activity on ceded land which was 'proprietary' in nature from activity which was 'sovereign' in nature.

"Income generated from the State's proprietary activity occurring on ceded lands would be subject to the twenty percent requirement while income generated by sovereign activity of the State would not.

"Mr. Speaker and members of this House, despite these amendments, disagreements between the State and OHA continued. Two years ago, OHA sued the State, claiming that payments to OHA totaling about \$134 million for the period 1980 through 1991 did not fully meet the State's twenty percent obligation.

"Mr. Speaker and members of this House, OHA now claims additional amounts for twenty percent of:

- (1) All patient services fees collected by the Department of Health at the community hospital system facilities situated on ceded lands, including Hilo Medical Center;
- (2) Rents collected by the HHA and HFDC from the public rental housing projects on ceded lands; and
- (3) Revenue from duty free shops not located on ceded lands at airports.

"Mr. Speaker and members of this House, according to OHA, the State still owes more than \$120 million, plus interest at ten percent, for the 1980 through 1991 period. I personally felt, when we settled the \$134 million, it was settled, for all of you here.

"Governor Cayetano testified that we need to further clarify what revenues OHA is entitled to receive. The Governor also explained that the State's airports and harbors are so vital to Hawaii's economic well-being and a benefit to us all, that the revenues generated from airports and harbors should be considered to be income produced by 'sovereign' activities, and this is our special funds of the Department of Transportation. The moneys received by the Airports and Harbors Divisions should thus be exempt from the twenty percent requirement.

"Mr. Speaker and members of this House, I want to assure all of you that I am not -- **I am not** -- trying to balance the budget on the backs of native Hawaiians. The funds that they are going after, which are 'sovereign' activities, are our special funds -- a great deal of them, Mr. Speaker and members.

"The problem of how to provide OHA its fair and rightful pro-rata share is a serious concern for all of us, and this issue has existed at least since the constitutional amendment of 1978. As I mentioned to you earlier, the Hawaii Supreme Court grappled with this issue in 1987 and decided that it was up to the Legislature to determine how this obligation should be fulfilled. Over the years, as the concept of the pro-rata share for native Hawaiians has evolved, all parties have presented responsible and sincere points of view. Unfortunately, this issue will not resolve itself, nor will the courts resolve it for us. At some point in time, we in the Legislature will have to address this problem -- and the time is now.

"Mr. Speaker and members of this body, unless we act today, the problem will create greater confusion and ill-will. This is an opportunity to move forward toward a solution of pono.

"It is in this spirit that I ask you to pass this bill and consider what I have stated for the record on this floor.

"Thank you, Mr. Speaker."

At 4:44 o'clock p.m., Representative Thielen asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:17 o'clock p.m.

At this time, Representative Thielen moved for a Roll Call vote on Senate Bill 1698, House Draft 3, seconded by Representative Kawanakoa and failed to carry by a show of hands.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1698, HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading by a vote of 32 ayes to 18 noes, with Representatives Anderson, Chun Oakland, Halford, Hamakawa, Kahikina, Kawanakoa, Meyer, Morihara, Nekoba, Saiki, Santiago, Shon, Swain, Takai, Takumi, Tarnas, Thielen and Ward voting no, and Representative Chang being excused.

The Chair directed the Clerk to note that S.B. No. 1698 had passed Third Reading at 5:20 o'clock p.m.

Stand. Com. Rep. No. 1571-96 and S.B. No. 2330, SD 1, HD 1:

On motion by Representative Okamura, seconded by Representative Ward and carried, Stand. Com. Rep. No. 1571-96 and S.B. No. 2330, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," were recommitted to the Committee on Judiciary.

Stand. Com. Rep. No. 1578-96 and S.B. No. 2227, SD 1, HD 2:

By unanimous consent, action was deferred one day.

S.B. No. 2546, SD 2:

On motion by Representative Okamura, seconded by Representative Ward and carried, S.B. No. 2546, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," was recommitted to the Committees on Consumer Protection and Commerce and Judiciary.

ANNOUNCEMENTS

Representative Arakaki rose and stated:

"Mr. Speaker, on your behalf, I would like to announce that April has been declared as Hawaii Foodbank Month, and we need to depend on the honor of the House once again, and we have been taking a beating lately, but I think we can win this one -- we should win this one. We have more members than the Senate. We will be collecting food items or cash. If you do bring food items, we suggest rice. But we do have several people, including Representative Takai, Representative Chun Oakland, Representative Nekoba and Representative Thielen, who will be serving as captains of their respective teams to collect your donations so, Mr. Speaker, we hope that we will end up the winners this time."

Representative Okamura: "Just to give members adequate notice, on Thursday we will be convening session at 3:00 p.m."

At 5:23 o'clock p.m., Representative Cachola asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:24 o'clock p.m.

ADJOURNMENT

At 5:25 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 10, 1996.

FORTY-SEVENTH DAY

Wednesday, April 10, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:44 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Nicolas Engebretson and Nainoa O'Sullivan, Fourth Graders at Punahou School, after which the Roll was called showing all members present with the exception of Representatives Chang, Hiraki, Isbell, Menor, Shon, Tarnas and Tom, who were excused.

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. 354 to 535) were read by the Clerk and were placed on file:

Sen. Com. No. 354, transmitting S.C.R. No. 16, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE CERTAIN SUBMERGED LANDS AT MANELE BAY, HAWAII, TO LANAI COMPANY, INC., FOR MARINA PURPOSES," which was adopted by the Senate on April 9, 1996.

Sen. Com. No. 355, transmitting S.C.R. No. 235, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ADOPT AND USE ENVIRONMENTAL GOALS AND OBJECTIVES," which was adopted by the Senate on April 9, 1996.

By unanimous consent, further action on S.C.R. Nos. 16, SD 1, and 235 were deferred until later in the calendar.

Sen. Com. No. 356, returning H.B. No. 1531, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLES," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 357, returning H.B. No. 2403, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 358, returning H.B. No. 2407, 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 OR REPEALING OBSOLETE OR UNNECESSARY PROVISIONS," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 359, returning H.B. No. 2517, entitled: "A BILL FOR AN ACT RELATING TO THE PROMOTION OF PROSTITUTION," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 360, returning H.B. No. 2601, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 361, returning H.B. No. 2620, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 362, returning H.B. No. 2850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 363, returning H.B. No. 2869, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 364, returning H.B. No. 2896, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 365, returning H.B. No. 2972, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY CIVIL FINES," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 366, returning H.B. No. 3151, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 367, returning H.B. No. 3227, entitled: "A BILL FOR AN ACT RELATED TO INSURANCE," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 368, returning H.B. No. 3244, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 369, returning H.B. No. 3346, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION OF INSTRUMENTS IN THE BUREAU OF CONVEYANCES OR LAND COURT," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 370, returning H.B. No. 3351, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 371, returning H.B. No. 3394, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 372, returning H.B. No. 3396, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 373, returning H.B. No. 3404, entitled: "A BILL FOR AN ACT RELATING TO MEDICARE SUPPLEMENT INSURANCE POLICIES," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 374, returning H.B. No. 3412, entitled: "A BILL FOR AN ACT RELATING TO MOTOR

VEHICLE REPAIRS," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 375, returning H.B. No. 3413, entitled: "A BILL FOR AN ACT RELATING TO INJUNCTIONS," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 376, returning H.B. No. 3416, entitled: "A BILL FOR AN ACT RELATING TO CITATIONS FOR UNLICENSED ACTIVITY," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 377, returning H.B. No. 3430, entitled: "A BILL FOR AN ACT RELATING TO SOLICITORS," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 378, returning H.B. No. 3460, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER PARENTS," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 379, returning H.B. No. 3468, entitled: "A BILL FOR AN ACT RELATING TO UNASSEMBLED EXAMINATIONS," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 380, returning H.B. No. 3470, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION CONSULTANTS," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 381, returning H.B. No. 3506, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 382, returning H.B. No. 3580, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADJUDICATION OF VEHICULAR TRAFFIC VIOLATIONS AT PUBLIC AIRPORTS," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 383, returning H.B. No. 3592, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 384, returning H.B. No. 3623, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," which passed Third Reading in the Senate on April 9, 1996.

Sen. Com. No. 385, returning H.B. No. 44, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 386, returning H.B. No. 50, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 387, returning H.B. No. 114, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CAMPAIGN SPENDING COMMISSION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 388, returning H.B. No. 291, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 389, returning H.B. No. 388, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 390, returning H.B. No. 401, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 391, returning H.B. No. 582, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 392, returning H.B. No. 599, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 393, returning H.B. No. 696, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 394, returning H.B. No. 894, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 395, returning H.B. No. 1042, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 396, returning H.B. No. 1482, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 397, returning H.B. No. 1559, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 398, returning H.B. No. 1716, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 399, returning H.B. No. 1866, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 400, returning H.B. No. 1926, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 401, returning H.B. No. 2286, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 402, returning H.B. No. 2358, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION," which passed Third

Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 403, returning H.B. No. 2359, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 404, returning H.B. No. 2384, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSTRUCTION PERMITS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 405, returning H.B. No. 2401, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 406, returning H.B. No. 2411, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 407, returning H.B. No. 2433, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 408, returning H.B. No. 2452, HD 3, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' HEALTH FUND," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 409, returning H.B. No. 2502, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 410, returning H.B. No. 2505, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PROPERTIES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 411, returning H.B. No. 2514, HD 3, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSITION TO WORK SYSTEM," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 412, returning H.B. No. 2515, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPULSORY SCHOOL ATTENDANCE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 413, returning H.B. No. 2526, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC AND SEXUAL VIOLENCE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 414, returning H.B. No. 2549, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 415, returning H.B. No. 2564, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 416, returning H.B. No. 2598, SD 1, entitled: "A BILL FOR AN ACT RELATING TO

QUALIFICATIONS FOR EXAMINATION AND LICENSURE TO PRACTICE MEDICINE AND SURGERY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 417, returning H.B. No. 2599, SD 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 418, returning H.B. No. 2603, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 419, returning H.B. No. 2636, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 420, returning H.B. No. 2642, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' HEALTH FUND," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 421, returning H.B. No. 2644, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 422, returning H.B. No. 2647, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 423, returning H.B. No. 2726, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 424, returning H.B. No. 2729, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 425, returning H.B. No. 2731, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OMBUDSMAN," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 426, returning H.B. No. 2789, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GOING OUT OF BUSINESS SALES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 427, returning H.B. No. 2800, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 428, returning H.B. No. 2809, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 429, returning H.B. No. 2868, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 430, returning H.B. No. 2897, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 431, returning H.B. No. 2956, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER SERVICE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 432, returning H.B. No. 2957, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 433, returning H.B. No. 2975, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 434, returning H.B. No. 2991, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 435, returning H.B. No. 3046, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 436, returning H.B. No. 3047, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL DAMAGE TO PROPERTY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 437, returning H.B. No. 3086, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTALS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 438, returning H.B. No. 3096, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RETURN OF MERCHANDISE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 439, returning H.B. No. 3101, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 440, returning H.B. No. 3102, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 441, returning H.B. No. 3138, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 442, returning H.B. No. 3153, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 443, returning H.B. No. 3182, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 444, returning H.B. No. 3203, HD 1, SD 2, entitled: "A BILL FOR AN ACT MAKING AN

APPROPRIATION FOR THE CENTER FOR A SUSTAINABLE FUTURE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 445, returning H.B. No. 3208, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESSES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 446, returning H.B. No. 3211, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 447, returning H.B. No. 3216, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 448, returning H.B. No. 3241, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROXIES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 449, returning H.B. No. 3243, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOGS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 450, returning H.B. No. 3291, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PROPERTY INSURANCE ASSOCIATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 451, returning H.B. No. 3293, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 452, returning H.B. No. 3300, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 453, returning H.B. No. 3332, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 454, returning H.B. No. 3333, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FEED," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 455, returning H.B. No. 3340, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWERS AND DUTIES OF THE COMPTROLLER," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 456, returning H.B. No. 3341, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAY PERIODS OF PUBLIC OFFICERS AND EMPLOYEES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 457, returning H.B. No. 3342, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE MAXIMIZATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 458, returning H.B. No. 3344, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 459, returning H.B. No. 3345, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATION COUNCIL," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 460, returning H.B. No. 3349, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 461, returning H.B. No. 3350, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF CHILD SUPPORT," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 462, returning H.B. No. 3551, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 463, returning H.B. No. 3362, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICTS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 464, returning H.B. No. 3382, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 465, returning H.B. No. 3389, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MUNICIPAL LEASES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 466, returning H.B. No. 3398, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE SOLICITATIONS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 467, returning H.B. No. 3399, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 468, returning H.B. No. 3400, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 469, returning H.B. No. 3401, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 470, returning H.B. No. 3407, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 471, returning H.B. No. 3409, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 472, returning H.B. No. 3414, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ADVERTISING," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 473, returning H.B. No. 3417, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY LICENSING," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 474, returning H.B. No. 3419, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING QUALIFICATIONS TO PRACTICE MEDICINE AND SURGERY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 475, returning H.B. No. 3421, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CABLE COMMUNICATIONS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 476, returning H.B. No. 3423, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WARRANTIES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 477, returning H.B. No. 3427, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCREDITATION IN INSURANCE REGULATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 478, returning H.B. No. 3432, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL IN THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 479, returning H.B. No. 3434, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 480, returning H.B. No. 3439, HD 1, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE OPERATING EXPENSES OF THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 481, returning H.B. No. 3493, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO NEWBORN METABOLIC SCREENING," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 482, returning H.B. No. 3498, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 483, returning H.B. No. 3505, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION

COMMITTEE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 484, returning H.B. No. 3512, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 485, returning H.B. No. 3520, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR UNEMPLOYMENT BENEFITS TO FORMER STATE EMPLOYEES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 486, returning H.B. No. 3533, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BOATING," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 487, returning H.B. No. 3534, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 488, returning H.B. No. 3538, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 489, returning H.B. No. 3542, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT OF INMATE MONEYS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 490, returning H.B. No. 3548, HD 1, SD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 491, returning H.B. No. 3554, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATED TAX SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 492, returning H.B. No. 3563, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES IMPOSED BY THE DEPARTMENT OF TAXATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 493, returning H.B. No. 3565, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BULK TRANSFERS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 494, returning H.B. No. 3567, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ROUNDING OF TAX RETURN ITEM ENTRIES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 495, returning H.B. No. 3570, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF CERTAIN SELLERS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 496, returning H.B. No. 3577, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO

TRANSPORTATION OF HAZARDOUS MATERIALS, HAZARDOUS WASTE, INFECTIOUS SUBSTANCES, AND MEDICAL WASTE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 497, returning H.B. No. 3579, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A TRANSPORTATION IMPROVEMENT REVOLVING FUND," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 498, returning H.B. No. 3581, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 499, returning H.B. No. 3583, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 500, returning H.B. No. 3596, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF AN ELECTION TIE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 501, returning H.B. No. 3602, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 502, returning H.B. No. 3611, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 503, returning H.B. No. 3616, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LEAVE SHARING," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 504, returning H.B. No. 3618, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 505, returning H.B. No. 3631, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUMMONING OF JURORS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 506, returning H.B. No. 3636, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 507, returning H.B. No. 3650, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 508, returning H.B. No. 3653, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 509, returning H.B. No. 3656, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY HISTORY CENTER," which passed

Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 510, returning H.B. No. 3666, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 511, returning H.B. No. 3760, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 512, returning H.B. No. 3711, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 513, returning H.B. No. 3766, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 514, returning H.B. No. 3773, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN SOVEREIGNTY ELECTIONS COUNCIL," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 515, returning H.B. No. 3785, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 516, returning H.B. No. 3789, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 517, returning H.B. No. 3809, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SIGNS REQUIRED WHERE TOBACCO PRODUCTS ARE SOLD," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 518, returning H.B. No. 3924, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AMMUNITION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 519, returning H.B. No. 3833, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE SERVICE FEES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 520, returning H.B. No. 3852, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST ETV HAWAII/ELEPHANT TELEVISION, INC.," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 521, returning H.B. No. 3853, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 522, returning H.B. No. 3862, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 523, returning H.B. No. 3881, HD 2, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 524, returning H.B. No. 3954, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 525, returning H.B. No. 3968, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 526, returning H.B. No. 3970, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 527, returning H.B. No. 4008, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 528, returning H.B. No. 4010, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 529, returning H.B. No. 4063, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 530, returning H.B. No. 4074, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 531, returning H.B. No. 4117, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 532, returning H.B. No. 4131, HD 3, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 533, returning H.B. No. 4142, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW THE USE OF REVENUE BONDS FOR THE FUNDING OF A STATE PROPERTY INSURANCE PROGRAM PROVIDING HURRICANE INSURANCE COVERAGE," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 534, returning H.B. No. 4145, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

Sen. Com. No. 535, returning H.B. No. 3154, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," which passed Third Reading in the Senate on April 9, 1996, in an amended form.

By unanimous consent, H.B. Nos. 44; 50, HD 2; 114, HD 2; 291; 388, HD 1; 401, HD 2; 582, HD 1; 599; 696, HD 1; 894, HD 1; 1042; 1482, HD 1; 1559; 1716, HD 1; 1866, HD 1; 1926, HD 2; 2286, HD 1; 2358, HD 1; 2359; 2384, HD 1; 2401; 2411, HD 1; 2433, HD 2; 2452, HD 3; 2502, HD 1; 2505, HD 2; 2514, HD 3; 2515, HD 1; 2526; 2549, HD 2; 2564, HD 2; 2598; 2599; 2603, HD 1; 2636, HD 2; 2642, HD 1; 2644, HD 1; 2647, HD 1; 2726, HD 2; 2729, HD 2; 2731, HD 1; 2789, HD 1; 2800, HD 1; 2809, HD 2; 2868, HD 1; 2897, HD 2; 2956, HD 1; 2957; 2975; 2991; 3046, HD 1; 3047, HD 1; 3086, HD 1; 3096, HD 1; 3101, HD 2; 3102, HD 1; 3138, HD 1; 3153, HD 2; 3154, HD 2; 3182, HD 2; 3203, HD 1; 3208, HD 2; 3211, HD 1; 3216, HD 1; 3241, HD 1; 3243, HD 1; 3291, HD 1; 3293, HD 1; 3300; 3332; 3333; 3340, HD 1; 3341, HD 2; 3342, HD 1; 3344, HD 2; 3345, HD 2; 3349, HD 1; 3350, HD 1; 3362, HD 2; 3382, HD 1; 3389, HD 1; 3398; 3399, HD 2; 3400; 3401, HD 1; 3407, HD 1; 3409, HD 1; 3414; 3417; 3419, HD 1; 3421, HD 2; 3423, HD 1; 3427, HD 2; 3432, HD 1; 3434, HD 2; 3439, HD 1; 3493, HD 2; 3498; 3505, HD 1; 3512, HD 2; 3520; 3533, HD 2; 3534, HD 2; 3538, HD 2; 3542, HD 2; 3548, HD 1; 3551, HD 1; 3554, HD 1; 3563, HD 1; 3565, HD 1; 3567, HD 1; 3570, HD 1; 3577, HD 2; 3579, HD 2; 3581; 3583, HD 2; 3596; 3602, HD 1; 3611, HD 1; 3616, HD 1; 3618, HD 2; 3631; 3636; 3650, HD 1; 3653; 3656, HD 2; 3666, HD 1; 3711; 3760; HD 1; 3766, HD 2; 3773, HD 1; 3785, HD 1; 3789, HD 2; 3809, HD 1; 3924, HD 1; 3833, HD 1; 3852; 3853, HD 1; 3862, HD 2; 3881, HD 2; 3954, HD 2; 3968, HD 2; 3970, HD 1; 4008, HD 1; 4010, HD 2; 4063; 4074, HD 1; 4117, HD 2; 4131, HD 3; 4142; and 4145, HD 2, as amended by the Senate, were placed on the Clerk's desk, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 44, SD 1; 50, HD 2, SD 2; 114, HD 2, SD 2; 291, SD 1; 388, HD 1, SD 2; 401, HD 2, SD 2; 582, HD 1, SD 1; 599, SD 1; 696, HD 1, SD 1; 894, HD 1, SD 1; 1042, SD 1; 1482, HD 1, SD 1; 1559, SD 2; 1716, HD 1, SD 1; 1866, HD 1, SD 1; 1926, HD 2, SD 2; 2286, HD 1, SD 1; 2358, HD 1, SD 1; 2359, SD 1; 2384, HD 1, SD 1; 2401, SD 1; 2411, HD 1, SD 2; 2433, HD 2, SD 2; 2452, HD 3, SD 1; 2502, HD 1, SD 1; 2505, HD 2, SD 2; 2514, HD 3, SD 2; 2515, HD 1, SD 1; 2526, SD 2; 2549, HD 2, SD 2; 2564, HD 2, SD 1; 2598, SD 1; 2599, SD 2; 2603, HD 1, SD 1; 2636, HD 2, SD 1; 2642, HD 1, SD 1; 2644, HD 1, SD 2; 2647, HD 1, SD 1; 2726, HD 2, SD 2; 2729, HD 2, SD 1; 2731, HD 1, SD 1; 2789, HD 1, SD 1; 2800, HD 1, SD 1; 2809, HD 2, SD 1; 2868, HD 1, SD 1; 2897, HD 2, SD 2; 2956, HD 1, SD 1; 2957, SD 1; 2975, SD 1; 2991, SD 1; 3046, HD 1, SD 1; 3047, HD 1, SD 1; 3086, HD 1, SD 1; 3096, HD 1, SD 1; 3101, HD 2, SD 2; 3102, HD 1, SD 2; 3138, HD 1, SD 2; 3153, HD 2, SD 2; 3154, HD 2, SD 2; 3182, HD 2, SD 1; 3203, HD 1, SD 2; 3208, HD 2, SD 1; 3211, HD 1, SD 2; 3216, HD 1, SD 1; 3241, HD 1, SD 1; 3243, HD 1, SD 1; 3291, HD 1, SD 1; 3293, HD 1, SD 1; 3300, SD 1; 3332, SD 2; 3333, SD 1; 3340, HD 1, SD 1; 3341, HD 2, SD 2; 3342, HD 1, SD 1; 3344, HD 2, SD 1; 3345, HD 2, SD 2; 3349, HD 1, SD 1; 3350, HD 1, SD 1; 3362, HD 2, SD 1; 3382, HD 1, SD 1; 3389, HD 1, SD 1; 3398, SD 1; 3399, HD 2, SD 1; 3400, SD 1; 3401, HD 1, SD 1; 3407, HD 1, SD 2; 3409, HD 1, SD 1; 3414, SD 1; 3417, SD 1; 3419, HD 1, SD 1; 3421, HD 2, SD 2; 3423, HD 1, SD 1; 3427, HD 2, SD 1; 3432, HD 1, SD 2; 3434, HD 2, SD 2; 3439, HD 1, SD 1; 3493, HD 2, SD 2; 3498, SD 2; 3505, HD 1, SD 1; 3512, HD 2, SD 1; 3520, SD 1; 3533, HD 2, SD 2; 3534, HD 2, SD 2; 3538, HD 2, SD 1; 3542, HD 2, SD 1; 3548, HD 1, SD 2; 3551, HD 1, SD 1; 3554, HD 1, SD 1; 3563, HD 1, SD 1; 3565, HD 1, SD 1; 3567, HD 1, SD 1; 3570, HD 1, SD 1; 3577, HD 2, SD 2; 3579, HD 2, SD 2; 3581, SD 1; 3583, HD 2, SD 2; 3596, SD 1; 3602, HD 1, SD 1; 3611, HD 1, SD 1; 3616, HD 1, SD 2; 3618, HD 2, SD 1; 3631, SD 1; 3636, SD 2; 3650, HD 1, SD 1; 3653,

SD 1; 3656, HD 2, SD 2; 3666, HD 1, SD 1; 3711, SD 2; 3760; HD 1, SD 1; 3766, HD 2, SD 2; 3773, HD 1, SD 1; 3785, HD 1, SD 1; 3789, HD 2, SD 2; 3809, HD 1, SD 2; 3924, HD 1, SD 1; 3833, HD 1, SD 2; 3852, SD 2; 3853, HD 1, SD 1; 3862, HD 2, SD 1; 3881, HD 2, SD 2; 3954, HD 2, SD 1; 3968, HD 2, SD 1; 3970, HD 1, SD 1; 4008, HD 1, SD 1; 4010, HD 2, SD 1; 4063, SD 1; 4074, HD 1, SD 1; 4117, HD 2, SD 2; 4131, HD 3, SD 2; 4142, SD 1; and 4145, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

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

Representative Amaral introduced Eugene Tiwanak, President and CEO of St. Francis Medical Center.

Representative Lee introduced Steve Chow, also of the St. Francis Medical Center.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

S.C.R. Nos. Referred to:

- | | |
|-----|--|
| 16 | 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 |
| 40 | Committee on Public Safety and Military Affairs, then to the Committee on Finance |
| 126 | Committee on Energy and Environmental Protection |
| 168 | Committee on Higher Education and the Arts, then to the Committee on Finance |
| 188 | Committee on Energy and Environmental Protection, then to the Committee on Finance |
| 212 | Committee on Intergovernmental Relations and International Affairs |
| 235 | Committee on Energy and Environmental Protection |

COMMITTEE REASSIGNMENTS

The following Senate bills (S.B. Nos. 2211 and 3091) were re-referred as follows:

S.B. Nos. Re-referred to:

- | | |
|------|--|
| 2211 | Committee on Finance, then to the Committee on Judiciary |
| 3091 | Committee on Finance, then to the Committee on Judiciary |

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 323 and 324) were read by the Clerk and were disposed of as follows:

H.R. No. 323, entitled: "HOUSE RESOLUTION CONGRATULATING FARRINGTON HIGH SCHOOL HEALTH ACADEMY FOR BEING SELECTED AS ONE OF THE NATION'S TEN BEST VOCATIONAL EDUCATIONAL PROGRAMS BY THE U.S. DEPARTMENT OF EDUCATION," was jointly offered by Representatives Arakaki, Abinsay, Cachola, Ito, Chun Oakland, Stegmaier, Pepper, Garcia, Amaral, Okamura, P. Oshiro, Souki and Takai.

Representative Arakaki moved that H.R. No. 323 be adopted, seconded by Representative Abinsay.

Representative Arakaki, prior to introducing the honorees, stated:

"Mr. Speaker, if I were to characterize today's presentation, not just this one but the one to follow, I would call it either the miracle in Kalihi, or building the self-esteem of a community.

"While the media continues to portray Kalihi/Palama as poverty, crime, gang and drug-ridden neighborhoods, there are too little credit given to the pockets of excellence and little groups of miracle makers who are transforming our children and young people in Kalihi into stars and literally raising the self-esteem of our community.

"I recently heard a startling statistic that the ratio of workers to retirees forty years ago was thirty to one. In 1990, the ratio was three workers for every retiree. Ten years from now, it is projected that there will be one person working for every retiree, and by the year 2020, it is projected that there will be three retirees for every worker. The point is, and a critical question we all need to ask ourselves, especially for people like you and I, Mr. Speaker, who are getting on in years, is: Who will care for us in our old age? Hopefully it won't be one of those sixteen year olds we talked about yesterday who choose to drop out from school.

"There are too many youngsters losing hope too early in life and turning to substance abuse, gangs and dropping out from school. But like it was said yesterday, there are many in our community and in our schools, such as our honorees, who will not allow hopes and dreams to die. After all, hopes and dreams are to our young people what fertile soil, the sun and the rain is to a seedling. If we do not provide the nurturing and guidance of young people to seek rewarding careers through programs such as the Health Academy, then we have no right to expect a productive and competent work force in the future.

"So as you look at this assemblage of outstanding educators and education programs, it becomes apparent that education is not just bricks and mortar. It is indeed an attitude, a belief, and a commitment that every child can and will succeed if given the opportunity and encouraged by people who care.

"The Farrington Health Academy represents a commitment for the future as well as a recognition that education is the key to opening doors of opportunity. I am proud to say that our Legislature in the past, through support from you, Mr. Speaker, as the Finance Chair, and from my colleagues, Representative Cachola, the late Representative Emilio Alcon, and yours truly, that this program was advocated for and was established. And it represents one of the really groundbreaking, collaborative efforts of the business sector, the health care community, the education community and, of course, we public policymakers, and we are seeing the fruits of this labor right now, where people will be going to Washington, D.C. this Friday to receive a national award as one of the top ten vocational programs in this country, which is

really an amazing feat when you consider the Health Academy as only existing for five years.

"So, at this time, it is my pleasure to introduce our miracle workers and some of the little miracles that are joining us," and asked the following honorees, who were seated on the House floor, to stand to be recognized:

Ms. Lillian Chang, Health Academy lead teacher. "She has been there for five years. She is actually an English teacher. She has no background in health but it shows what commitment and dedication can do";

Mr. Richard Meiers, President of Healthcare Association of Hawaii. "He was the one who really marshalled the health care forces as well as the business community to support this program. He is one of the driving forces behind the establishment of the program";

Students of the Health Academy: **Jacqueline Duga**, graduating senior; **Theresa Lapitan**, a junior; and **Aulani Aguilar**, a sophomore.

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

"Mr. Speaker, I am also honored to be here today and have the opportunity to congratulate the teachers, students, school administrators, and health care professionals for the outstanding job you all have done with the Farrington High School Health Academy.

"When I first heard of the Academy being named one of the nation's ten best vocational education programs by the U.S. Department of Education, I was very proud and moved for a number of reasons. First of all, the distinction of Outstanding Vocational Technical Program Award over the hundreds of schools across the nation tells me that Farrington not only has one of the best teachers committed to their profession and the betterment of their students' future, but it is one of the leading educational institutions in the country finding innovative ways of teaching our youth and preparing them for the ever-changing work environment.

"The Academy proves that Farrington is not a second or third-rate school. It's a first-rate school -- a school that the State of Hawaii can and should be proud of. And for the students attending Farrington, especially those in the Academy, this award is even more meaningful. It gives them inspiration and confidence knowing that they are receiving one of the best educations in the nation. More importantly, it instills school pride and spirit for students and teachers to do even better.

"The Academy is also a shining model of what can be accomplished when people in the community work together. The Department of Education, the State Health Department, the community colleges, the University of Hawaii and various Oahu hospitals, have all given so much to the program and students. Sometimes when we hear people say Hawaii has lost the spirit of aloha and unity, I think of all the good things such as the Academy program that demonstrates partnership and teamwork. I am convinced that our State is still full of caring individuals.

"As a citizen and as your Representative, I will always be supportive to such life-changing and worthwhile career-building programs such as the Health Academy as it continues to be available and be an integral part of the primary education system. We must support the Health Academy at Farrington High School and other similar vocational programs that provide both academic instruction and work-related experiences. The new work

environment warrants us to change our ways of class instruction and education to one that is more relevant. One that will equip our youths with the skills and knowledge necessary to succeed today.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I am not a graduate of Farrington High School just like Representative Arakaki, but I have the distinction of being the legislator who lives closest to Farrington High School. It's only a good 9-iron shot to the campus of Farrington High School. As I am getting older, it might be a 7-iron shot.

"However, let me say this, Mr. Speaker. Living closest to Farrington High School, you witness a lot of things going on in the community. I hear police sirens and flashing lights of police cars converging into Farrington High School. Those are the things that are in the minds of a lot of people, thinking that Farrington High School is a school whose reputation is a little bit downgraded.

"But let me tell you this ... those sirens and flashing lights are seldom seen at the school. To my mind, Farrington High School is a better school now and a better campus. The kids have now built their own self-esteem and raised it to a level you can't imagine. Now they have been recognized as one of the ten best vocational educational programs by the U.S. Department of Education throughout the United States.

"I know that Farrington High School has a lot more programs like, for example, the Tourism Academy which is almost the same, in terms of its application, to the Farrington Health Academy. They work in hospital settings or hotel settings, depending on whether or not it is the Health Academy or the Tourism Academy. They learn their trade, and the students are given the opportunity to choose what kind of profession they want to get into later on.

"Farrington High School also has a role model -- you don't have to go far. Aside from Representative Arakaki and those who are graduates of Farrington High School, you have the current Governor of the State of Hawaii, and that will add a lot of self-esteem for the school.

"And you know, just like any successful program, you have to have people behind it. And I would like to acknowledge and commend the following people, most importantly, the administrator or the head teacher of the Health Academy -- Lillian Chang -- and please give her a big round of applause for really coming out with a good program.

"Of course, the Principal. Way back when we passed this Health Academy program, I think it was Principal Bernard Williams, and now it's Catherine Payne.

"We also have to acknowledge the cooperation of the hospital groups through the leadership of Rich Meiers, and also our good friend, Gene Tiwanak, in the gallery. I know that he is one of the key guys helping us out to make the Health Academy a success, and also the Department of Education, the Department of Health, and the Department of Labor. All of them helped to make this program a lot better program than you can imagine.

"Having said all that, Mr. Speaker, let me again congratulate Farrington High School, its students most especially who are well-deserving of this award, for without them this Health Academy program will not be a success and that, hopefully, with the Health Academy as

well as the tourism program, that again we will make Farrington High School the best high school here in the State of Hawaii.

"Thank you."

Representative Ito then rose and stated:

"Mr. Speaker, I am a graduate of Farrington High School, and I would like to speak in support of the resolution.

"Mr. Speaker, in my 24 years with the Department of Education, I saw many different programs and types of vocational education at different schools across the State. I am very proud to be here today in a different capacity to honor one of our State's finest vocational education programs, which has been recognized as one of our nation's ten best programs.

"As a resource teacher, I watched as the Farrington High School Health Academy grew from an idea to become an innovative program that had a major impact on students' lives. As a legislator, I stand here with great pride at the distinction the Farrington High School Health Academy has brought to our State to stand as a model of how the Department of Education, private enterprise, and other state departments can work together to provide students with excellence.

"I would like to congratulate all the individuals here today who have contributed to the success of the Health Academy, but I would especially like to recognize two individuals who were crucial to the establishment and accomplishments of the Health Academy. The first is Mary Ann Ishikane, a registered nurse with a degree in education, who is right now a resource teacher at the State Office. Her hard work and perseverance helped build the program into what it is today.

"The second person I would like to recognize is Portia Wakuzawa, an Educational Specialist at the Department of Education's Honolulu District Office, who is right now Vice Principal at the Farrington Community School for Adults. She really fought to secure the initial and subsequent funding which made the Farrington High School Health Academy possible.

"I extend my heartfelt congratulations and best wishes for continued success to the Farrington High School Health Academy.

"Thank you, Mr. Speaker."

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

"As you know, I serve on both the Health and Education Committees and, frankly, there is a reasonable amount of rhetoric in both of those committees as there is on the floor of the House. But sometimes programs come together to give real meaning to some of that rhetoric.

"We talk about private/public partnerships and here is a marvelous example of how a public/private partnership can work. We talk about quality education. We talk about the relevance of education to students and their motivation being so much better when there is a relevance to their education. We talk about the need for well-trained personnel to contribute to a quality health service in Hawaii.

"All of these things have come together in the Farrington Health Academy, and now on top of that is icing for the cake -- they had national recognition for the program.

"I congratulate you all.

"Thank you."

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

"To follow up on what the previous speaker has said, it's wonderful to stand here today and see these three young women and Ms. Chang, and of course, Rich Meiers, and to know that this is something we had a part in. We do so many things in the Legislature but we never really know what happens to them afterwards. So it's wonderful to see these people and realize that because of the way the people in the Health and Human Services Committees in the Senate and in the House worked together to get this to have reality, and we were just the starting point.

"But now to stand here and realize that these people have national recognition, my hat is off to Ms. Chang, and I know that Rich Meiers and Gene Tiwanak join me in being very proud of these people. So there are rewards in being a legislator and being in the Legislature -- thank God!"

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

"Mr. Speaker, I rise to commend Rich Meiers whose distance from my house is probably not a 9-iron but maybe a 3-iron away. Maybe it's a putter for Billy Swain -- who knows the advantage. But Rich Meiers is a man dedicated to making health care in Hawaii second to none, and I mean that in all sincerity.

"Mr. Speaker, Rich Meiers is a man who practices what he preaches. Before most of us, Mr. Speaker, in this chamber get up, he is out and exercising in a downtown health studio in order to practice what he preaches. And I think, as he applies this each day, he is certainly dedicated to making Hawaii a healthier and a better place.

"I congratulate him and thank him for his work, and for what we can expect in the future for health care in Hawaii.

"Thank you, Mr. Speaker."

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

"I wanted to share with the honorees that I have very warm feelings for Farrington High School. I have many friends who have graduated from the school and knowing of the many accomplishments of the students that have graduated from the school.

"I just wanted to wish Lillian and Rich, the students, and many, many others, continued success. I know you'll do very well.

"Thank you."

The motion was put by the Chair and carried, and H.R. No. 323 was adopted.

At this time, a Certificate of Recognition was presented to Ms. Lillian Chang by Representative Arakaki, and floral leis were given to the honorees by Representatives Chun Oakland, Abinsay, Pepper, Stegmaier, Cachola and Ito.

At 12:14 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:22 o'clock p.m.

H.R. No. 324, entitled: "HOUSE RESOLUTION CONGRATULATING THE DISTINGUISHED RECIPIENTS OF THE 1995 MILKEN FAMILY FOUNDATION NATIONAL EDUCATOR AWARD," was offered by Representative Stegmaier.

Representative Stegmaier moved that H.R. No. 324 be adopted, seconded by Representative Lee.

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

"As I was going through the information about these awardees, I was truly impressed by the kind of contributions that they have made and are continuing to make, and as I was reading I imagined these various educators:

Ted Nagata with a quiet dignity at Waialua High School, the Father of Tech-Prep teaching skills, and yet, at the same time, never forgetting to work on developing the whole person.

I imagined **Nancy Seifers** working in the multimedia lab on different projects to encourage students to go beyond their creative works, to stretch themselves, to understand that they are just as good and just as capable as any student in an urban environment, sewing the clothes for the Hoolaulea and May Day activities, and always reminding the Hawaiian students as well as others in the Pahoa community and school to dedicate themselves to be everything that they possibly could be.

I think of **Geri Ichimura** at Dole Intermediate besieged by the daily requests and burdens of an administrator in an urban setting, reminding herself to value each person who walks through her door, and to remember that there are many different intelligences that she needs to look for in her students, and then to have brought that school around to centering the whole curriculum on artistic expression and the expression of those innate intelligences that every student has.

I thought of **Lillian Yonamine** who has been described in some of those materials as the foundation of Waipahu High School's transformation from a school that faced drug and gang-related problems to a school conducive to learning. And I thought of her receiving phone calls from the mainland and elsewhere, from college students and others, to let her know that ... 'Thank you, Mrs. Yonamine, I'm doing fine. Things have worked out and I appreciate your help.' I can see her visiting a student in a homeless situation as she has done, and I see her going to every athletic contest of Waipahu High School.

"Lastly, Mr. Speaker, I see **Catherine Payne** quietly handling an almost impossible disciplinary problem at Olomana School, reminding herself that this student, too, is a child of God. I can see her encouraging her toughest students to go out there and compete with other students in essay contests, in art exhibits, and history and science fairs because they are just as talented and just as able to make a contribution as the next kid; and I can see her getting the agreement of her teachers to provide a report eight times a year to the parents of the students at Olomana School, to keep them apprised of the progress that their children are making.

"Mr. Speaker, despite their different positions and school communities, these outstanding educators have several things in common. First, they have a willingness to see beyond the superficial, the stigmatized person that they are facing, to the being or the spirit within. At the same time that they acknowledge perfection in people, they have an expectation that every person will reach very high standards. They are unwilling to settle for anything less than what people are truly capable of, and they are unwilling to buy into the story that people have that allows them to justify selling themselves short.

"Mr. Speaker, they also have in common a similarity in their personal behavior. They are gentle, yet firm, and at the same time, humble, yet persistent. And finally, they have in common a social commitment which they are acting out in their daily lives, a long-term commitment to at-risk youths. They have the courage to put aside the fears that they might have, the worries about the larger society, and the bad news that they read about everyday, to continue to dedicate themselves to youngsters at risk.

"I would like to, at this time, introduce these individuals. First, if I could ask the former principal of Dole Intermediate School who is now a member of the Felix vs. Waihee State Implementation Team, Geraldine Ichimura, to stand. And then the guru of vocational education at Waialua High and Intermediate School and also now statewide, Mr. Ted Nagata; the principal at Farrington High School who formerly served at Olomana School for nine years, Catherine Payne; the core learning teacher and the new teacher/coach at Pahoa High and Intermediate School, Nancy Seifers; and the highly regarded and much loved counselor at Waipahu High School, Lillian Yonamine, to stand to be recognized.

Representative Stegmaier then asked Mrs. Irene Nagata, wife of Ted Nagata, who was seated in the gallery, to stand to be recognized.

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

"We did honor all of these outstanding individuals but in particular for me, Nancy Seifers. Members, it is difficult to attract high-quality teachers to some of our rural schools. In Pahoa, this school, twenty years ago, was going to be closed for lack of students. Now, they've got over a thousand students serving an area bigger than Oahu -- one single school. And you've heard me talk about the difficulties of this area where agriculture is in trouble because of the ring-spot virus taking many papaya farmer families down, and these students are facing extraordinary personal challenges in their lives, an area with few telephones, with no public transportation, and all of these factors add into the difficulties that are faced by teachers in these rural areas.

"I was at the school once on a school inspection trip, and I was walking around by myself and this young student came up to me and said, 'Eh mister, who you? You from the department?' I said, 'No, I'm a State Representative, and I'm here on a school inspection.' He said, 'Mister, this school is better than it looks.' And you've all heard about the reputation that we have in Pahoa being the wild, wild West. Well, it's a better place than some of you see it as, and despite the odds, the school produces some extraordinary students and it's really better than it looks, thanks to people like you, Nancy. We're blessed by having you with us.

"Thank you."

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

"Mr. Speaker, as I mentioned during the previous presentation, I guess our presentations could also be called 'Miracles in Kalihi.' I am glad that we have two of the miracle workers here today, but indeed, the miracle workers are throughout the State and they are educators, and it's too bad we couldn't recognize all of those miracles that occur throughout our schools, but I would like to talk briefly about Geraldine Ichimura.

"Geraldine Ichimura has been on the floor of the House and also the Senate so many times during the past two years that she may want to seek a permanent seat here. She certainly has the energy and the persuasive skills to be one of us, but I asked her to hold up until the good Representative from Hawaii Kai is ready to move on.

"But Geri is the kind of person who would do well no matter what she endeavors to do because she is sort of the embodiment of the Energizer Rabbit. She is full of life and energy and in all my dealings with her, I have always seen a very positive 'can do' attitude, and that attitude is infectious. It was her attitude and ideas which were the driving force behind Dole Middle School being named one of the three National Blue Ribbon schools that we recently honored, and one of the reasons why they were honored is because the school and Mrs. Ichimura have been at the cutting edge of new ideas in education and informational technology.

"A noted educator once said, 'There's a difference between interest and commitment. When you are interested in doing something, you do it only when it's convenient. When you are committed to doing something, you accept no excuses, only results.' And Geri Ichimura is a truly committed educator who has provided our community and State with many excellent results.

"While she no longer serves as principal of Dole Middle School, she is using her energy and skills to break new ground as part of the Implementation Team for the Felix vs. Waihee Consent Decree as the Department of Education liaison, and she also continues to serve as Chair of the Ethnic and Cultural Diversity Committee to address the issue of ethnic overrepresentation in Hawaii's juvenile justice system.

"So I would like to say, mahalo nui loa, Geri, and we hope that you will continue to be active in our community, and thank you for striving and achieving the highest as an educator for the children of Hawaii.

"Mahalo."

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

"I am personally acquainted with Catherine Payne and it is a great joy to see her here on the floor. I first met her at Olomana School where she compiled an enviable record of achievements.

"My purpose in standing up today to speak on this resolution is to express the appreciation of the House to the Milken Foundation for sponsoring the Award. The Milken Foundation does this in a number of other states, and our awardees will have the incomparable advantage of traveling to, I think, Los Angeles where the awards will be presented to all the different state winners, and it's really a very good sign that, nationally, Hawaii is among those school systems which is recognized by an eminent foundation such as the Milken Foundation. For these reasons, I think the House would like to thank the Milken Foundation for its role.

"Thank you, Mr. Speaker."

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

"I rise to, first of all, acknowledge all of you, many of you whom I have met before and continue and enjoy seeing you down here, but more specifically, to talk about Ted Nagata.

"Ted is a very quiet, unassuming individual, but as he walks the campuses of Waialua, there is no individual who is more highly respected than Ted on the campuses. For 28 years, he has strived to educate young kids and has given of himself. . . I am reminded of the movie, **Mr. Holland's Opus**, whenever we talk about educators, and I am reminded about the kind of dedication that is shown to the students, and what Ted provides me with is this real quick opportunity to point out that he is actually the fifth Milken Award recipient from the North Shore. We had two from Kahuku, we had two from Waialua Elementary School, and now one from Waialua High School, and we hope to continue that tradition.

"I also wanted to mention just briefly about the involvement of Ted in the community. He is active in many, many community activities -- with the Waialua Lions Club, SCBM, he did volunteer work for the carnival, he's active politically -- and he has been able to convey to the students the kind of sensitivity that they can relate to, that I think is very important for a special community like Waialua as we go through the transition that we are going through now.

"On behalf of the North Shore community, Ted, to you and to your wife, Irene, the appreciation that the people show and just giving us another opportunity to say 'thank you.' I walked over to Ted earlier and he said he'd rather be teaching today, and I am sure with that kind of commitment that comes from the heart that shows and is why you're sitting here today, and as a dedicated family man. I am sure your children have already put in their order on what you are going to do with the award, so you decide what you are going to do a little bit for yourself also, Ted.

"On behalf of the North Shore community, thank you very much."

Representative Garcia, on behalf of the Waipahu contingent -- Representatives Takumi, Amaral, P. Oshiro and himself -- rose to speak in support of the resolution, stating:

"While we commend all of the awardees here on the floor, we have to single out one from Waipahu that our contingent is very proud of, and that is Lillian Yonamine.

"Earlier, a previous speaker had mentioned about dealing with stereotypes with respect to his community. In Waipahu, Mr. Speaker, we have to deal with our own negative images from outsiders really, but for those of us who work to try and change those negative images, it is disheartening to hear, at times, from even our own people who view Waipahu in a negative light.

"But then we have people like Lillian Yonamine who is working on the inside and dealing with especially our young people, who supports them and encourages them, and gives them some reassurance that they are good people and they have the potential to be great people. And they are great people who happen to come from Waipahu.

"And for that we are grateful and we commend and we acknowledge all of the contributions that Lillian has made

for our young people. I know that she will continue to do the great work that we award her for today.

"Thank you, Lillian."

The motion was put by the Chair and carried, and H.R. No. 324 was adopted.

At this time, Certificates of Recognition were presented to the honorees by Representatives Arakaki, Abinsay, Herkes, Santiago and Garcia, and floral leis were given to them by Representatives Cachola, Takamine, Meyer, Stegmaier and P. Oshiro.

At 12:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:51 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1578-96 and S.B. No. 2227, SD 1, HD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1585-96 and S.B. No. 2900, SD 2, HD 2:

By unanimous consent, action was deferred one day.

STANDING COMMITTEE REPORTS

Representative McMurdo, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 1591-96) recommending that H.C.R. No. 19, 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. 19, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT LEGISLATION TO CONTINUE TO PROVIDE FUNDS FOR THE HAWAII NATIONAL GUARD YOUTH CHALLENGE PROGRAM," was adopted.

Representatives McMurdo and Say, for the Committees on Public Safety and Military Affairs and Finance, presented a joint report (Stand. Com. Rep. No. 1592-96) recommending that H.R. No. 222 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.R. No. 222, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A MODEL FOR AN ADULT CORRECTIONS ACADEMY TO TRAIN PROFESSIONAL ADULT CORRECTIONS OFFICERS," was adopted.

Representatives McMurdo and Say, for the Committees on Public Safety and Military Affairs and Finance, presented a joint report (Stand. Com. Rep. No. 1593-96) recommending that H.C.R. No. 227 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and H.C.R. No. 227, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A MODEL FOR AN ADULT CORRECTIONS ACADEMY TO TRAIN

PROFESSIONAL ADULT CORRECTIONS OFFICERS," was adopted.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1594-96) recommending that H.R. No. 250 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 250, entitled: "HOUSE RESOLUTION URGING CONGRESS TO CONTINUE THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM," was adopted.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1595-96) recommending that H.C.R. No. 259 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. 259, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO CONTINUE THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM," was adopted.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1596-96) recommending that H.R. No. 272 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 272, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION AND THE UNITED STATES AMBASSADOR TO THE UNITED NATIONS TO SPONSOR APPROPRIATE LEGISLATION DESIGNATING HAWAII AS A UNIQUE ECOSYSTEM," was adopted.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1597-96) recommending that H.C.R. No. 286 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. 286, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION AND THE UNITED STATES AMBASSADOR TO THE UNITED NATIONS TO SPONSOR APPROPRIATE LEGISLATION DESIGNATING HAWAII AS A UNIQUE ECOSYSTEM," was adopted.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1598-96) recommending that H.R. No. 226, 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. 226, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HEALTH AND THE CITY AND COUNTY OF HONOLULU TO DEVELOP AND IMPLEMENT EDUCATIONAL PROGRAMS TO INFORM CITIZENS ABOUT NON-POLLUTING METHODS OF CAR WASHING, LAWN AND LANDSCAPE WATERING, AND PAVEMENT WASHING," was adopted.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1599-96) recommending that H.C.R. No. 231, 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. 231, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH AND THE CITY AND COUNTY OF HONOLULU TO DEVELOP AND IMPLEMENT EDUCATIONAL PROGRAMS TO INFORM CITIZENS ABOUT NON-POLLUTING METHODS OF CAR WASHING, LAWN AND LANDSCAPE WATERING, AND PAVEMENT WASHING," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1600-96) recommending that H.R. No. 69, 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. 69, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE ESTABLISHMENT OF POST-HARVEST WAREHOUSING AND TREATMENT FACILITIES TO FACILITATE THE EXPORT AND MARKETING OF HAWAII-GROWN CROPS," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1601-96) recommending that H.C.R. No. 60, 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. 60, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ESTABLISHMENT OF POST-HARVEST WAREHOUSING AND TREATMENT FACILITIES TO FACILITATE THE EXPORT AND MARKETING OF HAWAII-GROWN CROPS," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1602-96) recommending that H.R. No. 301, 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. 301, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE ASSESSMENT OF THE ECONOMIC IMPACTS ON LOCAL BUSINESS RETAILERS BY 'BIG BOX RETAILERS'," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1603-96) recommending that H.C.R. No. 329, 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. 329, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ASSESSMENT OF THE ECONOMIC IMPACTS ON LOCAL BUSINESS RETAILERS BY 'BIG BOX RETAILERS'," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1604-96) recommending that H.R. No. 168, 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. 168, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A SUNRISE REVIEW OF THE REGULATION OF CONDOMINIUM ASSOCIATION MANAGERS," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1605-96) recommending that H.C.R. No. 165, 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. 165, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF THE REGULATION OF CONDOMINIUM ASSOCIATION MANAGERS," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1606-96) recommending that H.C.R. No. 157, 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. 157, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE HOW TO IMPROVE PRE-VOCATIONAL AND VOCATIONAL SERVICES FOR DEAF AND HARD OF HEARING PERSONS WITHIN THE DEPARTMENT OF HUMAN SERVICES," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1607-96) recommending that H.C.R. No. 170, 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. 170, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF HAWAII'S RENT-TO-OWN INDUSTRY," was adopted.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1608-96) recommending that H.R. No. 173 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 173, entitled: "HOUSE RESOLUTION REQUESTING THE RECOGNITION AND DESIGNATION OF SURFING AND OUTRIGGER CANOE RACING AS OLYMPIC SPORTS," was adopted.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1609-96) recommending that H.C.R. No. 171 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. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE RECOGNITION AND DESIGNATION OF SURFING AND OUTRIGGER CANOE RACING AS OLYMPIC SPORTS," was adopted.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1610-96) recommending that H.R. No. 41, 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. 41, HD 1, entitled: "HOUSE RESOLUTION DENOUNCING FRENCH NUCLEAR TESTING IN THE PACIFIC, AND CALLING FOR FRANCE TO FUND ENVIRONMENTAL MONITORING EFFORTS," was adopted.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1611-96) recommending that H.C.R. No. 34, 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. 34, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION DENOUNCING FRENCH NUCLEAR TESTING IN THE PACIFIC, AND CALLING FOR FRANCE TO FUND ENVIRONMENTAL MONITORING EFFORTS," was adopted.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1612-96) recommending that H.R. No. 60, 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. 60, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO CONDUCT AN ENTOMOLOGICAL SURVEY FOR AGRICULTURAL PESTS IN MICRONESIA," was adopted.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1613-96) recommending that H.C.R. No. 51, 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. 51, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO CONDUCT AN ENTOMOLOGICAL SURVEY FOR AGRICULTURAL PESTS IN MICRONESIA," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1614-96) recommending that H.R. No. 172, 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. 172, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF HAWAII'S RENT-TO-OWN INDUSTRY," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1615-96) recommending that H.R. No. 267, 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. 267, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF AN OPTIONAL RETIREMENT PLAN FOR UNIVERSITY OF HAWAII EMPLOYEES," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1616-96) recommending that H.C.R. No. 276, 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. 276, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF AN OPTIONAL RETIREMENT PLAN FOR UNIVERSITY OF HAWAII EMPLOYEES," was adopted.

At 12:53 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 12:54 o'clock p.m.

THIRD READING

S.B. No. 2738:

By unanimous consent, action was deferred one day.

DISPOSITION OF MATTER PLACED ON THE CLERK'S DESK

On motion by Representative Okamura, seconded by Representative Amaral and carried, the House disagreed to the Senate amendments made in House Bill No. 4142, SD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, the Speaker this day appointed Representatives Menor, Tom and Say, Co-Chairs; Cachola, Kawakami, White, Yoshinaga and Marumoto as conferees on the part of the House for the consideration of said amendments.

APPOINTMENT OF CONFEREES

In accordance with the disagreement of the Senate to the amendments proposed by the House in the following Senate Bills and the request for a conference on the respective subject matter thereof, the Speaker appointed the following conferees on the part of the House at such conference:

S.B. No. 2211, SD 2, HD 2:

Representatives Say/Stegmaier/Tom, Co-Chairs; and Marumoto.

S.B. No. 3091, HD 1:

Representatives Say/Tom, Co-Chairs; Kawakami, White and Marumoto.

HOUSE COMMUNICATION

House communication dated April 10, 1996 to the Honorable President and members of the Senate of the

State of Hawaii from Patricia Mau-Shimizu, Clerk, House of Representatives, informing the Honorable Body that the Speaker has on this day removed the late Representative Emilio Alcon as a conferee on the part of the House for the consideration of amendments proposed by the Senate in House Bill No. 2333, HD 1, SD 2, and that Representative Felipe P. Abinsay, Jr. is hereby appointed as a conferee on the part of the House for said bill, was placed on file.

ANNOUNCEMENTS

Representative Kawakami rose and requested waiver of the 48-hour hearing notice requirement for the Finance Committee to hear H.C.R. No. 284/H.R. No. 269 and H.C.R. No. 277, HD 1, at 5:00 p.m. today in Room 308, and the Chair "so ordered."

Representative Morihara then rose and invited all colleagues and staff to Dave's Day ice cream at 2:30 p.m. on the fourth floor balcony.

ADJOURNMENT

At 1:55 o'clock p.m., on motion by Representative Amaral, seconded by Representative Thielen and carried, the House of Representatives adjourned until 3:00 o'clock p.m. tomorrow, Thursday, April 11, 1996.

FORTY-EIGHTH DAY

Thursday, April 11, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 3:17 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor David Huber of Central Union Church, after which the Roll was called showing all members present with the exception of Representatives Amaral, Chang, Hiraki and Takamine, who were excused.

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

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 194 and 195) were read by the Clerk and were placed on file:

Gov. Msg. No. 194, transmitting copies of the 1994 Annual Report prepared by the Executive Office on Aging.

Gov. Msg. No. 195, transmitting copies of the Annual Report to the Governor of activities under the Job Training Partnership Act for the Program Year 1993 (July 1, 1993 to June 30, 1994), prepared by the Hawaii Job Training Coordinating Council.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 536 and 537) were read by the Clerk and were placed on file:

Sen. Com. No. 536, transmitting S.C.R. No. 286, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE APPROPRIATE CRITERIA UNDER WHICH UTILITY LINES SHALL BE PLACED UNDERGROUND, AND OF THE APPROPRIATE MEANS OF FINANCING ANY COST DIFFERENTIAL BETWEEN OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES," which was adopted by the Senate on April 10, 1996.

By unanimous consent, further action on S.C.R. No. 286, SD 1, was deferred.

Sen. Com. No. 537, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills and has requested a conference on the subject matter thereof, in consequence of which the President, on April 10, 1996, appointed as Managers on the part of the Senate for the consideration of said amendments:

S.B. No. 2211, SD 2, HD 2:

Senator Ikeda, Chair.

S.B. No. 2446, SD 1, HD 1:

Senators Chumbley, Chair; Kawamoto and Matsunaga.

S.B. No. 3021, SD 1, HD 1:

Senators Chumbley, Chair; Kawamoto and Matsunaga.

S.B. No. 3091, HD 1:

Senator Ikeda, Chair.

At this time, Representative Santiago introduced to the members of the House a group of fourth and fifth grade students from Haleiwa Elementary School, which is observing its 125th anniversary. They were accompanied by their teachers, Mrs. Barbara Stokes, Mrs. Shari Jiminez, Mrs. Tam Yamakawa and Miss Lori Yamauchi; and several parent chaperones.

At 3:24 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:44 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following House Bills and Senate Bill were re-referred as follows:

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

50 Committee on Judiciary, then to the Committee on Human Services, then to the Committee on Finance

388 Committee on Energy and Environmental Protection, then jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary

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

894 Committee on Health, then to the Committee on Energy and Environmental Protection, then to the Committee on Finance

1482 Committee on Energy and Environmental Protection, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance

2505 Jointly to the Committee on Water and Land Use Planning and the Committee on Ocean Recreation and Marine Resources, then to the Committee on Judiciary

2515 Committee on Education, then to the Committee on Judiciary

2526 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

2599 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2726 Committee on Legislative Management, then jointly to the Committee on Judiciary and the Committee on Consumer Protection and Commerce, then to the Committee on Finance

3138 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

3182 Jointly to the Committee on Intergovernmental Relations and International Affairs and the Committee on Transportation, then to the Committee on Finance

3332 Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance

3421 Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary, then to the Committee on Finance

3432 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

3602 Jointly to the Committee on Hawaiian Affairs and Housing and the Committee on Intergovernmental Relations and International Affairs, then to the Committee on Water and Land Use Planning, then to the Committee on Finance

3618 Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance

3711 Committee on Consumer Protection and Commerce, then to the Committee on Finance

S.B. No.

2211 Committee on Finance, then to the Committee on Education, then to the Committee on Judiciary

STANDING COMMITTEE REPORTS

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1617-96) recommending that S.B. No. 2379, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2379, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1618-96) recommending that S.B. No. 2535, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2535, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL WASTEWATER SYSTEMS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1619-96) recommending that S.B. No. 2784 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.B. No. 2784, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was placed on the calendar for Third Reading.

SUSPENSION OF RULES

On motion by Representative Okamura, 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 Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1620-96) recommending that S.B. No. 3128, SD 1, pass Third Reading.

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 3128, SD 1, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Saiki rose and requested that his remarks, in support of the bill, be entered into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Saiki's remarks are as follows:

"This bill will increase accountability on the part of individuals and entities which apply for liquor licenses. Senate Bill 3128 applies where a county liquor commission has previously denied a liquor license application by requiring any subsequent applicant to demonstrate a substantial change in circumstances that warrants the granting of the application for the same premises. Senate Bill 3128 delineates some factors which may be considered in examining whether a change in circumstances has occurred (i.e., resident opposition, character of the surrounding area, and fitness of the applicant), but authorizes each county commission to promulgate additional criterion. The higher evidentiary standard also applies where an applicant withdraws an application due to mounting community opposition, and later resubmits it.

"This proposed revision to H.R.S. Section 281-60 is necessary because it will level the playing field between applicants and affected residents. For example, over the past five consecutive years, a group of investors has attempted to establish a bar at Puck's Alley despite intense community opposition. The existing statutory loopholes created the following result.

"When it appeared that community opposition (as evidenced by petition drives) was too great, the investors withdrew and resubmitted their applications. The withdrawals were strategic because under Honolulu Liquor Commission rules, residents could not simply resubmit previously collected petition signatures. Rather, they were required to obtain new signatures each time an application was filed. As such, the residents were forced to reorganize an opposition campaign and petition drive each time the investors reapplied.

"Senate Bill 3128 does not inhibit the development of liquor establishments. It simply requires that previously denied liquor license applicants bear the initial evidentiary burden when they resubmit applications in the future. In many respects, it incorporates a res judicata

component into the administrative hearing process. See St. Phillips v. South Caroline Beverage Control Commission, 329 S.D.2d 454 (S. Car. App. 1985); Angel v. Palmer-Ball, 461 S.W.2d (Ky.App. 1971); Hasselbach v. Department of Alcoholic Beverage Control, 334 P.2d 1058 (Cal.2nd Dist. 1959); Rice v. Alcoholic Beverages Appeals Board, 144 Cal.Rptr. 851 (Cal. 1st Dist. 1978).

"In conclusion, Senate Bill 3128 will ensure that business ventures be responsive to the needs and concerns of their respective surrounding communities.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3128, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading by a vote of 46 ayes to 1 no, with Representative Thielen voting no, and Representatives Amaral, Chang, Hiraki and Takamine being excused.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1621-96) recommending that S.B. No. 2365, SD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative Amaral and carried, the joint report of the Committees was adopted and S.B. No. 2365, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTIQUE MOTOR VEHICLES," having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Chang, Hiraki and Takamine being excused.

Representatives McMurdo and Tom, for the Committees on Public Safety and Military Affairs and Judiciary, presented a joint report (Stand. Com. Rep. No. 1622-96) recommending that S.B. No. 678, SD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the joint report of the Committees was adopted and S.B. No. 678, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Chang, Hiraki and Takamine being excused.

The Chair directed the Clerk to note that S.B. Nos. 3128, 2365 and 678 had passed Third Reading at 3:49 o'clock p.m.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1623-96) recommending that H.R. No. 71, HD 1, as amended in HD 2, be adopted.

Representative Okamura moved that the report of the Committee be adopted and H.R. No. 71, HD 2, be adopted, seconded by Representative Thielen.

Representative Swain rose to speak in support of the resolution with reservations, stating:

"Mr. Speaker, my reservations are that this resolution allows a study to be done for the growing of industrial hemp. Although I understand that there is a potential of this being a crop in the State of Hawaii, there is no one that has come forth that is now in agriculture that is looking at this as an alternative to agriculture in the State of Hawaii. Those that have testified in favor of this are more individuals that see the potential possibly of this.

"And another concern of mine is that the Hawaii Drug Policy Options Group, which is a group that is looking at relaxing the drug laws and decriminalization of some of our drug laws in the State of Hawaii, is one of the advocates of this. And that concerns me because, although this is being looked at as an agricultural-type of resolution, and there was a bill at one time also that was dealing with this, the Drug Policy Option Group does not deal with agriculture. They deal with changing the drug laws in our agriculture community.

"I didn't understand why they were testifying if this was an agricultural issue, but they continue to support this, and I have some concerns with what this will achieve and what it will do to the drug laws in the State of Hawaii. I am one that feels that we should continue to have strong laws against drug use in the State of Hawaii.

"Thank you, Mr. Speaker."

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

"I would like to, first, point out that the American Farm Bureau Federation passed unanimously a resolution that requested that all of its states -- the 50 states plus Puerto Rico -- pursue vigorously industrial hemp agriculture as a crop that they will be able to grow in their own states. It has strong support from the farming communities throughout the United States. This is, I recognize, a major step because we are dealing with a plant that its cousin is certainly a drug, a concern.

"I must point out, Mr. Speaker, that internationally there are countries with successful marijuana prohibition laws and also very successful industrial hemp agribusiness, and I think if it can be done in another country, we can certainly do it here. So I would encourage my fellow members to support this resolution.

"Thank you."

Representative Swain, in rebuttal, stated:

"Although the American Farm Bureau might have supported it, the Hawaii Farm Bureau did not speak in support of this. Neither did anyone from the agriculture community in the State of Hawaii speak in favor of this.

"Thank you very much."

Representative Stegmaier then rose in support of the resolution with reservations and asked that Representative Swain'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 H.R. No. 71, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE AGRIBUSINESS DEVELOPMENT CORPORATION TO CONDUCT A STUDY ON THE ECONOMIC POTENTIAL, PROBLEMS, AND OTHER RELATED MATTERS OF GROWING NONPSYCHOACTIVE INDUSTRIAL CANNABIS HEMP AS AN AGRICULTURAL PRODUCT IN HAWAII," was adopted. (Representative Swain voted aye with reservations.)

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1624-96) recommending that H.C.R. No. 63, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the

Committee was adopted and H.C.R. No. 63, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AGRIBUSINESS DEVELOPMENT CORPORATION TO CONDUCT A STUDY ON THE ECONOMIC POTENTIAL, PROBLEMS, AND OTHER RELATED MATTERS OF GROWING NONPSYCHOACTIVE INDUSTRIAL CANNABIS HEMP AS AN AGRICULTURAL PRODUCT IN HAWAII," was adopted. (Representative Swain voted aye with reservations.)

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1625-96) recommending that H.R. No. 34 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 34, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO EXPAND AND GRANT PERMANENT STATUS TO THE TEMPORARY VISA WAIVER PROGRAM ESTABLISHED UNDER THE IMMIGRATION CONTROL AND REFORM ACT OF 1986," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1626-96) recommending that H.C.R. No. 27 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO EXPAND AND GRANT PERMANENT STATUS TO THE TEMPORARY VISA WAIVER PROGRAM ESTABLISHED UNDER THE IMMIGRATION CONTROL AND REFORM ACT OF 1986," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1627-96) recommending that H.R. No. 51, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 51, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONTINUE WORKING TOWARD A CLARIFICATION OF ITS POLICY CONCERNING RELIGIOUS AND CULTURAL EXPRESSION IN PUBLIC SCHOOLS," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1628-96) recommending that H.C.R. No. 41, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 41, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONTINUE WORKING TOWARD A CLARIFICATION OF ITS POLICY CONCERNING RELIGIOUS AND CULTURAL EXPRESSION IN PUBLIC SCHOOLS," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1629-96) recommending that H.R. No. 52, HD 1, be adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1630-96) recommending that H.C.R. No. 42, HD 1, be adopted.

Representative Okamura moved that the reports of the Committee be adopted and H.R. No. 52, HD 1, and

H.C.R. No. 42, HD 1, be adopted, seconded by Representative Thielen.

Representative Ward rose to speak against the resolutions, stating:

"Mr. Speaker, with these resolutions, we are about to commit a diplomatic breach with our brothers and sisters in the Pacific. If this resolution passes, the Commonwealth of Northern Mariana Islands will be censured regarding an internal affair regarding their minimum wage. It would, in effect, risk jeopardizing the friendly, political and economic relations that we have with this Pacific territory which is a sovereign territory, which is a territory that has its own body and its own laws.

"Passage of these resolutions would also set a dangerous precedent for other like-minded efforts to pass judgment on other states or territories and their legislative actions. With the lack of foresight and time to absorb comprehensive and balanced information, the Hawaii State Legislature may commit diplomatic error that could alienate itself and other Pacific territories such as in Micronesia, et cetera, and in the worst case scenario, the entire Pacific community, depending on how much of an affront the Legislature in the CNMI takes this as.

"Additionally, the State of Hawaii may be perceived by the CNMI as developing a paternalistic attitude toward its economically and politically less influential island neighbors. Generally speaking, Mr. Speaker, Hawaii is viewed as kind of the 'big brother' of the Pacific, the one who is benevolent, helpful, has educational and university resources that they look up to, and they respect us.

"The State of Hawaii should also then show respect to the Commonwealth of the Northern Mariana Islands' Legislature as it is the political body composed of elected officials who have every bit of the intelligence and compassion as our own State Legislature and the members here in the House of Representatives. I will now use CNMI as what we all know as Saipan. Saipan is composed of legislators who are completely competent in making their own legislative decisions affecting their people.

"Mr. Speaker, this issue is about a minimum wage that was to be increased automatically over a number of years. They put a freeze on a six-month increment that was to, by the year 2000, be on par with the federal level.

"The State of Hawaii has to realize that the establishment of minimum wages set lower than those required nationally are strictly matters of concern between the U.S. federal government and the state or territory. It is not within the scope of normal state-to-state relations to pass official judgment or, in this case, official censure, on a legislative body.

"Mr. Speaker, less than five minutes ago, I was in touch with Jerry Norris of the Pacific Basin Development Council who said that the reinstatement of the minimum wage is on the table; it is being processed to be voted on in the next week which means, Mr. Speaker, as the phone calls and the other efforts to find out what is the best way to act to saying, this is not the way to go. In fact, in conversations between my staff, Brenda Foster, Jerry Norris and Senator Akaka's staff, each one has unequivocally expressed concerns that the passage of these resolutions would do irreparable damage to Hawaii's relationship with the Commonwealth of Northern Mariana Islands without any tangible results in the way that labor or wage reform has.

"Mr. Speaker, we don't have an Office of International Relations for various reasons; however, we can be diplomatic, we can be sensitive to our Pacific Island brothers, and these wage disputes are internal matters, I think, and should be handled by internal elected officials. What we gain by this, by making a technical point, we can lose decades of goodwill, good friendship and what aloha is about, and what this body is about to make is a breach over something that is much ado about nothing, quite frankly.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, let me just come up with a brief history of the Commonwealth of Northern Mariana Islands, otherwise known as CNMI. It is located near Guam, is comprised of sixteen islands. Six of these are inhabited. The three largest and most populous are Saipan, Tinian and Rota. On November 3, 1986, CNMI became a commonwealth of the United States. As a commonwealth, they are now subjected to the laws of the United States of America, except for immigration, wage and labor laws.

"The commonwealth, in particular the island of Rota, has over the last several years been the scene of grievous abuses and violations of human rights against overseas contract workers such as domestic helpers, waitresses, farm laborers, construction workers, entertainers and teachers. Since 1995, there have been at least one hundred eighty-five documented cases of rape, forced prostitution, kidnapping, torture, assault and battery and violations of labor rights committed by employers and local government officials.

"Of the commonwealth's population of nearly 63,000, indigenous residents now comprise less than 37 percent, with contract workers, otherwise known as 'statesiders,' and others making up the remaining 63 percent. The alien labor force, comprised of workers from the Philippines, China and other Asian countries, exists as a vast, politically powerless underclass.

"Employers and government officials, under a regulatory system in which close family or political ties exist between employers and local authorities, often conspire to silence the complaints through threats and deportations. Just recently, Mr. Speaker, our very own Elwood Mart, a resident of Hawaii and a hotel and restaurant worker of the local union -- Local 5 -- was declared persona non grata. What he is trying to do is to set up some labor unions to try and help those who are discriminated against in terms of what's happening in the CNMI.

"Also, there is another labor organizer called Vincente Perez, a courageous immigrant contract worker from the Philippines. He was forced to leave the CNMI with threats of deportation and because his safety could no longer be guaranteed.

"In response to these reports, the United States Department of the Interior began an aggressive inter-agency effort to stop labor and civil rights abuses of non-U.S. citizen workers in CNMI, coordinating the activities of the FBI, the U.S. Attorney's Office, the Department of Justice's Civil Rights Division, U.S. Immigration and Naturalization Service, the U.S. Department of Labor and several other agencies.

"In November of 1993, Mr. Speaker, the CNMI elected Froilan C. Tenorio as its governor, and he acknowledged the immigration and labor problems. He sought the help of officials of the United States government and affirmed

his commitment to pursuing a cooperative course in the solution of such problems. Governor Tenorio acknowledged the need for reform of immigration problems and abusive alien labor practices. Since taking office, he admitted the existence of a significant and persistent pattern of abuse and corruption, and stated his intentions to take action. One of these actions was to veto HB 9-493, entitled the 'Minimum Wage Rate Increase Postponement Act of 1995.'

"The present CNMI minimum wage is \$2.75 per hour. The CNMI Legislature tried to roll it back to \$2.45 per hour in December 1995. When this failed, the CNMI House of Representatives introduced HB 9-493 on December 15, 1995. This bill seeks to skirt the current CNMI law which provides for yearly 30-cent increases to the minimum wage effective January 1st of each year until the rate equals the federal minimum wage of \$4.25 per hour.

"Mr. Speaker, I have here the tracking of that bill. It was introduced on December 15, 1995. It says:

'House Action:

Referred to Committee - None
Standing Committee Report - None
First and Final Reading - December 15, 1995', the same date that it was introduced by the House.

'Senate Action:

Referred to Committee - None
Standing Committee Report - None
It was passed on Second and Final Reading on December 21, 1995.

"This bill went to the Governor on December 29, 1995. It was vetoed by the Governor on December 29, 1995, but the House of Representatives overrode the veto on the same date and the Senate overrode this veto on December 30, 1995, beating the deadline for the effective date of the 30-cents increase as of January 1, 1996 by just one day.

"The CNMI Wage and Salary Review Board recommended the freeze, because it wanted to wait for data from a locally-initiated census before setting an economically feasible minimum wage. The Chairman of the Wage Board is a clearly biased executive of one of the largest companies in the Saipan garment industry, which has opposed the 30-cents wage increase in the past.

"The Saipan Garment Manufacturers' Association claimed that its member factories would shut down if the wage increase occurs. Representative Ana Teregeyo, I think the only Representative who voted against this freeze, said that these same arguments were made before, but up to now, the industry remains healthy.

"In addition, Representative Teregeyo said that raising the minimum wage would help bridge a gap between the mostly minimum wage-earning alien workers and the resident labor force whose salaries are largely above minimum wage.

"Mr. Speaker, after hearing my colleague from Aina Haina and Hawaii Kai, and after reading his Minority Dissent, I was shocked -- shocked because I have always known this Representative by his actions and statements, to fight for the poor, the oppressed and the victims of discrimination.

"Mr. Speaker, he cannot dispute the facts in these resolutions because the information came from the offices of the Governor, Attorney General, and the Legislature of the CNMI. If his concern is jeopardizing friendly political and economic relations between Hawaii and the CNMI, as well as showing respect for the CNMI legislators, my

response is this: If we as a Legislature passed a law such as this, effectively allowing the continued subjugation of an oppressed group by an unyielding upper-class, we, as competent legislators and overseers of the well-being of the entire community, should also have the foresight to expect to be bombarded by criticism from every arena.

"We, as a Legislature, have not shied away from criticizing the abuses of human rights in the past. We rallied against apartheid in South Africa, and raged against the murder of a Brazilian activist in his efforts to save the rain forests. Surely our political and economic interest in CNMI is no greater than the relationship we have with the State of California, and yet, we took the side of that state's oppressed farm workers. . .

At this point, the Chair interrupted and said, "Your ten minutes are up," whereupon Representative Okamura rose and yielded his ten minutes.

Representative Cachola thanked the Chair and continued his remarks, saying:

"As a U.S. commonwealth, the CNMI belongs to the same Union as we do. As a proud member of the United States of America, it is our right and our duty as a state to speak out when injustice is being done in our own backyard. Furthermore, we as a Legislature have a duty to Senator Akaka, as well as other congressional leaders who have taken the time and seriousness to look into this matter personally, to show our support for their efforts by passing these resolutions condemning the oppressive actions of the CNMI Legislature.

"Of course, we all would like to live in a world where all nations and governments live together as friends, but the reality is that politics is, of necessity, not always a friendly matter. It is through criticism that change and reform are borne and that is why, I think, the CNMI is now considering its action, and they may be voting to change its action in the next five days, and it's nice to hear that. Mr. Speaker, reform is the focus of these resolutions, and I repeat -- reform is the focus of these resolutions. Do not be diverted from this focus by the unsubstantiated smoke screen put forth by the dissent.

"Taking into account CNMI's dark history of violations of human rights and labor laws, reinforced by the commonwealth's attempt to roll back the minimum wage from \$2.75 to \$2.45 per hour, and its current suspension of its own mandated minimum wage increase, I respectfully urge the House to rally against these injustices by passing House Concurrent Resolution 42, House Draft 1, and House Resolution 52, House Draft 1.

"Thank you, Mr. Speaker."

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

"As a former Executive Director of the Filipino Coalition for Solidarity, Inc., I have personally been involved in the issue of abuses of workers in the Commonwealth of Northern Mariana Islands, or CNMI. For instance, about a year ago, I was introduced to a young woman from the Philippines who was hired by the CNMI government to work as a waitress. During the recruitment process, she was promised a monthly wage of nearly a thousand dollars. However, her first paycheck reflected an hourly wage of less than \$2.00. For humanitarian reasons, she was allowed to come to Hawaii from the Mariana Islands. During her stay in Hawaii, she had the opportunity to tell her story. Her job as a waitress entailed entertaining male customers. She was raped many times and eventually was forced into prostitution, which resulted in her giving birth to her

baby who was born with a heart problem and without knowing who the father was.

"This case is only one of the hundreds of cases that was documented by an advocate of human rights in the CNMI. (This person's life and her family were also threatened that they had no choice but to get out from CNMI and is now residing in Florida with her family. She is continuing her effort to address the issue in the U.S. Congress through her testimonies and meeting congressional delegations.)

"I have personally read many of these complaints by both male and female contract workers, complaints ranging from withholding wages to verbal and physical abuse, to rape and forced prostitution.

"These reported abuses are continuously happening to this day, Mr. Speaker, and are condoned by government officials, the law enforcement, business owners, and others who are in power within the government of the Mariana Islands.

"These resolutions, Mr. Speaker, will definitely address this unfair labor treatment and other abuses that are inflicted against the workers in the CNMI.

"Thank you, Mr. Speaker."

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

"While I recognize the concerns raised by the Minority Leader, I am also of the thought that this body and other bodies in this State and in this country are also quick to rise to speak out whenever we feel that another country, even though we flirt with the idea of violating their sovereignty, we are quick to comment or at least express concern on practices that we feel are questionable and especially when they are institutional, Mr. Speaker.

"As I understand the practices and the policies of businesses, and now governments in the CNMI against people who have no voice, no one who can speak up for them, and that's the reason for these resolutions. So the sponsors of these resolutions and those who have supported them are quick to rise and recognize that this is a problem, this is a policy, this is a practice that should be condemned, and we would hope that our brothers across the way in the Pacific will at least pay heed to what these resolutions intend to do.

"Thank you."

Representative Menor then rose in strong support of the resolutions, but "in the interest of time, I would like the remarks of the Representatives from Waipahu, Moanalua and Kalihi to be incorporated into the Journal as my own," and the Chair "so ordered." (By reference only)

Representative Ward, in response, stated:

"My first concern, Mr. Speaker, is that reciprocity is the basis of all relationships. Anthropologists will tell you that, whether it be individuals, companies, families and, in this case, countries, reciprocity is the basis of all relationships.

"We have to ask ourselves. . .to rise above what otherwise is an internal labor dispute here, which I said is in the process of being resolved, and Senator Akaka's Office, Brenda Foster and Jerry Norris said, 'This is not the way to go,' and they are leaders in this area. But we have to realize that if some of the things that this body does -- in this instance, we should be able to receive reciprocally from that body. For example, professors at

the University of Guam find out we are going to hit the University of Hawaii for \$25 million in budget cuts. They go to the Legislature, get a resolution condemning the Hawaii State Legislature for cutting the budget of the University of Hawaii. Mr. Speaker, what would we say if we got a resolution from those guys? We would say -- 'Hey, stay out of our business. This is our issue, it's our budget crisis. If we want to cut the University of Hawaii, we'll cut the University of Hawaii.'

"Another case in point. If the Maoris from New Zealand went to the Parliament and found out that OHA was cut and they said, 'We want you, the New Zealand Parliament, to send a letter of condemnation for cutting OHA's budget by 80 percent because we, the native brothers and sisters of Hawaiians -- the Maoris -- think that's an injustice, what would we say if we get a reciprocal agreement like that? Mr. Speaker, we'd say -- 'It's none of your business.'

"The second issue that I think needs to be raised, Mr. Speaker, is, where do we draw the line? There are human rights, abuses, all over throughout the world. In fact, as Americans, we pride ourselves on one of our biggest exports being human rights. But in the instance we're speaking of, why don't we talk about the maids in Singapore who are being abused? There's also contract workers in Saudi Arabia and so on.

"So, Mr. Speaker, my concern is that this is above the specific labor issue which again, as I said, is being contacted and handled by Senator Akaka who personally went there. It's something that if we want to take the hit later on when we're competing with CNMI as a tourist destination -- they've got a million Japanese tourists there -- we don't know the untold reciprocity kinds of things that could come back upon us.

"I think in the heat of the discussion over labor disputes, it has to be looked in proportion to what we otherwise are in the center of the Pacific -- examples of aloha, examples of diplomacy, always fighting for human rights, always fighting for the underdog -- but not knowing we would sacrifice the goodwill and the relationship that Hawaii has with the rest of the world, if you will, for what otherwise is an isolated and, in this instance, a very temporary and a very limited specific instance. I think if reason would prevail, we would not vote on this.

"Thank you, Mr. Speaker."

"Representative Cachola, in rebuttal, stated:

"Mr. Speaker, if we as a Legislature do things that are not good, we do bad things, I don't mind being criticized because we did a very lousy job -- so be it!

"When it comes to treatment and having friendly relations with our neighbors and friends, I believe that this criticism will strengthen the bond of that friendship because it is only through friendship and telling somebody how lousy they did and how bad they are, that you can reform. And hopefully, if they are really true friends, they will succeed. That's what friends are all about. And I don't really think that it will be to the disadvantage of Hawaii if we pass these resolutions criticizing our neighbors.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the reports of the Committee were adopted and **H.R. No. 52, HD 1, entitled: "HOUSE RESOLUTION EXPRESSING STRONG DISAPPROVAL TO THE LEGISLATURE OF THE COMMONWEALTH OF THE NORTHERN**

MARIANA ISLANDS FOR APPROVING LEGISLATION ESTABLISHING A SIX-MONTH FREEZE IN THE LOCAL MINIMUM WAGE," and **H.C.R. No. 42, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG DISAPPROVAL TO THE LEGISLATURE OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR APPROVING LEGISLATION ESTABLISHING A SIX-MONTH FREEZE IN THE LOCAL MINIMUM WAGE,"** were adopted with Representative Ward voting no.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1631-96) recommending that H.R. No. 215 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 215, entitled: "HOUSE RESOLUTION PROCLAIMING NATIVE SPEAKERS OF THE HAWAIIAN LANGUAGE TO BE LIVING TREASURES OF THE STATE," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1632-96) recommending that H.C.R. No. 220 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 220, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING NATIVE SPEAKERS OF THE HAWAIIAN LANGUAGE TO BE LIVING TREASURES OF THE STATE," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1633-96) recommending that H.R. No. 243 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 243, entitled: "HOUSE RESOLUTION URGING NEGOTIATIONS TO BE CONDUCTED SO THAT SMOKING MAY BE PROHIBITED ON PUBLIC SCHOOL CAMPUSES," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1634-96) recommending that H.C.R. No. 253 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 253, entitled: "HOUSE CONCURRENT RESOLUTION URGING NEGOTIATIONS TO BE CONDUCTED SO THAT SMOKING MAY BE PROHIBITED ON PUBLIC SCHOOL CAMPUSES," was adopted.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1635-96) recommending that H.R. No. 117, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 117, HD 2, entitled: "HOUSE RESOLUTION EXPRESSING STRONG SUPPORT OF THE EAST-WEST CENTER AND URGING IT TO BECOME MORE INVOLVED IN INTERNATIONAL COMMERCIAL ISSUES AND RELATIONS," was adopted.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1636-96) recommending that H.C.R. No. 112, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 112, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT OF THE EAST-WEST CENTER AND URGING IT TO BECOME MORE INVOLVED IN INTERNATIONAL COMMERCIAL ISSUES AND RELATIONS," was adopted.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1637-96) recommending that H.R. No. 283 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 283, entitled: "HOUSE RESOLUTION REQUESTING THAT A PUBLIC SCHOOL ON THE WAIANAE COAST BE NAMED IN HONOR OF HERBERT K. PILILAAU, A RESIDENT OF WAIANAE AND THE FIRST HAWAII SERVICEMAN TO RECEIVE THE CONGRESSIONAL MEDAL OF HONOR," was adopted.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1638-96) recommending that H.C.R. No. 300 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 300, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT A PUBLIC SCHOOL ON THE WAIANAE COAST BE NAMED IN HONOR OF HERBERT K. PILILAAU, A RESIDENT OF WAIANAE AND THE FIRST HAWAII SERVICEMAN TO RECEIVE THE CONGRESSIONAL MEDAL OF HONOR," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1639-96) recommending that H.R. No. 4, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 4, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION, THE CITY AND COUNTY OF HONOLULU AND THE KAIMUKI NEIGHBORHOOD BOARD NO. 4 TO ASSIST IN IDENTIFYING AND SECURING A SITE TO ESTABLISH A COMMUNITY/SENIOR CITIZEN CENTER FOR THE KAIMUKI COMMUNITY," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1640-96) recommending that H.C.R. No. 5, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 5, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION, THE CITY AND COUNTY OF HONOLULU AND THE KAIMUKI NEIGHBORHOOD BOARD NO. 4 TO ASSIST IN IDENTIFYING AND SECURING A SITE TO ESTABLISH A COMMUNITY/SENIOR CITIZEN CENTER FOR THE KAIMUKI COMMUNITY," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1641-96) recommending that H.R. No. 17 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 17, entitled:

"HOUSE RESOLUTION SUPPORTING THE EFFORTS OF THE COORDINATING GROUP ON ALIEN PEST SPECIES AND URGING SUPPORT FOR EXISTING AND NEW PEST ERADICATION AND PREVENTION PROGRAMS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1642-96) recommending that H.C.R. No. 16 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE COORDINATING GROUP ON ALIEN PEST SPECIES AND URGING SUPPORT FOR EXISTING AND NEW PEST ERADICATION AND PREVENTION PROGRAMS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1643-96) recommending that H.R. No. 28 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 28, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1644-96) recommending that H.C.R. No. 24 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1645-96) recommending that H.R. No. 32 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 32, entitled: "HOUSE RESOLUTION REQUESTING A SECURITY PLAN FOR THE STATE CAPITOL," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1646-96) recommending that H.C.R. No. 26 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SECURITY PLAN FOR THE STATE CAPITOL," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1647-96) recommending that H.R. No. 50 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the

Committee was adopted and H.R. No. 50, entitled: "HOUSE RESOLUTION REQUESTING EACH COUNTY TO ADOPT THE MOST CURRENT STANDARDS FOR MASONRY AND CONVENTIONAL LIGHT-FRAMED CONSTRUCTION IN HIGH WIND AREAS UPON THEIR PUBLICATION BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS IN THE UNIFORM BUILDING CODE," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1648-96) recommending that H.C.R. No. 40 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING EACH COUNTY TO ADOPT THE MOST CURRENT STANDARDS FOR MASONRY AND CONVENTIONAL LIGHT-FRAMED CONSTRUCTION IN HIGH WIND AREAS UPON THEIR PUBLICATION BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS IN THE UNIFORM BUILDING CODE," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1649-96) recommending that H.R. No. 53, HD 1, be adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1650-96) recommending that H.C.R. No. 43, HD 1, be adopted.

Representative Okamura moved that the reports of the Committee be adopted and H.R. No. 53, HD 1, and H.C.R. No. 43, HD 1, be adopted, seconded by Representative Thielen.

Representative Thielen rose and asked the Clerk to cast a no vote for her on H.R. No. 53, HD 1, and H.C.R. No. 43, HD 1, and the Chair "so ordered."

Representative Thielen explained her no vote, saying:

"I don't believe that 76 politicians would be very skilled at managing the State Capitol, Mr. Speaker. . .

The Chair interrupted and asked:

"Not even the Speaker?"

Representative Thielen continued, saying:

"Probably even most of all the Speaker, because he is so busy because he has other things to tend to. I think the governing and the legislative functions are more appropriate for us.

"Thank you."

The motion was put by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 53, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY OF TRANSFERRING THE MANAGEMENT OF THE STATE CAPITOL FROM THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO THE LEGISLATURE," and H.C.R. No. 43, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY OF TRANSFERRING THE MANAGEMENT OF THE STATE CAPITOL FROM THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO THE LEGISLATURE," were adopted, with Representative Thielen voting no.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1651-96) recommending that H.R. No. 56 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 56, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF AGRICULTURE TO EXPEDITE THE PLANT IMPORT RULEMAKING PROCESS AND FINALIZE THE MEMORANDUM OF AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE WITH RESPECT TO POST ENTRY INSPECTIONS OF SPECIFIC PLANT SPECIES," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1652-96) recommending that H.C.R. No. 45 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF AGRICULTURE TO EXPEDITE THE PLANT IMPORT RULEMAKING PROCESS AND FINALIZE THE MEMORANDUM OF AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE WITH RESPECT TO POST ENTRY INSPECTIONS OF SPECIFIC PLANT SPECIES," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1653-96) recommending that H.R. No. 58, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 58, HD 1, entitled: "HOUSE RESOLUTION URGING THE STATE DEPARTMENT OF HEALTH TO ACTIVELY ASSIST AND SUPPORT MENTAL HEALTH SELF-HELP AND SUPPORT GROUPS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1654-96) recommending that H.C.R. No. 49, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 49, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENT OF HEALTH TO ACTIVELY ASSIST AND SUPPORT MENTAL HEALTH SELF-HELP AND SUPPORT GROUPS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1655-96) recommending that H.R. No. 61, HD 1, be adopted.

By unanimous consent, action was deferred to the end of the calendar.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1656-96) recommending that H.C.R. No. 47, HD 1, be adopted.

By unanimous consent, action was deferred to the end of the calendar.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1657-96) recommending that H.R. No. 65, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 65, HD 1, entitled: "HOUSE RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF CEBU OF THE REPUBLIC OF THE PHILIPPINES," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1658-96) recommending that H.C.R. No. 55, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 55, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF CEBU OF THE REPUBLIC OF THE PHILIPPINES," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1659-96) recommending that H.C.R. No. 61 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING THE NEED FOR A PUBLIC-PRIVATE PROGRAM THAT ADHERES TO CERTAIN PRINCIPLES OF LONG-TERM CARE TO ADDRESS THE LONG-TERM CARE NEEDS OF THE RESIDENTS OF HAWAII," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1660-96) recommending that H.R. No. 73, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 73, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP AN OVERALL HEALTH TOURISM STRATEGY FOR THE STATE OF HAWAII," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1661-96) recommending that H.C.R. No. 67, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 67, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP AN OVERALL HEALTH TOURISM STRATEGY FOR THE STATE OF HAWAII," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1662-96) recommending that H.R. No. 78 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 78, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO ENCOURAGE ALL STATE AGENCIES INVOLVED IN

THE CULTIVATION OR MAINTENANCE OF LANDSCAPES OR OTHER TYPES OF VEGETATION TO PURCHASE LOCALLY MANUFACTURED SOIL ENHANCEMENT MATERIALS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1663-96) recommending that H.C.R. No. 73 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO ENCOURAGE ALL STATE AGENCIES INVOLVED IN THE CULTIVATION OR MAINTENANCE OF LANDSCAPES OR OTHER TYPES OF VEGETATION TO PURCHASE LOCALLY MANUFACTURED SOIL ENHANCEMENT MATERIALS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1664-96) recommending that H.R. No. 79, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 79, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A SCHOOL BUS SAFETY TASK FORCE FOR THE ISLAND OF KAUAI," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1665-96) recommending that H.C.R. No. 74, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 74, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A SCHOOL BUS SAFETY TASK FORCE FOR THE ISLAND OF KAUAI," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1666-96) recommending that H.R. No. 89, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 89, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CREATION OF AN INTERAGENCY TASK FORCE ON FOOD AND NUTRITION ASSISTANCE," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1667-96) recommending that H.C.R. No. 84, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 84, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF AN INTERAGENCY TASK FORCE ON FOOD AND NUTRITION ASSISTANCE," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1668-96) recommending that H.R. No. 119 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 119, entitled: "HOUSE RESOLUTION SUPPORTING THE WAIKIKI YACHT CLUB FOR ITS COMMUNITY AND YOUTH

ACTIVITIES AND ITS LEASE EXTENSION WITH THE STATE," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1669-96) recommending that H.C.R. No. 114 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WAIKIKI YACHT CLUB FOR ITS COMMUNITY AND YOUTH ACTIVITIES AND ITS LEASE EXTENSION WITH THE STATE," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1670-96) recommending that H.R. No. 137 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 137, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF TRANSPORTATION AND AGRICULTURE TO CONSIDER INCORPORATING INTO THEIR DESIGN OF THE CARGO FACILITY AT THE KAHULUI AIRPORT, AN AGRICULTURE INSPECTION FREIGHT FACILITY," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1671-96) recommending that H.C.R. No. 136 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF TRANSPORTATION AND AGRICULTURE TO CONSIDER INCORPORATING INTO THEIR DESIGN OF THE CARGO FACILITY AT THE KAHULUI AIRPORT, AN AGRICULTURE INSPECTION FREIGHT FACILITY," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1672-96) recommending that H.R. No. 147, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 147, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A COMMISSION TO STUDY THE ACQUISITION AND PLACEMENT OF A STATUE OF HENRY OPUKAHA'IA IN THE STATE CAPITOL DISTRICT," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1673-96) recommending that H.C.R. No. 146, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 146, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A COMMISSION TO STUDY THE ACQUISITION AND PLACEMENT OF A STATUE OF HENRY OPUKAHA'IA IN THE STATE CAPITOL DISTRICT," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1674-96) recommending that H.R. No. 191 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the

Committee was adopted and H.R. No. 191, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A LEGISLATIVE INTERNSHIP PROGRAM FOR SECONDARY SCHOOL STUDENTS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1675-96) recommending that H.C.R. No. 191 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 191, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A LEGISLATIVE INTERNSHIP PROGRAM FOR SECONDARY SCHOOL STUDENTS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1676-96) recommending that H.R. No. 195, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 195, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A TASK FORCE TO DEVELOP AN ENFORCEMENT PROGRAM, UTILIZING VOLUNTEERS TO PATROL AND TICKET ILLEGALLY PARKED VEHICLES IN SPACES DESIGNATED FOR THE SOLE USE OF PERSONS WITH DISABILITIES," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1677-96) recommending that H.C.R. No. 195, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 195, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A TASK FORCE TO DEVELOP AN ENFORCEMENT PROGRAM, UTILIZING VOLUNTEERS TO PATROL AND TICKET ILLEGALLY PARKED VEHICLES IN SPACES DESIGNATED FOR THE SOLE USE OF PERSONS WITH DISABILITIES," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1678-96) recommending that H.R. No. 196, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 196, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO IMPLEMENT CATCH AND RELEASE REGULATIONS FOR THE WAHIAWA PUBLIC FISHING AREA," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1679-96) recommending that H.C.R. No. 197, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 197, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO IMPLEMENT CATCH AND RELEASE REGULATIONS FOR THE WAHIAWA PUBLIC FISHING AREA," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1680-96) recommending that H.R. No. 197 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 197, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FACILITATE AND PROMOTE THE USE OF VOLUNTEER GROUPS IN THE REPLANTING OF DESIGNATED ROADSIDE AREAS TO LOW GROWTH, LOW MAINTENANCE VEGETATION UNDER AN INTEGRATED VEGETATION MANAGEMENT (IVM) PROGRAM," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1681-96) recommending that H.C.R. No. 198 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FACILITATE AND PROMOTE THE USE OF VOLUNTEER GROUPS IN THE REPLANTING OF DESIGNATED ROADSIDE AREAS TO LOW GROWTH, LOW MAINTENANCE VEGETATION UNDER AN INTEGRATED VEGETATION MANAGEMENT (IVM) PROGRAM," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1682-96) recommending that H.R. No. 216, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 216, HD 1, entitled: "HOUSE RESOLUTION RECOGNIZING THE SIGNIFICANT CONTRIBUTIONS OF HAWAII'S AGRICULTURE INDUSTRY TO THE STATE AND URGING THE AGRICULTURAL COMMUNITY TO UPDATE AND IMPLEMENT THE HAWAII AGRICULTURE 2000 VISION PLAN," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1683-96) recommending that H.C.R. No. 221, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 221, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE SIGNIFICANT CONTRIBUTIONS OF HAWAII'S AGRICULTURE INDUSTRY TO THE STATE AND URGING THE AGRICULTURAL COMMUNITY TO UPDATE AND IMPLEMENT THE HAWAII AGRICULTURE 2000 VISION PLAN," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1684-96) recommending that H.R. No. 229 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 229, entitled: "HOUSE RESOLUTION SUPPORTING AND ENCOURAGING THE CONTINUATION OF THE BENCHMARKING PROCESS OF KE ALA HOKU TO ENSURE A BETTER QUALITY OF LIFE FOR THE PEOPLE OF HAWAII," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1685-96) recommending that H.C.R. No. 234 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 234, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING THE CONTINUATION OF THE BENCHMARKING PROCESS OF KE ALA HOKU TO ENSURE A BETTER QUALITY OF LIFE FOR THE PEOPLE OF HAWAII," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1686-96) recommending that H.R. No. 232, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 232, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A PRIVATIZATION COMMISSION TO REVIEW AND EVALUATE PRIVATIZATION OF STATE GOVERNMENT FUNCTIONS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1687-96) recommending that H.C.R. No. 237, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 237, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A PRIVATIZATION COMMISSION TO REVIEW AND EVALUATE PRIVATIZATION OF STATE GOVERNMENT FUNCTIONS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1688-96) recommending that H.R. No. 237 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 237, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF TRANSPORTATION TO CONTINUE SUPPORT FOR THE HAWAII BICYCLING LEAGUE'S 'BIKE/ED' HAWAII PROGRAM," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1689-96) recommending that H.C.R. No. 246 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 246, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF TRANSPORTATION TO CONTINUE SUPPORT FOR THE HAWAII BICYCLING LEAGUE'S 'BIKE/ED' HAWAII PROGRAM," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1690-96) recommending that H.R. No. 244, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 244, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON VIDEO CONFERENCING OUT-OF-STATE WITNESSES TO FACILITATE THE PROSECUTION OF

CRIMINALS WHO TARGET HAWAII VISITORS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1691-96) recommending that H.C.R. No. 254, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 254, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON VIDEO CONFERENCING OUT-OF-STATE WITNESSES TO FACILITATE THE PROSECUTION OF CRIMINALS WHO TARGET HAWAII VISITORS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1692-96) recommending that H.R. No. 256 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 256, entitled: "HOUSE RESOLUTION REQUESTING A PLAN TO RESTORE THE KANEANA (MAKUA) CAVE SITE ON OAHU," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1693-96) recommending that H.C.R. No. 265 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PLAN TO RESTORE THE KANEANA (MAKUA) CAVE SITE ON OAHU," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1694-96) recommending that H.R. No. 271 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 271, entitled: "HOUSE RESOLUTION SUPPORTING THE MAUI TASK FORCE ADDRESSING COMMUNITY CONCERNS WITH RESPECT TO MAUI COMMUNITY CORRECTIONAL CENTER," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1695-96) recommending that H.C.R. No. 277, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 277, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A PUBLIC/PRIVATE PARTNERSHIP FOR THE COORDINATION AND DELIVERY OF EARLY CHILDHOOD EDUCATION AND CARE SERVICES," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1696-96) recommending that H.R. No. 269 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 269, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE ADMINISTRATION AND FUNCTIONING OF THE SPECIAL COMPENSATION FUND OF THE WORKERS' COMPENSATION SYSTEM," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1697-96) recommending that H.C.R. No. 284 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 284, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE ADMINISTRATION AND FUNCTIONING OF THE SPECIAL COMPENSATION FUND OF THE WORKERS' COMPENSATION SYSTEM," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1698-96) recommending that H.R. No. 282, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 282, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE CATEGORIES AND PRIORITIES OF PUBLIC NOTICES NOW REQUIRED BY STATE LAW," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1699-96) recommending that H.C.R. No. 299, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 299, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE CATEGORIES AND PRIORITIES OF PUBLIC NOTICES NOW REQUIRED BY STATE LAW," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1700-96) recommending that H.R. No. 292, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 292, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DEVELOP A COMPREHENSIVE CIVIL SERVICE REFORM PLAN," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1701-96) recommending that H.C.R. No. 315, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 315, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DEVELOP A COMPREHENSIVE CIVIL SERVICE REFORM PLAN," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1702-96) recommending that H.R. No. 300, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 300, HD 1, entitled: "HOUSE RESOLUTION RELATING TO A SHARED MANAGEMENT INFORMATION SYSTEM FOR CRIMINAL JUSTICE CLIENTS RECEIVING DRUG OR ALCOHOL ABUSE TREATMENT," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1703-96) recommending that H.C.R. No. 328, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 328, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A SHARED MANAGEMENT INFORMATION SYSTEM FOR CRIMINAL JUSTICE CLIENTS RECEIVING DRUG OR ALCOHOL ABUSE TREATMENT," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1704-96) recommending that H.R. No. 308, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 308, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE APPROPRIATE CRITERIA UNDER WHICH UTILITY LINES SHALL BE PLACED UNDERGROUND, AND OF THE APPROPRIATE MEANS OF FINANCING ANY COST DIFFERENTIAL BETWEEN OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1705-96) recommending that H.C.R. No. 338, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 338, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE APPROPRIATE CRITERIA UNDER WHICH UTILITY LINES SHALL BE PLACED UNDERGROUND, AND OF THE APPROPRIATE MEANS OF FINANCING ANY COST DIFFERENTIAL BETWEEN OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1706-96) recommending that H.R. No. 275, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 275, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO RECOGNIZE AND INCORPORATE THE NONCONFRONTATIONAL ASPECTS OF TRADITIONAL HAWAIIAN CULTURE WITH RESPECT TO ITS DEALINGS WITH THE PAI OHANA'S CULTURAL ACTIVITIES AT AI'OPIO," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1707-96) recommending that H.C.R. No. 289, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 289, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO RECOGNIZE AND INCORPORATE THE NONCONFRONTATIONAL ASPECTS OF TRADITIONAL HAWAIIAN CULTURE WITH RESPECT TO ITS DEALINGS WITH THE PAI OHANA'S CULTURAL ACTIVITIES AT AI'OPIO," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1708-96) recommending that H.R. No. 279, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 279, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN ANALYSIS OF THE SHORELINE PROPERTY AT KAMAKAHONU, KAILUA-KONA, AND AN AUDIT OF CERTAIN LANDS SITUATED NEAR THE SITE, AND TO WITHDRAW ITS REVOCABLE PERMIT NUMBER S-6754," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1709-96) recommending that H.R. No. 82, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 82, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE UNITED STATES PUBLIC HEALTH SERVICE REGARDING HIV COUNSELING AND VOLUNTARY TESTING FOR PREGNANT WOMEN," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1710-96) recommending that H.C.R. No. 77, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 77, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE UNITED STATES PUBLIC HEALTH SERVICE REGARDING HIV COUNSELING AND VOLUNTARY TESTING FOR PREGNANT WOMEN," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1711-96) recommending that H.R. No. 152, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 152, HD 1, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO REAFFIRM THE TRUST RESPONSIBILITY OF THE STATE FOR IMPROVING THE HEALTH STATUS OF HAWAIIANS TO THE HIGHEST POSSIBLE LEVEL," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1712-96) recommending that H.C.R. No. 150, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 150, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO REAFFIRM THE TRUST RESPONSIBILITY OF THE STATE FOR IMPROVING THE HEALTH STATUS OF HAWAIIANS TO THE HIGHEST POSSIBLE LEVEL," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1713-96) recommending that H.R. No. 157, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 157, HD 1,

entitled: "HOUSE RESOLUTION SUPPORTING THE EFFORTS OF THE HAWAII CONGRESSIONAL DELEGATION TO MOOR THE U.S.S. MISSOURI (BB-63) IN BATTLESHIP ROW," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1714-96) recommending that H.C.R. No. 155, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 155, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE HAWAII CONGRESSIONAL DELEGATION TO MOOR THE U.S.S. MISSOURI (BB-63) IN BATTLESHIP ROW," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1715-96) recommending that H.R. No. 160 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 160, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF HUMAN SERVICES TO REVIEW THEIR CURRENT PRIORITIES AND REDIRECT RESOURCES TOWARDS PRIMARY PREVENTION ACTIVITIES, PARTICULARLY IN RELATION TO IMPROVING THE HEALTH STATUS OF HAWAIIANS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1716-96) recommending that H.C.R. No. 159 be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF HUMAN SERVICES TO REVIEW THEIR CURRENT PRIORITIES AND REDIRECT RESOURCES TOWARDS PRIMARY PREVENTION ACTIVITIES, PARTICULARLY IN RELATION TO IMPROVING THE HEALTH STATUS OF HAWAIIANS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1717-96) recommending that H.R. No. 131, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 131, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONDUCT A STUDY ON WHETHER LICENSED AND CERTIFIED APPRAISERS SHOULD CONDUCT ALL APPRAISALS IN CONFORMANCE WITH THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISALS PRACTICE (USPAP)," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1718-96) recommending that H.C.R. No. 130, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.C.R. No. 130, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONDUCT A STUDY ON WHETHER LICENSED AND CERTIFIED APPRAISERS SHOULD CONDUCT ALL APPRAISALS IN CONFORMANCE WITH THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISALS PRACTICE (USPAP)," was adopted.

THIRD READING

S.B. No. 2738:

On motion by Representative Okamura, seconded by Representative Thielen and carried, S.B. No. 2738, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES," having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Chang, Hiraki and Takamine being excused.

The Chair directed the Clerk to note that S.B. No. 2738 had passed Third Reading at 4:21 o'clock p.m.

At 4:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:29 o'clock p.m., Representative Kawanakoa was permitted a late introduction, and he introduced his new bride, Elizabeth Kawanakoa, to the members of the House and audience.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 1655-96 and H.R. No. 61, HD 1:

On motion by Representative Okamura, seconded by Representative P. Oshiro and carried, Stand. Com. Rep. No. 1655-96 and H.R. No. 61, HD 1, entitled: "HOUSE RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE CERTAIN SUBMERGED LANDS AT MANELE BAY, HAWAII, TO LANAI COMPANY, INC., FOR MARINA PURPOSES," were recommitted to the Committee on Finance.

Stand. Com. Rep. No. 1656-96 and H.C.R. No. 47, HD 1:

On motion by Representative Okamura, seconded by Representative P. Oshiro and carried, Stand. Com. Rep. No. 1656-96 and H.C.R. No. 47, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE CERTAIN SUBMERGED LANDS AT MANELE BAY, HAWAII, TO LANAI COMPANY, INC., FOR MARINA PURPOSES," were recommitted to the Committee on Finance.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1578-96 and S.B. No. 2227, SD 1, HD 2:

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2227, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Thielen.

Representative Meyer rose to speak against the bill, stating:

"When this bill was heard in the Energy and Environmental Protection Committee, there was only one person that spoke in favor and that was the representative from Unisyn, and that is the company that would benefit from this bill in a very large way. The people who testified against it were the State Tax Director, the Director and Chief Engineer of the Department of Public Works of the City and County of Honolulu, and a well-known representative from the Tax Foundation of Hawaii.

"A question that was brought up in the testimony presented by the representative from the Tax Foundation of Hawaii was -- why was this bill introduced? The legislation was so specific, it seemed designed for someone specifically in mind. The lawmakers may wish to inquire about who owns such a bioconversion facility. I think that's a fair question, one that everyone in this room should think about. I also cannot vote for this when we are creating a tax credit when just about every other tax credit on the book has been eliminated.

"Another point that was brought up in that committee hearing was a correction that Kenneth Sprague of the Department of Public Works wanted to make to some of the language in this first section where it spoke about the Legislature finds it is highly desirable, from a long-range planning perspective, to encourage recycling and bioconversion as alternatives to incineration of the disposal of organic bioconvertible and inorganic recyclable solid waste in landfills, the majority of which are rapidly approaching capacity.

"The Director of the Public Works Department suggested that part of that paragraph be changed. The reason is that there is no severe shortage of landfill space either in Hawaii or in the United States as a whole. While there may be localized crises in a few areas of the country, phrases such as these perpetuate the popular misconception that America is running out of places to bury its waste.

"Yesterday, the City and County of Honolulu passed an ordinance -- Ordinance 11 -- dealing with this very same subject of wet waste. They had three hearings over a period of about four months. They had people from commercial haulers, restaurant people come in, and a lot of work was done to change the bill. They expanded the providers from bioconversion, they added piggeries, they added composting. It is something that the restaurants and food producers can work with, but there is no question this is going to add cost to their operations. While most of them now use one container -- they lump their garbage together -- they now will have to separate it. And many restaurants in Waikiki have very limited space -- no place for these additional containers -- and many of them will end up paying double hauling -- a hauler to take the green waste, wet waste and a hauler to take the dry waste. Many grocery stores are now paying for the green waste. This very same company -- Unisyn -- started hauling their green waste for nothing. Now they are all paying.

"We have an economic problem. We started off this legislative session with words of -- 'Let's facilitate, let's not regulate, let's make things easier, what can we do to stimulate the economy, let's be kind to businesses' -- and here we are, passing a bill to create a brand new tax credit that will benefit one company and one company only. It will benefit large food processors if they're corporations because they'll get a tax credit for something that is an expense. So first, they'll expense it and then subtract it from their gross, then they'll get a tax credit. And if their tax credit amounts to more than their tax liability, they can carry it on to the next year.

"There are so many questions about this bill, I cannot support it, and I hope that the rest of my colleagues here will question it.

"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. 2227, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WASTE," having been read throughout, passed Third Reading by a vote of 36 ayes to 11 noes, with Representatives Anderson, Chun Oakland, Halford, Hamakawa, Kahikina, Kawananao, Meyer, Pepper, Saiki, Tarnas and Thielen voting no, and Representatives Amaral, Chang, Hiraki and Takamine being excused.

The Chair directed the Clerk to note that S.B. No. 2227 had passed Third Reading at 4:38 o'clock p.m.

Stand. Com. Rep. No. 1585-96 and S.B. No. 2900, SD 2, HD 2:

By unanimous consent, action was deferred one day.

ADJOURNMENT

At 4:39 o'clock p.m., on motion by Representative Okamura, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Friday, April 12, 1996.

FORTY-NINTH DAY

Friday, April 12, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:40 o'clock a.m., with the Vice Speaker presiding.

The invocation was delivered by Joe Appolito of the Hawaii Baha'i Community, after which the Roll was called showing all members present with the exception of Representatives Chang, Marumoto, Menor, Meyer, Morihara, Souki and White, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 538 to 603) were read by the Clerk and were placed on file:

Sen. Com. No. 538, returning House Bill No. 3347 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO INTERPRETATION OF STATUTES," which passed Third Reading in the Senate on April 11, 1996, in an amended form.

Sen. Com. No. 539, returning House Bill No. 3964, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," which passed Third Reading in the Senate on April 11, 1996, in an amended form.

By unanimous consent, H.B. Nos. 3347 and 3964, HD 1, as amended by the Senate, were placed on the Clerk's desk, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 3347, SD 1, and 3964, HD 1, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

Sen. Com. No. 540, informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate in H.B. No. 4142, SD 1, and the request for a conference on the subject matter of said amendments, the President has, on April 11, 1996, appointed Senators Ikeda, Chair; Baker, Holt, Iwase and Liu as conferees on the part of the Senate for the consideration of said amendments.

Sen. Com. No. 541, informing the House that the President has added Senators Baker, Kawamoto, Taniguchi and Liu as additional conferees on the part of the Senate at the conference on Senate Bill No. 3091, HD 1, on April 11, 1996.

Sen. Com. No. 542, informing the House that the President has added Senators Chumbley, Kawamoto, Taniguchi and Liu as additional conferees on the part of the Senate at the conference on Senate Bill No. 2211, SD 2, HD 2, on April 11, 1996.

Sen. Com. No. 543, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bill and has requested a conference on the subject matter thereof, in consequence

of which the President has, on April 11, 1996, appointed as conferees on the part of the Senate for the consideration of said amendments:

S.B. No. 2380, SD 1, HD 2:

Senators Chumbley/Grauly, Co-Chairs; Matsunaga, Matsuura, McCartney, Tam and Anderson.

Sen. Com. No. 544, transmitting S.C.R. No. 6, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER NAMING THE ADMINISTRATION BUILDING AT WAIPAHO HIGH SCHOOL THE 'MILTON SHISHIDO ADMINISTRATION BUILDING'," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 545, transmitting S.C.R. No. 10, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 546, transmitting S.C.R. No. 24, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE, TO EXPEDITE ACTIONS TO LOCATE AND DESIGNATE A SUITABLE SITE FOR A NEW SLAUGHTERHOUSE ON THE ISLAND OF OAHU," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 547, transmitting S.C.R. No. 36, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ESTABLISH TEMPORARY POSITIONS AND ENTER INTO COLLECTIVE BARGAINING AGREEMENTS TO BENEFIT INTERMEDIATE AND HIGH SCHOOL MUSIC TEACHERS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 548, transmitting S.C.R. No. 43, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO USE UNIVERSITY EXPERTISE TO PLAN A SUSTAINABLE ECONOMIC BASE FOR HAWAII COUNTY," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 549, transmitting S.C.R. No. 45, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF EDUCATION TO ADVISE PARENTS AND GUARDIANS OF THE STUDENT CODE OF CONDUCT AND THEIR RESPONSIBILITIES RELATING TO IT," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 550, transmitting S.C.R. No. 51, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF A LAND EXCHANGE AS WELL AS ACQUIRING KEAKEALANIWAHINE RESIDENCE TO COMPLETE THE KEOLONAHIHI STATE CULTURAL SITE," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 551, transmitting S.C.R. No. 52, entitled: "SENATE CONCURRENT RESOLUTION

REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ASSIST IN ASSURING THAT THE UNITED STATES CONTINUES TO SUPPORT THE UNITED NATIONS BY PAYING ITS SHARE OF CONTRIBUTIONS TO MAINTAIN THE FINANCIAL SOLVENCY OF THE UNITED NATIONS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 552, transmitting S.C.R. No. 72, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE COORDINATING GROUP ON ALIEN PEST SPECIES AND URGING SUPPORT FOR EXISTING AND NEW PEST ERADICATION AND PREVENTION PROGRAMS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 553, transmitting S.C.R. No. 77, SD 2, entitled: "SENATE CONCURRENT RESOLUTION INVESTIGATING THE OPTIONS OF ARBITRATION FOR DISPUTES BETWEEN CONDOMINIUM ASSOCIATIONS, CONDOMINIUM OWNERS, AND THEIR MANAGING AGENTS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 554, transmitting S.C.R. No. 79, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REVIEW EXISTING LAWS AND RULES FOR THE PURPOSE OF STRENGTHENING THE PROHIBITION AGAINST DUMPING DEBRIS, GARBAGE, WASTE, OR OTHER MATERIALS IN OR NEAR STREAMS AND RIVERS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 555, transmitting S.C.R. No. 86, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS NOT TO ENACT FEDERAL LEGISLATIVE MANDATES ON STATES WITHOUT NECESSARY FUNDING," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 556, transmitting S.C.R. No. 96, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER DIFFERENCES IN THE INTENSITY AND AMOUNT OF USE AND ABUSE THAT THE SCHOOL FACILITIES RECEIVE WHEN DETERMINING CUSTODIAL STAFFING LEVELS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 557, transmitting S.C.R. No. 100, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE CONGRESS TO CONSIDER AMENDING THE ESTATE TAX LAW TO INCREASE THE UNIFIED CREDIT AGAINST ESTATE TAX SO THAT THE VALUE OF A DECEDENT'S PRINCIPAL RESIDENCE SHALL NOT BE TAXED OR AMEND THE DEFINITION OF "GROSS ESTATE" TO EXCLUDE THE VALUE OF A DECEDENT'S PRINCIPAL RESIDENCE," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 558, transmitting S.C.R. No. 108, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS AND THE U.S. DEPARTMENT OF STATE TO APPROVE A VISA WAIVER PILOT PROGRAM FOR CITIZENS FROM THE REPUBLIC OF KOREA VISITING HAWAII," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 559, transmitting S.C.R. No. 111, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONSULT WITH THE STATE COUNCIL ON

DEVELOPMENTAL DISABILITIES, THE PROTECTION AND ADVOCACY AGENCY, THE HAWAII CHAPTER OF THE AMERICAN COLLEGE OF OBSTETRICS AND GYNECOLOGY, THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE, THE HAWAII HEALTH CARE ASSOCIATION, AND THE HAWAII MEDICAL ASSOCIATION TO DEVELOP STANDARDS AND PROCEDURES TO GOVERN DECISIONS TO STERILIZE INCAPACITATED MINORS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 560, transmitting S.C.R. No. 137, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ADOPT AND IMPLEMENT PROCEDURAL GUIDELINES FOR ASSISTIVE TECHNOLOGY," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 561, transmitting S.C.R. No. 145, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVIEW ITS TUITION ASSISTANCE PROGRAM TO ALLOW MORE TIME FOR TUITION ASSISTANCE APPLICATION AND APPROVAL," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 562, transmitting S.C.R. No. 156, SD 2, entitled: "SENATE CONCURRENT RESOLUTION CONCERNING A CONCERTED STATE EFFORT TO DEVELOP HAWAII AS A WORLD CENTER FOR HEALTH," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 563, transmitting S.C.R. No. 164, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT INTERIM COMMITTEE ON EDUCATION BUDGET REFORM," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 564, transmitting S.C.R. No. 169, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO STUDY, WITH A VIEW TOWARDS MODIFYING, THE 2.0 GRADE POINT AVERAGE RULE FOR STUDENTS TO PARTICIPATE IN CO-CURRICULAR ACTIVITIES," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 565, transmitting S.C.R. No. 171, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO INITIATE DEVELOPMENT OF A COMPREHENSIVE AGRICULTURAL WATER DELIVERY MANAGEMENT SYSTEM FOR DIVERSIFIED AGRICULTURE AREAS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 566, transmitting S.C.R. No. 174, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ADMINISTER THE GENERAL EDUCATION DEVELOPMENT EXAMINATION FOR QUALIFIED INDIVIDUALS AT AGE SIXTEEN," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 567, transmitting S.C.R. No. 175, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO REVIEW AND REVISE THE SCHOOL CODE AND DEPARTMENT OF EDUCATION ADMINISTRATIVE RULES TO REFLECT RECENT SYSTEMIC REFORMS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 568, transmitting S.C.R. No. 176, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF HAWAII'S CONGRESSIONAL DELEGATION TO MOOR THE U.S.S. MISSOURI (BB-63) IN BATTLESHIP ROW," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 569, transmitting S.C.R. No. 184, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, TOGETHER WITH OTHER PUBLIC AND PRIVATE SECTOR AGENCIES AND ORGANIZATIONS, TO DEVELOP PROGRAMS TO PREVENT AND ELIMINATE VIOLENCE IN HAWAII'S PUBLIC SCHOOLS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 570, transmitting S.C.R. No. 187, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO SUBMIT A REPORT TO THE LEGISLATURE DETAILING WAYS IN WHICH IT WILL EXPAND ACCESS TO ADVANCED TELECOMMUNICATIONS SERVICES," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 571, transmitting S.C.R. No. 190, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING PAPA OLA LOKAHI TO REPORT ON THE COLLABORATIVE EFFORTS AMONG E OLA MAU, ALU LIKE, THE STATE DEPARTMENT OF HEALTH, THE STATE DEPARTMENT OF HUMAN SERVICES, THE STATE DEPARTMENT OF HAWAIIAN HOME LANDS, THE OFFICE OF HAWAIIAN AFFAIRS, THE UNIVERSITY OF HAWAII, AND THE NATIVE HAWAIIAN HEALTH CARE SYSTEMS, TO IMPROVE THE HEALTH STATUS OF HAWAIIANS IN THE STATE OF HAWAII," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 572, transmitting S.C.R. No. 191, entitled: "SENATE CONCURRENT RESOLUTION AFFIRMING THE VITAL ROLE THAT THE GOVERNOR'S PACIFIC HEALTH PROMOTION AND DEVELOPMENT CENTER PLAYS IN IMPROVING PACIFIC ISLANDER AND HAWAIIAN HEALTH AND REQUESTING THE GOVERNOR'S CONTINUED SUPPORT FOR THE CENTER'S ACTIVITIES," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 573, transmitting S.C.R. No. 195, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, IN CONJUNCTION WITH PUBLIC AND PEG PROGRAMMING ENTITIES, TO ESTABLISH A STRATEGIC PLAN TO MAXIMIZE USE OF ENHANCED CABLE AND TELEVISION CAPACITY," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 574, transmitting S.C.R. No. 209, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DETERMINE THE FEASIBILITY OF ESTABLISHING REGIONAL SPORTS PLAYING FIELDS AND SPRING BASEBALL TRAINING CAMPS THROUGHOUT THE STATE OF HAWAII," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 575, transmitting S.C.R. No. 225, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO PROVIDE A WRITTEN REPORT TO THE LEGISLATURE DETAILING THE STEPS TAKEN TO

IMPLEMENT THE RECOMMENDATIONS SET FORTH IN THE THOMAS REPORT," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 576, transmitting S.C.R. No. 226, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING FAMILY COURT JUDGES TO CONSIDER NOT ONLY ACTS OF PHYSICAL HARM BUT THREATS OF IMMINENT PHYSICAL HARM IN GRANTING TEMPORARY RESTRAINING ORDERS IN DOMESTIC VIOLENCE CASES," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 577, transmitting S.C.R. No. 227, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII YOUTH ATHLETIC LEAGUES TO VOLUNTARILY ADOPT A POLICY DISCOURAGING TOBACCO AND ALCOHOL USE BY COACHES AND PARENTS WHEN YOUTHS ARE PRESENT," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 578, transmitting S.C.R. No. 230, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO INCLUDE RENEWABLE ENERGY PORTFOLIO STANDARDS WITHIN THE INTEGRATED RESOURCE PLANNING REQUIREMENTS OF THE ELECTRIC UTILITIES OF THE STATE OF HAWAII," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 579, transmitting S.C.R. No. 243, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP AND PROMOTE HEALTH TOURISM ON THE KOHALA COAST OF THE BIG ISLAND," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 580, transmitting S.C.R. No. 246, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII PUBLIC BROADCASTING AUTHORITY TO DEVELOP, IN CONSULTATION WITH OTHER PUBLIC PROGRAMMING USERS, A TRANSITION PLAN FOR BECOMING A COMMUNITY ACCESS LICENSEE," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 581, transmitting S.C.R. No. 247, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ASSIST IN DEVISING A PLAN TO ASSURE THE LONG-TERM VIABILITY OF PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS CABLE TELEVISION ACCESS IN HAWAII," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 582, transmitting S.C.R. No. 252, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO DISCUSS WITH THE UNITED STATES DEPARTMENT OF DEFENSE THE POSSIBILITY OF FEDERAL MILITARY INCLUDING AS PART OF THEIR REGULAR TRAINING ACTIVITIES IN HAWAII, THE CONSTRUCTION OF INFRASTRUCTURE ON HAWAIIAN HOME LANDS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 583, transmitting S.C.R. No. 255, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT A PUBLIC SCHOOL ON THE WAIANAE COAST BE NAMED IN HONOR OF HERBERT K. PILILAAU, A RESIDENT OF WAIANAE AND THE FIRST HAWAII SERVICEMAN TO RECEIVE THE CONGRESSIONAL MEDAL OF HONOR," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 584, transmitting S.C.R. No. 258, SD 1, entitled: "SENATE 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," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 585, transmitting S.C.R. No. 260, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE HAWAII STATE LEGISLATURE TO APPOINT A JOINT INTERIM COMMITTEE TO COORDINATE EFFORTS AND FACILITATE DIALOGUE BETWEEN THE STATE ADMINISTRATION AND HAWAIIAN SOVEREIGNTY LEADERS ON ESTABLISHING A HAWAIIAN NATION TRADING REGION," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 586, transmitting S.C.R. No. 261, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE SCHOOL INSPECTION PROGRAM AND IMPROVEMENT IN THE INSPECTION CRITERIA AND PROCESS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 587, transmitting S.C.R. No. 263, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE OWNERS AND INSURERS OF KAUAI HOTELS CLOSED AS A RESULT OF HURRICANE INIKI MAKE EVERY EFFORT TO REOPEN THE HOTELS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 588, transmitting S.C.R. No. 265, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO DEVELOP A STRATEGY TO PROMOTE THE STATE COFFEE INDUSTRY," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 589, transmitting S.C.R. No. 267, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO DEVELOP A STRATEGIC PLAN THAT REFLECTS THE CURRENT FISCAL SITUATION INCLUDING A COMMUNICATION PLAN TO FOSTER COLLABORATIVE EFFORTS AMONG ARTS COMMUNITIES, GOVERNMENT, AND THE PRIVATE SECTOR, AND INCORPORATING CURRENT TELECOMMUNICATION OPTIONS FOR INFORMATION DISSEMINATION," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 590, transmitting S.C.R. No. 269, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION INCORPORATE THE CONCEPTS EMBODIED IN THE "FIVE A DAY FOR BETTER HEALTH" PROGRAM INTO ITS NUTRITION EDUCATION PROGRAMS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 591, transmitting S.C.R. No. 275, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO REVIEW ITS POLICIES AND ADMINISTRATIVE RULES RELATING TO THE LEASE OF PUBLIC LANDS TO WAR VETERANS ORGANIZATIONS AS SITES FOR CAMPING, YOUTH ATHLETICS, AND EDUCATIONAL ACTIVITIES," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 592, transmitting S.C.R. No. 277, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW THE JUDICIARY'S PROCEDURES FOR APPOINTMENT OF GUARDIANS AND THE ESTABLISHMENT OF AN ALTERNATE ADMINISTRATIVE PROCEDURE FOR APPOINTING TEMPORARY GUARDIANS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 593, transmitting S.C.R. No. 282, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE ECONOMIC IMPACTS RELATED TO LEGALIZED GAMING IN HAWAII," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 594, transmitting S.C.R. No. 283, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE RELEASE OF FUNDS FOR THE HEARING AND VISION PROGRAM," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 595, transmitting S.C.R. No. 285, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A PANEL TO REVIEW THE STATE'S STATUTES GOVERNING THE CONFIDENTIALITY OF AN INDIVIDUAL'S HEALTH CARE INFORMATION," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 596, transmitting S.C.R. No. 57, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO RECOMMEND AN APPROPRIATE SCOPE AND WORK PLAN FOR THE ESTABLISHMENT OF A TASK FORCE FOR THE REVIEW AND STUDY OF ALL GOVERNMENT REGULATION OF CONTRACTORS AND THE BUILDING INDUSTRY," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 597, transmitting S.C.R. No. 66, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UTILIZATION OF COMPUTER TECHNOLOGY FOR THE EMPOWERMENT OF THE STUDENT COMMUNICATION NETWORK," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 598, transmitting S.C.R. No. 112, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO MAKE AN ADDRESS TO A JOINT SESSION OF THE LEGISLATURE ON THE STATE OF THE JUDICIARY," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 599, transmitting S.C.R. No. 151, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE ADMINISTRATION AND FUNCTIONING OF THE SPECIAL COMPENSATION FUND OF THE WORKERS' COMPENSATION SYSTEM," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 600, transmitting S.C.R. No. 186, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COORDINATION OF EFFORTS OF THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP A PLAN FOR THE SHIPMENT OF HAWAII CATTLE TO THE UNITED STATES WEST COAST THAT IS CONSISTENT WITH SECTION 27 OF THE

MERCHANT MARINE ACT, 1920," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 601, transmitting S.C.R. No. 208, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF, AND MAKE RECOMMENDATIONS FOR, A VOLUNTEER ENFORCEMENT PROGRAM FOR THE ILLEGAL USE OF HANDICAPPED PARKING," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 602, transmitting S.C.R. No. 253, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE KEAHOLE-KONA INTERNATIONAL AIRPORT FUEL NEEDS ENLISTING THE ASSISTANCE FROM PRIVATE SECTOR FUEL PROVIDERS," which was adopted by the Senate on April 11, 1996.

Sen. Com. No. 603, transmitting S.C.R. No. 257, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO CONVENE A PRIVATE SECTOR TASK FORCE TO DEVELOP PROPOSALS TO REFORM THE REGULATORY STRUCTURE OF HAWAII'S CONDOMINIUM LAW," which was adopted by the Senate on April 11, 1996.

By unanimous consent, further action on S.C.R. Nos. 6, SD 1; 10; 24, SD 1; 36; 43, SD 1; 45; 51, SD 1; 52; 72; 77, SD 2; 79, SD 1; 86; 96, SD 1; 100; 108, SD 1; 111, SD 1; 137; 145, SD 1; 156, SD 2; 164, SD 1; 169; 171; 174; 175, SD 1; 176, SD 1; 184; 187, SD 1; 190, SD 1; 191; 195, SD 1; 209, SD 1; 225, SD 1; 226; 227, SD 1; 230, SD 1; 243, SD 1; 246, SD 1; 247, SD 1; 252; 255, SD 1; 258, SD 1; 260, SD 1; 261; 263, SD 1; 265, SD 1; 267, SD 1; 269; 275, SD 1; 277, SD 1; 282, SD 1; 283; 285, SD 2; 57, SD 1; 66; 112, SD 1; 151; 186, SD 1; 208, SD 1; 253, SD 1; and 257, SD 1, was deferred until later in the calendar.

At this time, Representative Anderson introduced to the members of the House a group of fourth grade students from Lanikai Elementary School, accompanied by their teacher, Carol Grillette; and a group of fifth and sixth grade students in the Hawaiian Program at Lanikai Elementary School, accompanied by their teachers, Juanita Kaopuiki in the Kapuna Program; and Manalei Love, Hawaiian adviser. "Lanikai Elementary School has been chosen by the National Education Association as one of five schools nationwide to work with on their charter school initiative. . . and is the second school in Hawaii to be awarded student-centered school status."

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

S.C.R. Nos. Referred to:

6 Committee on Education

10 Jointly to the Committee on Human Services and the Committee on Education, then to the Committee on Finance

24 Jointly to the Committee on Water and Land Use Planning and the Committee on Energy and

Environmental Protection, then to the Committee on Finance

36 Jointly to the Committee on Education and the Committee on Labor and Public Employment, then to the Committee on Finance

43 Committee on Economic Development and Business Concerns, then to the Committee on Finance

45 Committee on Education, then to the Committee on Finance

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

52 Committee on Intergovernmental Relations and International Affairs

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

66 Committee on Education, then to the Committee on Finance

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

77 Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary, then to the Committee on Legislative Management

79 Jointly to the Committee on Energy and Environmental Protection and the Committee on Water and Land Use Planning, then to the Committee on Finance

86 Committee on Finance

96 Committee on Education, then to the Committee on Finance

100 Committee on Finance

108 Committee on Tourism, then to the Committee on Intergovernmental Relations and International Affairs

111 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

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

137 Committee on Education, then to the Committee on Finance

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

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

156 Committee on Health, then to the Committee on Finance

164 Committee on Education, then to the Committee on Finance

169 Committee on Education

171 Committee on Agriculture, then to the Committee on Finance

- 174 Committee on Education, then to the Committee on Judiciary
- 175 Committee on Education, then to the Committee on Finance
- 176 Committee on Public Safety and Military Affairs, then to the Committee on Tourism
- 184 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
- 186 Committee on Agriculture, then to the Committee on Finance
- 187 Committee on Economic Development and Business Concerns, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 190 Jointly to the Committee on Hawaiian Affairs and Housing and the Committee on Health, then to the Committee on Finance
- 191 Jointly to the Committee on Hawaiian Affairs and Housing and the Committee on Health, then to the Committee on Finance
- 195 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 208 Committee on Judiciary, then to the Committee on Finance
- 209 Committee on Tourism, then to the Committee on Finance
- 225 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 226 Committee on Judiciary
- 227 Committee on Health
- 230 Committee on Energy and Environmental Protection, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 243 Committee on Tourism, then to the Committee on Finance
- 246 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 247 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 252 Committee on Hawaiian Affairs and Housing, then to the Committee on Public Safety and Military Affairs
- 253 Committee on Transportation, then to the Committee on Finance
- 255 Committee on Education
- 257 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 258 Committee on Tourism, then to the Committee on Finance
- 260 Committee on Hawaiian Affairs and Housing, then to the Committee on Economic Development and Business Concerns, then to the Committee on Finance
- 261 Committee on Education, then to the Committee on Finance
- 263 Committee on Tourism, then to the Committee on Consumer Protection and Commerce
- 265 Committee on Agriculture, then to the Committee on Finance
- 267 Committee on Higher Education and the Arts, then to the Committee on Finance
- 269 Committee on Health, then to the Committee on Education
- 275 Committee on Water and Land Use Planning, then to the Committee on Finance
- 277 Committee on Judiciary, then to the Committee on Legislative Management
- 282 Committee on Economic Development and Business Concerns, then to the Committee on Finance
- 283 Committee on Health, then to the Committee on Finance
- 285 Committee on Health, then to the Committee on Judiciary
- 286 Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management

COMMITTEE REASSIGNMENTS

The following House Bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
599	Committee on Judiciary
2286	Jointly to the Committee on Consumer Protection and Commerce, the Committee on Judiciary, and the Committee on Finance
2505	Jointly to the Committee on Water and Land Use Planning and the Committee on Ocean Recreation and Marine Resources, then to the Committee on Judiciary, then to the Committee on Finance
3636	Jointly to the Committee on Consumer Protection and Commerce, the Committee on Judiciary, and the Committee on Finance

The following Senate Concurrent Resolutions (S.C.R. Nos. 16 and 40) were re-referred as follows:

<u>S.C.R. Nos.</u>	<u>Re-referred to:</u>
16	Jointly to the Committee on Water and Land Use Planning and the Committee on Ocean Recreation and Marine Resources
40	Committee on Intergovernmental Relations and International Affairs

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 325 and 326) were read by the Clerk and were disposed of as follows:

H.R. No. 325, entitled: "HOUSE RESOLUTION HONORING THE ADULT DAY CENTERS HAWAII INCORPORATED FOR THEIR COMMITMENT TO IMPROVING THE QUALITY OF LIFE FOR HAWAII'S ELDERLY CITIZENS," was jointly offered by Representatives Thielen and Chun Oakland.

Representative Thielen moved that H.R. No. 325 be adopted, seconded by Representative Chun Oakland.

Representative Thielen rose and prior to introducing the honorees, stated:

"Mr. Speaker, I'm excited to be honoring these individuals today as they play an essential role in our long-term care system.

"While our families are generally the primary providers of care to our elderly, many times they cannot provide all of the needed daily support. And, for many of our elderly, institutionalization is either inappropriate or premature.

"The Adult Day services offered by the honorees here today and others like them provide a much needed alternative. These centers offer services during the day in a group setting to individuals who then return to their homes in the evening. This allows our elderly citizens to remain in their community and with their families.

"The Adult Day Centers give our elderly citizens the opportunity to socialize with their peers, pursue their interests, exercise, and receive therapeutic services. The result -- the families feel better because they have peace of mind and our elderly citizens feel better and live longer.

"The Adult Day Centers are fast becoming a practical and cost-effective part of the solution to long-term care needs.

"Mr. Speaker, I'd now like to introduce our honorees. They've all watched the growth of Adult Day services in Hawaii and made very substantial contributions to our long-term care system."

Representative Thielen then asked the following honorees to stand to be recognized:

Natalie Oda. "Natalie is my constituent and is the Director of the Windward Seniors Day Care Center located in Kailua. This June will mark Natalie's 21st year of service with the Windward Seniors Day Care Center. She helped establish the Center in 1975. I think you must all know that she is a very well loved and respected member of our community."

Audrey Suga-Nakagawa. "Audrey has been the Director of the 'PACE' Program at Maluhia Hospital for six years. She has transformed Maluhia's Adult Day Health Center into the PACE Program, which offers a more comprehensive medical program. I thank her very much."

Bernie Ledesma. "Bernie is the Managing Director of Long-Term Care at Kuakini Hospital. She has been involved with Adult Day Center programs for sixteen years. She currently manages the Adult Day Health program at Kuakini and two Adult Day Care programs at Aiea and Nuuanu. Thank you."

Lani Yukimura. Lani is the Vice President of Adult Day Centers Hawaii Incorporated and the Director of Community Services at Wilcox Medical Center in

Lihue, Kauai. She flew over especially to be here with us today, and I really appreciate her doing that. Lani also runs the Wilcox Adult Day Care Center and started her career in Adult Day services in 1974 as a recreational therapist. Her family has been nominated Family of the Year for Kauai. Thank you for being here with us."

"Finally, but certainly not least is **Helen Myers.** Helen is President of Adult Day Centers Hawaii Incorporated. She has been involved with Adult Day Centers for twenty years, and she is also the Administrator of the Salvation Army Adult Day Care Center. Helen recently received a national award from the Salvation Army for program excellence. We've seen her at the Legislature many times as a strong advocate for health services for the elderly at the community level and pushing for Medicaid for Adult Day Centers. Thank you very much, Helen."

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

"These ladies have been dedicated for much of their lives to helping our senior members in our community, and their understanding of the process of aging and their caring for these individuals are just outstanding and very much appreciated. I think you've been teachers for many of us in understanding the long-term care issues that face our state and our nation, and I see you as leaders in terms of what's going to be happening by the year 2011 when the baby boomers will start hitting the age of 65.

"We really need your help. I know the families depend on your efforts and that of your staff, and I honor you and thank you for all your work.

"Thank you, Mr. Speaker."

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

"As legislators, we do harbor differing views on the issues but on one point we all clearly agree -- it takes a very special person to be a good care giver. It requires much patience, dedication, understanding, personal sacrifices in terms of addressing the needs of others before your own; boundless sympathy and empathy in all situations but more especially, in caring for those afflicted by mentally debilitating illnesses where such care is being administered to someone who cannot recognize others and does not seem to be aware of the care being given; and the reward to the care giver is solely the inner satisfaction -- that is exemplified by genuine, loving kindness and aloha.

"While these words are appropriate for all care givers, it especially describes the honoree whom I personally know, admire and respect from Kauai.

"Lani Yukimura recently celebrated her 22nd Anniversary with the Adult Day Care Center at Wilcox Hospital. Through her efforts, the program was expanded several years ago to provide care for those afflicted with alzheimer's disease. She is a leader on Kauai for alzheimer support groups. Shortly before Iniki in 1992, Lani included day health care capability at Wilcox which has avoided institutionalization for many residents.

"Perhaps the most unique aspect of this very special lady is that she is a true leader in what is called intergenerational activities and programs. She spends her days caring for the elderly, but at night and on weekends she spends much time with the youth on Kauai. She serves as the advisor for the Teens 4 Teens group on the Garden Island. Lani is very much involved in Ke Ala

Hoku and coordinated the very successful Ke Ala Hoku conference held on Kauai a few months ago which was attended by what I would estimate about 500 teenagers.

"In her dual role with the elderly and our youth, she has brought the generations together in such a way as to create much joy, a deep sense of values and aloha for each other which otherwise could never occur.

"Lani, on behalf of Representative Bertha Kawakami, Representative Billy Swain, the members of the House of Representatives, and the people of Kauai, may I extend to you our deepest thanks for all your good work, and congratulations on this deserved recognition.

"Thank you, Mr. Speaker."

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

"The other day when we were honoring the Farrington Health Academy, I mentioned that for Hawaii, the problem of aging is very apparent, as it was mentioned, by the year 2010 one in five of us is going to be over the age of 60. Another problem is, by then there will be more people retired than adding to the work force. And the question was asked -- maybe it's not a problem for you, Mr. Speaker, but for those of us who are probably at the leading edge of the baby boom and this tidal wave of older people, who is going to care for us?

"So while we see this tidal wave coming, I am not sure how we are preparing for it because for Hawaii, we have, as a population, one of the longest life expectancies. In fact, Mr. Speaker, I think the Okinawans have one of the longest life expectancies in the world. But at the same time, we have one of the poorest ratios when it comes to nursing home facilities and beds as compared to those who are eligible for that. I had a chance to visit with the Lanakila and Moiliili seniors the other day, and they also mentioned to me that their budgets were being cut by fifty percent. So, on one hand we can see this tidal wave coming, and yet, I'm not sure how we're preparing for it.

"I think there's a real demonstrated need to keep our seniors as active and as independent as possible, and this is what the day care and day health programs are committed to doing, because the studies do show that if we do keep our elderly active and independent, they spend less time in more intensive care that take up more medical resources and cost the system a lot more. So what our honorees are doing is, in essence, saving the State a lot of money by providing these services.

"And not only that, they have been advocating to looking also at different alternatives that will give our seniors a lot more options, including day health, where we can provide health care services, assisted living, and the PACE Project that was mentioned which allows the elderly to move from program to program instead of being categorized. We need to have all these options, and I really want to thank and acknowledge the work that these honorees have done in trying to provide as many options to our elderly, and also trying to develop a comprehensive system for our elderly for the sake of not only saving money, but providing quality service as well.

So, thank you very much to all of you."

The motion was put by the Chair and carried, and H.R. No. 325 was adopted.

At this time, Certificates of Recognition and floral leis were presented to the honorees by Representatives Thielen, Kawanakoa, Saiki, Arakaki and Chun Oakland.

H.R. No. 326, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING LIEUTENANT GENERAL AND ROBERT L. ORD III, COMMANDING GENERAL, UNITED STATES ARMY, PACIFIC, FOR PROVIDING DEDICATED SERVICE AND LEADERSHIP TO THE U.S. ARMY AND THE PEOPLE OF HAWAII," was jointly offered by Representatives McMurdo, Ito, Case, Chun Oakland, Kahikina, Kawakami, Lee, Meyer, M. Oshiro, Saiki, Stegmaier, Tarnas, Tom and White.

Representative McMurdo moved that H.R. No. 326 be adopted, seconded by Representative Ward.

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

"I am honored today to present to the members, Lt. General Robert L. Ord, III, who is the Commanding General of the United States Army Pacific. USARPAC, as it is called, is comprised of all United States Army personnel in the Pacific region. General Ord is responsible for all the soldiers and civilians permanently stationed in Hawaii, Alaska, Japan, Saipan, Guam, the Marshall Islands, American Samoa, and Johnston Island. In Hawaii, he commands an Army population exceeding seventy-seven thousand people and an Army expenditure in excess of \$1.3 billion.

"As President Clinton said: 'In thinking about Asia, we must remember that security is the first pillar of our new Pacific community. The United States is a Pacific nation. We have fought three wars there in this century. To deter regional aggression and secure our own interests, we will maintain an active presence and we will continue to lead.' In a similar vein, General Ord stated that 'The connection of America's Army to the Pacific is clear, substantial and unlikely to be severed anytime in the near future.' In fact, he indicated what very few of us remember that until the end of World War II, the United States had more combat divisions on the ground in the Asian-Pacific Theater than it fielded in Europe and North Africa together.

"General Ord assumed command of the United States Army, Pacific, at Fort Shafter, Hawaii, on November 22, 1993. Prior to this assignment he commanded the 25th Infantry Division (Light) and United States Army, Hawaii, at Schofield Barracks. Coincidentally, his first assignment after graduating from the United States Military Academy in 1962, was with the 25th Infantry Division at Schofield Barracks.

"Subsequent tours included deployment to Vietnam with the 25th. General Ord then returned to Vietnam in 1972 as a Vietnamese Ranger Command Senior Advisor. In 1974, he graduated from the Command and General Staff College at Ft. Leavenworth, Kansas, and in 1980 from the Army War College at Carlisle Barracks, Pennsylvania. In addition, he has served with distinction in many other military assignments at the Pentagon; Dyess Air Force Base, Texas; Fort Mead, Maryland; U.S. Army Military Personnel Center in Alexandria, Virginia; Fort Benning, Georgia; Fort Ord, California; Camp Red Cloud, Korea; and as the Commanding General, U.S. Total Army Personnel Command, Alexandria, Virginia.

"General Ord has distinguished and endeared himself in both the military and the civilian communities. He possesses qualities which make him very special to the people of Hawaii. He is an active member of The Chamber of Commerce of Hawaii's Military Affairs Council and its executive committee. He has supported the Combined Federal Campaign, the Aloha United Way, and he has provided leadership to foster military and

civilian relations in many ways. In governmental affairs, he has hosted Hawaii State legislators, some of you have been there, to keep them informed of the latest Army developments in the Pacific region, and he has worked very, very closely with civilian communities where there are Army personnel to be sure that everyone gets along and that things run smoothly.

"General Ord is married to the former Gail Eldridge of Medford Lakes, New Jersey. They have two daughters, Traci and Ginger; a granddaughter Mariah Jayne, and a grandson Zachary Robert.

"Mrs. Ord has been an energetic, creative, and dedicated volunteer worker for the U.S. Army and the Department of Defense for 34 years. She has been a tireless volunteer in the military community, providing support to service members and to their families. And, remember, all this time she was moving with her husband and her children from pillar to post, except when he was overseas and then she did it herself.

"General Ord has 34 years of distinguished service which is now coming to a close. In all of these many years, he has always been faithful to the West Point motto: 'Duty, honor, country'."

Representative McMurdo then asked General Ord to stand to be recognized.

Accompanying General Ord on the House floor was Mrs. Gail Ord, who then rose to be recognized.

Representative McMurdo then asked Major Joe Anderson, Aide-de-Camp; Colonel H.T. Link, Chief of Public Affairs, USARPAC; and Sergeant Swarm, General Ord's chauffeur, who were seated in the gallery, to stand to be recognized.

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

"Mr. Speaker, I had to commend the General for his dedication to Hawaii, to the U.S., and to an area that it is even hard to imagine that is 50 percent of the world surface which, because it is the Pacific, we know that two-thirds of the world's population is there -- about three billion people -- and I think of our district, maybe 20,000 people. We have a few others of concern, but to have two-thirds of the responsibility that that takes -- we say 'thank you' today for not only the job that you did, but for the 34 years of your life in which you did that.

"And Mr. Speaker, as you know, every time the military comes, I have a confession, because there was a time when we gave up on the military, there was a time when most people didn't know me with long hair down to my shoulders at the University and taking all of these political science classes, thinking there may be a viable alternative to communism, there may be a viable alternative to capitalism, and it is communism. And there is one group in this nation that always kept the faith, and it was the guys in uniform. Some of us thought, well, as long as they are doing what they are doing, maybe they're okay, but we now know there was an evil empire, and we now know the self-destruction that it brought upon itself, but because of the strong military, was able to take place.

"So, General, thank you for keeping the faith. Thank you for showing the rest -- institutionally, individually and personally -- that there was another way, and if we persisted it would be done.

"And lastly, General, as a translator/interpreter in Vietnam, I always wanted to meet the man who ran the

show in the Pacific, never knowing that today would be the day that I could say: 'Well done, you have served your country, your nation,' and now we hope you retire in Hawaii. We hope you settle back and enjoy our beautiful climate in some area, and I would say, consider East Honolulu as one of your options.

"Thank you for 34 years of your life, to your family, and in all that you have given to us -- Aloha.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I proudly stand here today to honor General Ord for his many years of commitment and service to his country.

"As a young man, I served in the United States Air Force for four years. My time in the Air Force helped me find direction in my life and taught me valuable qualities such as respect, loyalty, service and responsibility. I can thank a man like General Ord for instilling the desire in me to help and serve all the people.

"I would also like to offer my sincere appreciation and thanks to General Ord's dedication and leadership in the Pacific. Although I only had three stripes compared to General Ord's three stars, I salute him today.

"Happy retirement, General, and welcome back to civilian life.

"Thank you, Mr. Speaker."

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

"I would like to add a few words to the many that have been spoken about General Ord's accomplishments. It is obvious that he is an individual who has served his country well and deserves the retirement which he now looks forward to.

"It is actually my colleagues in Central Oahu that we have known and appreciated General Ord's service as Commanding General of the 25th Infantry Division at Schofield. So, on behalf of my colleagues, Representative Alex Santiago, Representative Marcus Oshiro, Representative Ron Menor and myself, we want to extend our heartfelt thanks for your service in Hawaii for the United States Army and for the United States of America, and please join the ranks of the retired in which I serve now.

"Thank you, Mr. Speaker."

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

"Mr. Speaker and colleagues, each of us recognizes the important contributions that the military and their dependents continually provide to our State. Their presence creates jobs for many support industries while their varied ethnicity adds to our cultural melting pot that we proudly call Hawaii. And for those of us that have lived away from Hawaii, we know the challenge of being displaced into a new environment, a different culture and climate. Each of these military families face the same challenge when they arrive in Hawaii.

"However, there is one person who has dedicated her time and energy helping these families make that successful transition. Mr. Speaker and colleagues, she is none other than Mrs. Gail Ord, the 'wind beneath the

wings' of Lieutenant General Ord. Gail Ord has for 34 years served through the Officer's Wives Club as a volunteer, a chairperson, officer, and advisor, offering support to their Thrift Shop, Scholarship Committee, and various fund-raisers. Mrs. Ord has been a leader for the Officer's Wives Groups, assisting the Army Community Services Volunteer Association and supervising the Welcome and Hospitality Programs. She has also represented the Post Exchange and Commissary Advisory Councils.

"But most importantly, Mrs. Ord created a model sponsorship program and developed materials on Family Support Groups for presentation to incoming personnel and their families to help them successfully adjust to living in Hawaii. She remains active by assisting in reviewing policy guidance on Family Support Groups and Installation Volunteer Coordinator Programs.

"Through her time and efforts, Mrs. Gail Ord -- 'the breath of fresh air' -- affords our military families a smooth and educational transition into our island home.

"Thank you."

Representative Herkes then rose to speak in favor of the resolution, stating:

"I may have had one less stripe than Sergeant Ito but at least I was in the right branch of service, General. I think I enjoyed my service at Schofield. I still have the medallion that you gave me from the 25th. I have it proudly -- it's upstairs in my desk.

"You are a good man, General. You have been a credit to your service, you have been a credit to this nation, and I know that you can rest easier now, knowing, as we have all learned, that the Minority Leader has seen the light about the evil empire. It comes as a relief to all of us.

"Godspeed, and I wish you the best in your retirement."

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

"As one who benefited from the briefings that General Ord conducted, I wanted to say that I see you, General Ord, as a peacemaker not only in the capacity as a soldier, but as a leader, a diplomat in uniform, who has been able to bridge the gap so very ably between the military community and those of us in the civilian community. For your abilities to enhance harmony and understanding among all of the peoples of Hawaii, I thank you, General Ord.

"Thank you."

The motion was put by the Chair and carried, and H.R. No. 326 was adopted.

At this time, a Certificate of Recognition was presented to Lieutenant General Ord by Representative McMurdo, and floral leis were given to the honoree and Mrs. Ord by Representatives Chun Oakland and Ito, respectively.

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

The House of Representatives reconvened at 12:36 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1585-96 and S.B. No. 2900, SD 2, HD 2:

On motion by Representative Okamura, seconded by Representative Amaral and carried, Stand. Com. Rep. No. 1585-96 and S.B. No. 2900, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were recommitted to the Committee on Finance.

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. 2379, SD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2379, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Third Reading by a vote of 44 ayes, with Representatives Chang, Marumoto, Menor, Meyer, Morihara, Souki and White being excused.

S.B. No. 2535, SD 1:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2535, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL WASTEWATER SYSTEMS," passed Third Reading by a vote of 44 ayes, with Representatives Chang, Marumoto, Menor, Meyer, Morihara, Souki and White being excused.

S.B. No. 2784:

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. No. 2784, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Third Reading by a vote of 44 ayes, with Representatives Chang, Marumoto, Menor, Meyer, Morihara, Souki and White being excused.

The Chair directed the Clerk to note that S.B. Nos. 2379, 2535 and 2784 had passed Third Reading at 12:38 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

On motion by Representative Okamura, seconded by Representative Amaral and carried, the House disagreed to the Senate amendments made to each of the following House Bills and requested a conference on the subject matter of said amendments: H.B. Nos. 44 (SD 1); 50, HD 2 (SD 2); 114, HD 2 (SD 2); 291 (SD 1); 388, HD 1 (SD 2); 401, HD 2 (SD 2); 582, HD 1 (SD 1); 599 (SD 1); 696, HD 1 (SD 1); 894, HD 1 (SD 1); 1042 (SD 1); 1482, HD 1 (SD 1); 1559 (SD 2); 1716, HD 1 (SD 1); 1741, HD 2 (SD 1); 1866, HD 1 (SD 1); 1926, HD 2 (SD 2); 2286, HD 1 (SD 1); 2358, HD 1 (SD 1); 2359 (SD 1); 2384, HD 1 (SD 1); 2401 (SD 1); 2411, HD 1 (SD 2); 2416, HD 1 (SD 1); 2433, HD 2 (SD 2); 2452, HD 3 (SD 1); 2502, HD 1 (SD 1); 2505, HD 2 (SD 2);

2514, HD 3 (SD 2); 2515, HD 1 (SD 1); 2526 (SD 2); 2549, HD 2 (SD 2); 2564, HD 2 (SD 1); 2598 (SD 1); 2599 (SD 2); 2603, HD 1 (SD 1); 2636, HD 2 (SD 1); 2642, HD 1 (SD 1); 2644, HD 1 (SD 2); 2647, HD 1 (SD 1); 2726, HD 2 (SD 2); 2729, HD 2 (SD 1); 2731, HD 1 (SD 1); 2789, HD 1 (SD 1); 2800, HD 1 (SD 1); 2809, HD 2 (SD 1); 2868, HD 1 (SD 1); 2897, HD 2 (SD 2); 2956, HD 1 (SD 1); 2957 (SD 1); 2975 (SD 1); 2991 (SD 1); 3046, HD 1 (SD 1); 3047, HD 1 (SD 1); 3086, HD 1 (SD 1); 3096, HD 1 (SD 1); 3101, HD 2 (SD 2); 3102, HD 1 (SD 2); 3138, HD 1 (SD 2); 3153, HD 2 (SD 2); 3154, HD 2 (SD 2); 3182, HD 2 (SD 1); 3203, HD 1 (SD 2); 3208, HD 2 (SD 1); 3211, HD 1 (SD 2); 3216, HD 1 (SD 1); 3241, HD 1 (SD 1); 3243, HD 1 (SD 1); 3291, HD 1 (SD 1); 3293, HD 1 (SD 1); 3300 (SD 1); 3332 (SD 2); 3333 (SD 1); 3340, HD 1 (SD 1); 3341, HD 2 (SD 2); 3342, HD 1 (SD 1); 3344, HD 2 (SD 1); 3345, HD 2 (SD 2); 3347 (SD 1); 3349, HD 1 (SD 1); 3350, HD 1 (SD 1); 3362, HD 2 (SD 1); 3382, HD 1 (SD 1); 3389, HD 1 (SD 1); 3398 (SD 1); 3399, HD 2 (SD 1); 3400 (SD 1); 3401, HD 1 (SD 1); 3407, HD 1 (SD 2); 3409, HD 1 (SD 1); 3414 (SD 1); 3417 (SD 1); 3419, HD 1 (SD 1); 3421, HD 2 (SD 2); 3423, HD 1 (SD 1); 3427, HD 2 (SD 1); 3432, HD 1 (SD 2); 3434, HD 2 (SD 2); 3439, HD 1 (SD 1); 3493, HD 2 (SD 2); 3498 (SD 2); 3505, HD 1 (SD 1); 3512, HD 2 (SD 1); 3520 (SD 1); 3522, HD 1 (SD 1); 3523, HD 1 (SD 1); 3533, HD 2 (SD 2); 3534, HD 2 (SD 2); 3538, HD 2 (SD 1); 3542, HD 2 (SD 1); 3548, HD 1 (SD 2); 3551, HD 1 (SD 1); 3554, HD 1 (SD 1); 3563, HD 1 (SD 1); 3565, HD 1 (SD 1); 3567, HD 1 (SD 1); 3570, HD 1 (SD 1); 3577, HD 2 (SD 2); 3579, HD 2 (SD 2); 3581 (SD 1); 3583, HD 2 (SD 2); 3596 (SD 1); 3602, HD 1 (SD 1); 3611, HD 1 (SD 1); 3616, HD 1 (SD 2); 3618, HD 2 (SD 1); 3631 (SD 1); 3636 (SD 2); 3650, HD 1 (SD 1); 3653 (SD 1); 3656, HD 2 (SD 2); 3666, HD 1 (SD 1); 3711 (SD 2); 3760, HD 1 (SD 1); 3766, HD 2 (SD 2); 3773, HD 1 (SD 1); 3785, HD 1 (SD 1); 3789, HD 2 (SD 2); 3793, HD 1 (SD 1); 3809, HD 1 (SD 2); 3822 (SD 1); 3833, HD 1 (SD 2); 3852 (SD 2); 3853, HD 1 (SD 1); 3862, HD 2 (SD 1); 3881, HD 2 (SD 2); 3924, HD 1 (SD 1); 3954, HD 2 (SD 1); 3964, HD 1 (SD 2); 3968, HD 2 (SD 1); 3970, HD 1 (SD 1); 4008, HD 1 (SD 1); 4010, HD 2 (SD 1); 4063 (SD 1); 4074, HD 1 (SD 1); 4117, HD 2 (SD 2); 4131, HD 3 (SD 2); and 4145, HD 2 (SD 1).

to the island of your choice. I want to encourage all of you to get your donations in."

ADJOURNMENT

At 12:40 o'clock p.m., on motion by Representative Amaral; seconded by Representative Thielen and carried, the House of Representatives adjourned until 10:00 o'clock a.m. on Monday, April 15, 1996.

HOUSE COMMUNICATION

House communication, dated April 12, 1996, to the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, from Patricia Mau-Shimizu, Clerk, House of Representatives, giving written notice of the final form of a proposed constitutional amendment as agreed upon by the appointed Conference Managers on the part of the House and the Senate, to be included in the final Conference draft of House Bill No. 4142, SD 1, CD 1, entitled: "PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW THE USE OF REVENUE BONDS FOR THE FUNDING OF A STATE PROPERTY INSURANCE PROGRAM PROVIDING HURRICANE INSURANCE COVERAGE," was placed on file.

ANNOUNCEMENT

Representative Arakaki rose and stated:

"Just an update on the Foodbank Food Drive. The veteran House members donated 120 points; seasoned House members, 821 points; and freshmen House members, 103 points. The veterans are falling behind so we better get with it -- get your donations in. Also for the neighbor islanders, you may designate your donations

FIFTIETH DAY

Monday, April 15, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:13 o'clock a.m., with the Vice Speaker presiding.

The invocation was delivered by Chaplain Major David J. Danford, Presbyterian Army Chaplain, Schofield Barracks, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Isbell, Kahikina, Menor, Souki and Tom, who were excused.

At this time, the Chair stated:

"Before moving on with our Order of the Day, on behalf of House Speaker Joe Souki and all of the members of this House, I would like to extend our warmest aloha to Representative Jerry Chang.

"Welcome back, Jerry. Best wishes to you."

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 604 to 606) were read by the Clerk and were placed on file:

Sen. Com. No. 604, informing the House that the President has, on April 12, 1996, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 3862, HD 2, SD 1:

Senators Chumbley/Grauly, Co-Chairs; and Kawamoto.

H.B. No. 2515, HD 1, SD 1:

Senators Chumbley/Grauly, Co-Chairs; Matsunaga, Matsuura, Tam, McCartney and Anderson.

H.B. No. 2897, HD 2, SD 2:

Senators Chumbley, Chair; Matsunaga and Kawamoto.

Sen. Com. No. 605, informing the House that the President has added Senator Baker as an additional member on the part of the Senate at the conference on Senate Bill No. 2211, SD 2, HD 2, on April 12, 1996.

Sen. Com. No. 606, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills on April 12, 1996: S.B. Nos. 2186, SD 1, HD 1; 2247, HD 1; 2326, SD 1, HD 1; 2381, SD 1, HD 1; 2518, SD 1, HD 1; 2729, SD 1, HD 1; 2732, HD 1; 2746, SD 1, HD 1; 2888, SD 1, HD 1; 641, SD 2, HD 1; 2052, HD 1; 2220, SD 1, HD 1; 2238, SD 2, HD 1; 2278, SD 2, HD 1; 2329, HD 1; 2338, SD 2, HD 1; 2388, SD 2, HD 1; 2439, SD 1, HD 1; 2458, SD 2, HD 2; 2723, SD 2, HD 1; 2730, SD 1, HD 1; 2789, SD 2, HD 1; 2811, SD 1, HD 1; 2913, HD 1;

3011, SD 2, HD 2; 3079, SD 1, HD 1; 3108, SD 2, HD 1; 3159, SD 1, HD 1; 3166, HD 1; 3198, SD 1, HD 1; 3266, SD 1, HD 1; 608, SD 2, HD 2; 659, SD 3, HD 2; 1234, SD 1, HD 2; 1305, HD 1; 1602, SD 1, HD 1; 1698, HD 3; 1735, SD 1, HD 2; 1738, SD 1, HD 2; 1810, SD 1, HD 2; 2001, SD 2, HD 1; 2003, SD 1, HD 2; 2007, SD 1, HD 2; 2022, SD 1, HD 2; 2067, SD 1, HD 1; 2087, SD 1, HD 2; 2088, SD 2, HD 1; 2090, SD 2, HD 2; 2101, SD 2, HD 1; 2125, SD 1, HD 2; 2144, HD 2; 2145, SD 1, HD 2; 2152, SD 1, HD 2; 2160, HD 1; 2209, SD 2, HD 1; 2210, SD 1, HD 1; 2223, SD 1, HD 1; 2248, SD 1, HD 1; 2264, SD 2, HD 2; 2280, SD 2, HD 1; 2295, SD 1, HD 1; 2304, SD 1, HD 2; 2322, SD 2, HD 2; 2333, SD 1, HD 1; 2401, SD 2, HD 2; 2402, SD 1, HD 2; 2405, SD 1, HD 1; 2416, SD 1, HD 2; 2437, SD 1, HD 2; 2456, HD 2; 2459, HD 1; 2485, HD 2; 2491, HD 1; 2502, SD 1, HD 1; 2503, SD 1, HD 1; 2522, SD 1, HD 2; 2532, SD 1, HD 1; 2538, SD 1, HD 1; 2548, SD 1, HD 2; 2552, SD 1, HD 2; 2637, SD 1, HD 1; 2659, SD 1, HD 1; 2662, SD 1, HD 2; 2682, SD 1, HD 2; 2699, SD 1, HD 2; 2713, SD 2, HD 2; 2724, SD 1, HD 1; 2726, SD 1, HD 2; 2733, SD 1, HD 2; 2737, HD 2; 2740, SD 1, HD 1; 2750, SD 1, HD 2; 2758, SD 1, HD 2; 2769, SD 1, HD 2; 2770, SD 2, HD 2; 2773, SD 1, HD 1; 2777, SD 2, HD 2; 2781, SD 2, HD 3; 2795, SD 2, HD 2; 2819, SD 2, HD 1; 2821, SD 2, HD 2; 2836, SD 2, HD 2; 2848, SD 2, HD 1; 2850, SD 1, HD 1; 2856, SD 1, HD 2; 2859, SD 2, HD 2; 2866, SD 2, HD 2; 2875, SD 1, HD 2; 2887, HD 1; 2891, SD 2, HD 2; 2894, SD 2, HD 2; 2902, HD 1; 2941, SD 2, HD 2; 2962, SD 1, HD 1; 2984, HD 1; 2992, HD 1; 2993, SD 1, HD 1; 2998, SD 1, HD 2; 2999, SD 2, HD 2; 3012, SD 2, HD 2; 3042, SD 2, HD 2; 3054, HD 1; 3068, SD 1, HD 1; 3110, SD 2, HD 2; 3134, SD 1, HD 1; 3135, SD 1, HD 1; 3154, SD 2, HD 2; 3159, SD 1, HD 1; 3165, SD 2, HD 2; 3170, SD 1, HD 2; 3171, HD 1; 3204, HD 1; 3231, SD 1, HD 2; 3232, SD 2, HD 2; 3240, SD 2, HD 2; 3248, SD 2, HD 2; 3262, SD 2, HD 2; 2227, SD 1, HD 2; and 2682, SD 1, HD 2.

At this time, Representative Chang introduced to the members of the House Dr. Fareed Shabbar, CEO of Saudi Arabia Corporation of New York; Sophia Lucas, his companion; Randy Avon and Stan Casey, his business colleagues.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following House Bills were re-referred as follows:

H.B. Nos.	Re-referred to:
1716	Committee on Water and Land Use Planning, then to the Committee on Higher Education and the Arts, then to the Committee on Finance
3096	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary
3964	Committee on Finance, then to the Committee on Labor and Public Employment

The following Senate Bills were re-referred as follows:

S.B. Nos.	Re-referred to:
608	Committee on Water and Land Use Planning, then to the Committee on Higher Education and the Arts, then to the Committee on Finance

659 Jointly to the Committee on Judiciary and the Committee on Consumer Protection and Commerce, then jointly to the Committee on Energy and Environmental Protection and the Committee on Ocean Recreation and Marine Resources

1234 Committee on Labor and Public Employment, then to the Committee on Finance

2067 Committee on Higher Education and the Arts, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance

2087 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2304 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2491 Committee on Consumer Protection and Commerce, then to the Committee on Finance

2713 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2758 Committee on Labor and Public Employment, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance

3232 Committee on Finance, then to the Committee on Labor and Public Employment

The following Senate Concurrent Resolutions were re-referred as follows:

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

176 Committee on Tourism

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

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 327 and 328) were read by the Clerk and were disposed of as follows:

H.R. No. 327, entitled: "HOUSE RESOLUTION CONGRATULATING AND COMMENDING AARON CARVALHO FOR HIS ACT OF HEROISM," was jointly offered by Representatives Swain, Kanoho and Kawakami.

Representative Swain moved that H.R. No. 327 be adopted, seconded by Representative Kanoho.

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

"Mr. Speaker, it is not very often that we have this opportunity to honor someone who has truly given of himself and placed his own life at risk in saving someone else. This is the young man that we honor today -- Aaron Carvalho.

"Aaron was at Wailua Bay on the island of Kauai which is the beach fronting the Coco Palms Hotel, and many times the beach becomes treacherous, depending upon the ocean currents, tides and wave action. In fact,

about 40/50 years ago, this is where Frank Sinatra almost was swept out to sea and was also saved.

"On March 3rd this year, Aaron was with a group of friends at Wailua Bay when he heard a cry for help, and when he asked his friends no one else seemed to have heard the cry, and then, as he looked out to the sea, he saw somebody's hand going up and down and without thinking of his own safety, he dove into the ocean and swam out to help this visitor. Once he got out there, he found that the visitor was in deep trouble and was not able to sustain himself afloat so Aaron, using the advanced lifesaving skills that he had learned, took it upon himself to assist this visitor from Minnesota, Mr. Jeff Olson, who was 34 years old, and helped him to shore. He had the assistance of some others who did come out at one point, but Aaron, without even thinking of what might have happened to him, took it upon himself to go out and save this visitor.

"I have known Aaron's family for many, many years. His mother and I are about the same age, I think, and kind of grew up together. . . I'm older? I'm always older lately. But I have known Aaron's grandparents -- the Panui's and the Carvalho's -- for many, many years as well. So it doesn't surprise me that this young man did what he did because he comes from good stock, and they are the type of people -- his parents and grandparents -- that teach their children how to react, how to do things above and beyond what they can do for themselves. I don't know if many of us, put into the same situation, would be able to do what Aaron did and take the risk upon ourselves to do that.

"Now, Aaron is at Kapaa High School. He is a member of the ROTC. He also is an honor student. He is a participant in the Winner's Camp, and if you remember our presentation on Friday, we had Miss Yukimura who is also one of the supporters of Winner's Camp on Kauai and started that program for teen development so that they can have an empowerment of themselves, and Aaron participated and graduated from that. He also belongs to Teens 4 Teens which is a group that is involved in promoting non-drug use, non-alcohol use, with his classmates within the school system. He has been a great example to many, many people on the island of Kauai, and the greatest thing about Aaron is that he doesn't even want to be here.

"Aaron has had so much accomplishments placed upon him since this took place, none of it instigated by Aaron. Even the Governor's Award was instigated by the person at Wilcox Hospital where Mr. Olson was taken and found out who this gentleman was. She is the one who got the reporters and everybody else involved in this and throughout it all, Aaron just kind of said -- 'Why me? I didn't really do very much.' He just wants to kind of go on. But it's us -- the politicians, the communications specialists, the publicity people -- that say, 'Well, we want to honor this young man because he is an example to many.' So I am going to ask Aaron to just bear with us just a little bit longer today as we honor him for risking his life for another, and we appreciate all that he has done.

"With that, let me introduce to you, the honorable members of this House, Mr. Aaron Carvalho," and asked Aaron to stand to be recognized.

Accompanying Aaron on the House floor were his parents, Dennis and Cathi Carvalho, who then rose to be recognized.

"Thank you very much, Mr. Speaker."

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

"In a society that seems to always focus on the negative aspects of teenage life, when we constantly hear about the numerous problems plaguing our young people -- drugs, gangs, violence, truancy, teenage pregnancy and much more, including negative behavior in schools -- which has prompted this Legislature to consider lowering the mandatory school age attendance and all the debate and controversy that has taken place in this Legislature, it is most refreshing when one of our youngsters finally receives some positive, well-deserved recognition. In a society where teenagers are not given enough acclaim or respect, it gives me great pleasure to speak about Aaron Carvalho.

"Aaron possesses a sense of maturity and responsibility not attained by many adults. As Representative Swain indicated, Aaron heard a voice faintly, looked quickly for a surfboard, couldn't find any so rushed into the raging ocean. And upon reaching the victim, Aaron had the presence of mind to command this man to 'turn around' because he knew well enough that a person in that predicament could grapple and hug him and take both of them under water. As Aaron proceeded towards shore, they were met by others in chest high water. And on the shore, after help arrived, Aaron fled the scene, not needing or wanting any recognition or thanks. And if you think about that for a moment, for anyone, especially a teenager, not to wait for any thanks or recognition, that says something about this young man. Where others would desperately seek personal glory -- unfortunately in this case an adult tried to do just that -- Aaron left the scene and except for the deep personal satisfaction, would have been very happy to be left alone.

"The man, Mr. Jeff Olson, spent the night in Wilcox Hospital and on the following day, summoned Aaron to the airport before his departure homeward to Minnesota. It was only after Mr. Olson's insistence and much coaxing from his parents that Aaron went to the airport to receive the gratitude from the family and from the man who would otherwise not be alive. Mr. Olson who stands at well over 6 feet, and Aaron stands at 6'1", and from the description, Mr. Olson towered over Aaron and they estimated his height to be 6'6". Mr. Olson could not believe that his life was saved by a 16 year old, much smaller than he. Aaron steadfastly refused Mr. Olson's monetary gift but finally and reluctantly, accepted. When it came time to say goodbye, they hugged and cried -- the very grateful man from Minnesota and our very humble teenage hero from Kauai.

"Aaron's maturity and sense of responsibility, his respect for self and others, the effort exerted to help prepare not only himself but his fellow teenagers for the future, gives clear indication that he will be a credit and a hero in his community as he continues to positively assert himself.

"Actually, we had initially planned for this presentation to be conducted during Spring Break but Aaron was involved in ROTC for the entire week at Schofield.

"Aaron, we are all so very proud of you, and we ask God's blessing on you and all your future endeavors.

"Thank you very much."

The motion was put by the Chair and carried, and H.R. No. 327 was adopted.

At this time, a Certificate of Recognition was presented to Aaron by Representative Swain and floral leis were

given to the honorees by Representatives Kawakami, Amaral and Kanoho.

H.R. No. 328, entitled: "HOUSE RESOLUTION HONORING THE HAWAII WINTER BASEBALL LEAGUE," was jointly offered by Representatives Chang and Say.

Representative Chang moved that H.R. No. 328 be adopted, seconded by Representative Say.

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

"One of the rewards of our office is that we are given the opportunity to acknowledge publicly, certain individuals and organizations that despite personal and financial risks, take on a project they love, and in so doing provide tremendous benefits to our State.

"The Hawaii Winter Baseball League is a prime example of Hawaii's own business talents developing, marketing and promoting young professional baseball players and the sport of baseball in Hawaii. And at the same time, showcasing Hawaii's natural beauty, sports facilities, superb weather conditions, and other sports activities on a year-round basis throughout the world.

"Last year in Japan alone, through the League's promotions and media coverage, more than 33 million people were exposed to the existence of professional baseball in Hawaii. This is another verification of Hawaii's significance on the world stage.

"Because of their participation with the American Major League Baseball teams, the Hawaii Winter Baseball League extended an invitation to host their winter meeting here in 1998.

"The tremendous economic benefits to the State is obvious, but they have also provided our youth and baseball fans the opportunity to see and cheer on some of our future baseball stars.

"It gives me great pleasure and pride to introduce fellow Hilo boy, the founder, owner and CEO of the Hawaii Winter Baseball League -- Mr. Duane Kurisu."

Mr. Duane Kurisu rose to be recognized.

"On behalf of this body, I want to thank Duane for his leadership in developing an excellent team of executives, players, staff and volunteers from throughout the island chain."

Joining Mr. Kurisu on the House floor were Mr. Frank Kudo, the League's President; and Mr. Rubin Chappins, Hawaii's famous marathon promoter and Director of League Operations.

Mr. Frank Kudo and Mr. Rubin Chappins then rose to be recognized.

Representative Chang then asked the following General Managers, who were seated in the gallery, to stand to be recognized: Mr. Lane Fujii of the Maui Stingrays; Mr. Carl Iwasaki of the Honolulu Sharks; Mr. Mark Nishiyama of the West Oahu Canefires; and Mr. Clyde Nekoba, "my good friend", of the Hilo Stars. Also accompanying them was Mr. Jimmy Yasuda, "who is helping with the public relations."

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

"Mr. Speaker, I personally did not really get to know Duane all that well, but I do know his parents, and his father who passed away not too long ago. And I think when you look at what Duane has done and the way it was described by Representative Chang, I think it is very clear that if his parents taught he and his siblings, a part of that was how to give back to the community. And Duane's parents were not only outstanding members of the community, Mr. Speaker, but his father was one of the leaders in terms of the independent cane growers.

"I think even as we see the transition that is occurring along the Hilo/Hamakua Coast, his brother, Derek Kurisu, is also playing a leading role in assisting and supporting the people along the coastline.

"So, Duane, I would like to also add not only congratulations on all that you have accomplished, but also my own personal appreciation, and I am sure your father is looking down and smiling.

"Thank you very much."

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

"As many of you know, the Canefires started out in Waipahu this year for the first time, and we really welcomed them to the community. People may not know that there was a slight controversy over the serving of beer at the Hans L'Orange Park, and although Duane, Frank and Mark spent many long hours at the Waipahu Neighborhood Board meetings and at the City Council and so on, going through all the necessary procedures to get the approval which they did get, they decided, in the interest of the community, that they would not serve beer at the concession.

"Even though that may not have been the wisest of business decisions, I do believe they did it in the interest of the community, and I think that is indicative and symbolizes the kind of caring and aloha that they have for the community, and I would just like to congratulate them on this well-deserved recognition.

"Thank you."

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

"I would like to thank Mr. Kurisu and all the other business partners and managers for taking a tremendous risk in providing Hawaii youngsters with the dream of possibly being able to play at the professional level someday themselves by bringing to Hawaii real players who these youngsters can watch. And through this, to develop a greater reality about the possibility of our young people fulfilling their dreams.

"Thank you very much."

The motion was put by the Chair and carried, and H.R. No. 328 was adopted.

At this time, Certificates of Recognition and floral leis were presented to the honorees by Representatives Ito, Jones, Say and Chun Oakland.

At 10:42 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:51 o'clock a.m.

Representatives Say, Tom and Stegmaier, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2211, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 51) recommending that S.B. No. 2211, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51 and S.B. No. 2211, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL CONSTRUCTION PROJECTS," was deferred for a period of 10 days.

Representatives Say and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3091, HD 1, presented a report (Conf. Com. Rep. No. 52) recommending that S.B. No. 3091, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52 and S.B. No. 3091, HD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 11, OF THE CONSTITUTION OF THE STATE OF HAWAII," was deferred for a period of 10 days.

APPOINTMENT OF CONFEREES

In accordance with the disagreement of the House to the amendments proposed by the Senate in the following House Bills and the request for a conference on the respective subject matter thereof, the Speaker appointed the following Managers on the part of the House at such conference:

H.B. No. 44, SD 1:

Representative Say, Chair; Isbell, Ito, Kanoho, Kawakami and Marumoto.

H.B. No. 50, HD 2, SD 2:

Representatives Tom/Chun Oakland/Say, Co-Chairs; White and Ward.

H.B. No. 114, HD 2, SD 2:

Representatives Tom/Say, Co-Chairs; Nekoba, White and Kawanakoa.

H.B. No. 291, SD 1:

Representative Lee, Chair; Takai, Tarnas and Halford.

H.B. No. 388, HD 1, SD 2:

Representatives Shon/Menor/Tom, Co-Chairs; M. Oshiro, Yoshinaga and Thielen.

H.B. No. 401, HD 2, SD 2:

Representatives Shon/Santiago/Say, Co-Chairs; Ito and Anderson.

H.B. No. 582, HD 1, SD 1:

Representatives Cachola/Takamine/Say, Co-Chairs; Swain and Marumoto.

H.B. No. 599, SD 1:

CONFERENCE COMMITTEE REPORTS

- Representatives Tom, Chair; Herkes, White and Kawanakoa.
- H.B. No. 696, HD 1, SD 1:**
- Representatives Yonamine, Chair; Case, Isbell, Nakasone and Marumoto.
- H.B. No. 894, HD 1, SD 1:**
- Representatives Pepper/Shon/Say, Co-Chairs; M. Oshiro and Meyer.
- H.B. No. 1042, SD 1:**
- Representatives Yonamine, Chair; Abinsay, Case, Isbell and Ward.
- H.B. No. 1482, HD 1, SD 1:**
- Representatives Shon/Menor/Say, Co-Chairs; Yamane and Thielen.
- H.B. No. 1559, SD 2:**
- Representatives Pepper/Kawakami, Co-Chairs; Hamakawa, Isbell and Anderson.
- H.B. No. 1716, HD 1, SD 1:**
- Representatives Lee/Say; Co-Chairs; Ito, Takai, Tarnas and Halford.
- H.B. No. 1741, HD 2, SD 1:**
- Representatives Nekoba/Lee, Co-Chairs; Garcia, Santiago, Tarnas and Meyer.
- H.B. No. 1866, HD 1, SD 1:**
- Representative Tom, Chair; Cachola, Herkes, White and Kawanakoa.
- H.B. No. 1926, HD 2, SD 2:**
- Representatives Menor/Say, Co-Chairs; Suzuki, Yoshinaga and Ward.
- H.B. No. 2286, HD 1, SD 1:**
- Representatives Menor/Tom/Say, Co-Chairs; Cachola, Herkes, Yamane and Marumoto.
- H.B. No. 2358, HD 1, SD 1:**
- Representatives Hiraki, Chair; Isbell, Ito, Nakasone and Ward.
- H.B. No. 2359, SD 1:**
- Representatives Menor, Chair; Cachola, Herkes, Swain and Meyer.
- H.B. No. 2384, HD 1, SD 1:**
- Representatives Hiraki/Tom, Co-Chairs; Nakasone, Yoshinaga and Kawanakoa.
- H.B. No. 2401, SD 1:**
- Representatives Say, Chair; Isbell, Kanoho, Kawakami and Marumoto.
- H.B. No. 2411, HD 1, SD 2:**
- Representatives Menor/Tom, Co-Chairs; Hamakawa, White and Thielen.
- H.B. No. 2416, HD 1, SD 1:**
- Representatives Tom, Chair; Herkes, Saiki, White and Thielen.
- H.B. No. 2433, HD 2, SD 2:**
- Representatives Hiraki/Tom/Yoshinaga, Co-Chairs; Case and Ward.
- H.B. No. 2452, HD 3, SD 1:**
- Representatives Yonamine/Say, Co-Chairs; Ito, Suzuki and Marumoto.
- H.B. No. 2502, HD 1, SD 1:**
- Representatives Say, Chair; Isbell, Ito, Kanoho, Kawakami and Marumoto.
- H.B. No. 2505, HD 2, SD 2:**
- Representatives Takamine/Santiago/Tom/Say, Co-Chairs; and Anderson.
- H.B. No. 2514, HD 3, SD 2:**
- Representatives Stegmaier/Yonamine/Kawakami, Co-Chairs; Abinsay and Ward.
- H.B. No. 2515, HD 1, SD 1:**
- Representatives Stegmaier/Tom, Co-Chairs; Takai, Yamane and Anderson.
- H.B. No. 2526, SD 2:**
- Representatives Pepper/Tom/Say, Co-Chairs; Chun Oakland and Anderson.
- H.B. No. 2549, HD 2, SD 2:**
- Representatives Pepper/Yoshinaga/Kawakami, Co-Chairs; Ito and Ward.
- H.B. No. 2564, HD 2, SD 1:**
- Representatives Takumi/Menor, Co-Chairs; Suzuki, Yoshinaga and Meyer.
- H.B. No. 2598, SD 1:**
- Representatives Pepper/Menor, Co-Chairs; Cachola, Saiki and Thielen.
- H.B. No. 2599, SD 2:**
- Representatives Chun Oakland/Tom/Say, Co-Chairs; Kahikina and Kawanakoa.
- H.B. No. 2603, HD 1, SD 1:**
- Representatives Tom, Chair; Hamakawa, White and Yamane.
- H.B. No. 2636, HD 2, SD 1:**
- Representatives Pepper/Tom/Say, Co-Chairs; Hamakawa, White and Anderson.
- H.B. No. 2642, HD 1, SD 1:**

- Representatives Yonamine/Say, Co-Chairs; Isbell, Suzuki and Marumoto.
- H.B. No. 2644, HD 1, SD 2:**
- Representatives Yonamine/Say, Co-Chairs; Nakasone, Suzuki and Marumoto.
- H.B. No. 2647, HD 1, SD 1:**
- Representatives Pepper/Menor, Co-Chairs; Cachola, Garcia, Hamakawa and Anderson.
- H.B. No. 2726, HD 2, SD 2:**
- Representatives Kanoho/Tom/Menor/Say, Co-Chairs; and Thielen.
- H.B. No. 2729, HD 2, SD 1:**
- Representatives Tom/Say, Co-Chairs; Nekoba, White, Yamane and Ward.
- H.B. No. 2731, HD 1, SD 1:**
- Representatives Kanoho/Tom, Co-Chairs; P. Oshiro, Yoshinaga and Ward.
- H.B. No. 2789, HD 1, SD 1:**
- Representatives Menor/Tom, Co-Chairs; Herkes, White and Kawananaoka.
- H.B. No. 2800, HD 1, SD 1:**
- Representatives Say, Chair; Kawakami, Abinsay, Chang, Isbell, Ito, Jones, Kahikina, Kanoho, Nakasone, Nekoba, M. Oshiro; Suzuki, Marumoto and Ward.
- H.B. No. 2809, HD 2, SD 1:**
- Representatives Lee/Say, Co-Chairs; Kawakami, Yonamine and Ward.
- H.B. No. 2868, HD 1, SD 1:**
- Representatives Tom, Chair; Herkes, Swain, White and Kawananaoka.
- H.B. No. 2897, HD 2, SD 2:**
- Representatives Pepper/Stegmaier, Co-Chairs; Kawakami, Takai and Halford.
- H.B. No. 2956, HD 1, SD 1:**
- Representatives Tom, Chair; Case, Swain, White and Kawananaoka.
- H.B. No. 2957, SD 1:**
- Representatives Hiraki/Tom, Co-Chairs; Case, Suzuki and Ward.
- H.B. No. 2975, SD 1:**
- Representatives Tom, Chair; Herkes, Saiki, White and Thielen.
- H.B. No. 2991, SD 1:**
- Representatives Yonamine, Chair; Case, Nakasone, Takumi and Marumoto.
- H.B. No. 3046, HD 1, SD 1:**
- Representatives Tom, Chair; Herkes, Saiki, White, Yoshinaga and Kawananaoka.
- H.B. No. 3047, HD 1, SD 1:**
- Representatives Tom, Chair; Herkes, Saiki, White, Yoshinaga and Kawananaoka.
- H.B. No. 3086, HD 1, SD 1:**
- Representatives Menor, Chair; Case, Garcia, Hiraki and Meyer.
- H.B. No. 3096, HD 1, SD 1:**
- Representatives Menor, Chair; Garcia, Swain, Yoshinaga and Meyer.
- H.B. No. 3101, HD 2, SD 2:**
- Representatives Menor/Tom/Kawakami, Co-Chairs; Yamane and Ward.
- H.B. No. 3102, HD 1, SD 2:**
- Representatives Menor/Tom, Co-Chairs; Swain, White and Meyer.
- H.B. No. 3138, HD 1, SD 2:**
- Representatives Stegmaier/Tom/Say, Co-Chairs; Santiago and Halford.
- H.B. No. 3153, HD 2, SD 2:**
- Representatives Tom/Say, Co-Chairs; Nekoba, White and Ward.
- H.B. No. 3154, HD 2, SD 2:**
- Representatives Kanoho/Say, Co-Chairs; P. Oshiro and Marumoto.
- H.B. No. 3203, HD 1, SD 2:**
- Representatives Herkes/Say, Co-Chairs; Chang, Ito, Jones and Marumoto.
- H.B. No. 3208, HD 2, SD 1:**
- Representatives Herkes/Kawakami, Co-Chairs; Jones, Morihara, Swain and Marumoto.
- H.B. No. 3211, HD 1, SD 2:**
- Representatives Takumi/Say, Co-Chairs; Ito, Nakasone and Ward.
- H.B. No. 3216, HD 1, SD 1:**
- Representatives Tom, Chair; Herkes, White, Yoshinaga and Thielen.
- H.B. No. 3241, HD 1, SD 1:**
- Representatives Menor, Chair; Cachola, Swain, Yoshinaga and Thielen.
- H.B. No. 3243, HD 1, SD 1:**
- Representatives Tom, Chair; Herkes, Swain, White and Kawananaoka.
- H.B. No. 3291, HD 1, SD 1:**

Representatives Menor, Chair; Herkes, Yamane, Yoshinaga and Meyer.

H.B. No. 3293, HD 1, SD 1:

Representatives Nekoba/Say, Co-Chairs; M. Oshiro, Tarnas and Ward.

H.B. No. 3300, SD 1:

Representatives Say, Chair; Kawakami, Abinsay, Chang, Isbell, Ito, Jones, Kahikina, Kanoho, Nakasone, Nekoba, M. Oshiro; Suzuki, Marumoto and Ward.

H.B. No. 3332, SD 2:

Representatives Morihara/Tom/Say, Co-Chairs; Swain and Halford.

H.B. No. 3333, SD 1:

Representatives Morihara/Tom, Co-Chairs; Takai, White and Halford.

H.B. No. 3340, HD 1, SD 1:

Representatives Say, Chair; Kahikina, Kanoho, Kawakami, Nakasone and Marumoto.

H.B. No. 3341, HD 2, SD 2:

Representatives Yonamine/Say, Co-Chairs; Nakasone, Suzuki and Marumoto.

H.B. No. 3342, HD 1, SD 1:

Representatives Say, Chair; Kahikina, Kanoho, Kawakami, Nakasone and Marumoto.

H.B. No. 3344, HD 2, SD 1:

Representatives Tom/Say, Co-Chairs; Nekoba, Saiki and Ward.

H.B. No. 3345, HD 2, SD 2:

Representatives Stegmaier/Kawakami, Co-Chairs; Jones, Tarnas and Anderson.

H.B. No. 3349, HD 1, SD 1:

Representatives Tom, Chair; Case, Swain, White and Thielen.

H.B. No. 3350, HD 1, SD 1:

Representatives Tom, Chair; Herkes, White, Yoshinaga and Kawanakoa.

H.B. No. 3362, HD 2, SD 1:

Representatives Tom/Say, Co-Chairs; Abinsay, Hamakawa and Ward.

H.B. No. 3382, HD 1, SD 1:

Representatives Say, Chair; Kanoho, Kawakami, Nakasone and Marumoto.

H.B. No. 3389, HD 1, SD 1:

Representatives Say, Chair; Kanoho, Kawakami, Nakasone and Marumoto.

H.B. No. 3398, SD 1:

Representatives Menor, Chair; Case, Garcia, Yoshinaga and Thielen.

H.B. No. 3399, HD 2, SD 1:

Representatives Menor/Say, Co-Chairs; Hiraki, Kanoho and Marumoto.

H.B. No. 3400, SD 1:

Representatives Menor, Chair; Hiraki, Swain, Yoshinaga and Meyer.

H.B. No. 3401, HD 1, SD 1:

Representatives Menor, Chair; Cachola, Hamakawa, Hiraki and Meyer.

H.B. No. 3409, HD 1, SD 1:

Representatives Menor/Tom, Co-Chairs; Herkes, White and Meyer.

H.B. No. 3417, SD 1:

Representatives Menor, Chair; Garcia, Hamakawa, Yoshinaga and Meyer.

H.B. No. 3419, HD 1, SD 1:

Representatives Pepper/Menor, Co-Chairs; Cachola, Hamakawa and Anderson.

H.B. No. 3421, HD 2, SD 2:

Representatives Menor/Tom/Kawakami, Co-Chairs; White and Thielen.

H.B. No. 3423, HD 1, SD 1:

Representatives Menor/Kawakami, Co-Chairs; M. Oshiro, Yoshinaga and Ward.

H.B. No. 3427, HD 2, SD 1:

Representatives Menor/Tom/Kawakami, Co-Chairs; M. Oshiro and Thielen.

H.B. No. 3432, HD 1, SD 2:

Representatives Stegmaier/Tom/Kawakami, Co-Chairs; Kahikina and Anderson.

H.B. No. 3434, HD 2, SD 2:

Representatives Stegmaier/Kawakami, Co-Chairs; Kahikina, Morihara and Ward.

H.B. No. 3439, HD 1, SD 1:

Representatives Stegmaier/Say, Co-Chairs; Kawakami, Tarnas and Halford.

H.B. No. 3493, HD 2, SD 2:

Representatives Pepper/Kawakami, Co-Chairs; Abinsay, Chun Oakland and Anderson.

H.B. No. 3498, SD 2:

Representatives Pepper/Say, Co-Chairs; Chun Oakland, Kawakami and Marumoto.

H.B. No. 3505, HD 1, SD 1:

- Representatives Tom/Say, Co-Chairs; Isbell, White and Thielen.
- H.B. No. 3512, HD 2, SD 1:**
- Representatives Yonamine/Menor/Tom/Say, Co-Chairs; Suzuki and Thielen.
- H.B. No. 3520, SD 1:**
- Representatives Yonamine/Say, Co-Chairs; Abinsay, Nakasone and Marumoto.
- H.B. No. 3533, HD 2, SD 2:**
- Representatives Santiago/Tom, Co-Chairs; Garcia, White and Anderson.
- H.B. No. 3534, HD 2, SD 2:**
- Representatives Santiago/Tom/Say, Co-Chairs; Tarnas and Anderson.
- H.B. No. 3538, HD 2, SD 1:**
- Representatives Tom/Say, Co-Chairs; M. Oshiro, Yoshinaga and Thielen.
- H.B. No. 3542, HD 2, SD 1:**
- Representatives Tom/Say, Co-Chairs; McMurdo, White and Thielen.
- H.B. No. 3548, HD 1, SD 2:**
- Representatives McMurdo/Say, Co-Chairs; Abinsay, Case and Meyer.
- H.B. No. 3551, HD 1, SD 1:**
- Representatives Say, Chair; Kanoho, Kawakami, Suzuki and Marumoto.
- H.B. No. 3554, HD 1, SD 1:**
- Representatives Say, Chair; Kanoho, Kawakami, Suzuki and Marumoto.
- H.B. No. 3563, HD 1, SD 1:**
- Representatives Say, Chair; Kanoho, Kawakami, Suzuki and Marumoto.
- H.B. No. 3565, HD 1, SD 1:**
- Representatives Say, Chair; Kanoho, Kawakami, Nakasone and Marumoto.
- H.B. No. 3567, HD 1, SD 1:**
- Representatives Say, Chair; Kanoho, Kawakami, Suzuki and Marumoto.
- H.B. No. 3570, HD 1, SD 1:**
- Representatives Say, Chair; Kanoho, Kawakami, Suzuki and Marumoto.
- H.B. No. 3577, HD 2, SD 2:**
- Representatives Hiraki/Nakasone, Co-Chairs; Case, Isbell and Ward.
- H.B. No. 3579, HD 2, SD 2:**
- Representatives Hiraki/Nakasone, Co-Chairs; Case, Isbell and Ward.
- H.B. No. 3581, SD 1:**
- Representatives Hiraki/Menor/Tom, Co-Chairs; White and Thielen.
- H.B. No. 3583, HD 2, SD 2:**
- Representatives Lee/Say, Co-Chairs; M. Oshiro, Shon and Halford.
- H.B. No. 3596, SD 1:**
- Representatives Tom, Chair; Cachola, Hamakawa, White and Kawananaoka.
- H.B. No. 3602, HD 1, SD 1:**
- Representatives Arakaki/Takumi/Nekoba/Say, Co-Chairs; and Meyer.
- H.B. No. 3611, HD 1, SD 1:**
- Representatives Yonamine/Say, Co-Chairs; Ito, Nakasone and Marumoto.
- H.B. No. 3616, HD 1, SD 2:**
- Representatives Yonamine/Say, Co-Chairs; Jones, Takumi and Ward.
- H.B. No. 3618, HD 2, SD 1:**
- Representatives Kanoho/Tom/Say, Co-Chairs; P. Oshiro and Ward.
- H.B. No. 3631, SD 1:**
- Representatives Tom, Chair; Herkes, Swain, White and Kawananaoka.
- H.B. No. 3636, SD 2:**
- Representatives Tom/Say, Co-Chairs; Herkes, Jones, White and Kawananaoka.
- H.B. No. 3650, HD 1, SD 1:**
- Representatives Say, Chair; Kawakami, Abinsay, Chang, Isbell, Ito, Jones, Kahikina, Kanoho, Nakasone, Nekoba, M. Oshiro; Suzuki, Marumoto and Ward.
- H.B. No. 3653, SD 1:**
- Representatives Tom, Chair; Saiki, White, Yamane and Kawananaoka.
- H.B. No. 3656, HD 2, SD 2:**
- Representatives Tom/Say, Co-Chairs; Kahikina, White and Ward.
- H.B. No. 3666, HD 1, SD 1:**
- Representatives Tom, Chair; Saiki, White, Yamane and Kawananaoka.
- H.B. No. 3711, SD 2:**
- Representatives Menor/Say, Co-Chairs; Cachola, Kawakami, Yamane and Marumoto.
- H.B. No. 3760, HD 1, SD 1:**

- Representatives Menor, Chair; Case, Garcia, Yoshinaga and Meyer.
- H.B. No. 3766, HD 2, SD 2:**
- Representatives Takamine/Say, Co-Chairs; Nekoba, M. Oshiro, Tarnas and Meyer.
- H.B. No. 3773, HD 1, SD 1:**
- Representatives Arakaki/Tom/Say, Co-Chairs; Yamane and Kawanakoa.
- H.B. No. 3785, HD 1, SD 1:**
- Representatives Menor, Chair; Hamakawa, Swain, Yoshinaga and Thielen.
- H.B. No. 3789, HD 2, SD 2:**
- Representatives Swain/Say, Co-Chairs; Herkes, Nakasone and Halford.
- H.B. No. 3793, HD 1, SD 1:**
- Representatives Shon, Chair; M. Oshiro, Takamine, Tarnas and Meyer.
- H.B. No. 3809, HD 1, SD 2:**
- Representatives Menor, Chair; Garcia, Hamakawa, Yoshinaga and Thielen.
- H.B. No. 3822, SD 1:**
- Representatives Tom, Chair; Chun Oakland, Herkes, White and Thielen.
- H.B. No. 3833, HD 1, SD 2:**
- Representatives Lee/Say, Co-Chairs; Morihara, M. Oshiro and Anderson.
- H.B. No. 3852, SD 2:**
- Representatives Herkes/Nakasone, Co-Chairs; Jones, White and Marumoto.
- H.B. No. 3853, HD 1, SD 1:**
- Representatives Say, Chair; Jones, Kawakami, Nakasone and Marumoto.
- H.B. No. 3862, HD 2, SD 1:**
- Representatives Stegmaier/Tom, Co-Chairs; Takai, White and Halford.
- H.B. No. 3881, HD 2, SD 2:**
- Representatives Morihara/Say, Co-Chairs; Jones, Swain and Ward.
- H.B. No. 3924, HD 1, SD 1:**
- Representatives Tom, Chair; Herkes, Menor, White and Kawanakoa.
- H.B. No. 3954, HD 2, SD 1:**
- Representatives Lee/Say, Co-Chairs; Nakasone, Takumi and Halford.
- H.B. No. 3964, HD 1, SD 2:**
- Representatives Say, Chair; Nakasone and Ward.
- H.B. No. 3968, HD 2, SD 1:**
- Representatives Yonamine/Menor/Say, Co-Chairs; Suzuki and Thielen.
- H.B. No. 3970, HD 1, SD 1:**
- Representatives Arakaki, Chair; Hamakawa, Saiki and Kawanakoa.
- H.B. No. 4008, HD 1, SD 1:**
- Representatives Morihara/Say, Co-Chairs; Jones and Halford.
- H.B. No. 4010, HD 2, SD 1:**
- Representatives Morihara/Nekoba/Say, Co-Chairs; Jones and Meyer.
- H.B. No. 4063, SD 1:**
- Representatives Arakaki/Lee/Say, Co-Chairs; Kahikina and Kawanakoa.
- H.B. No. 4074, HD 1, SD 1:**
- Representatives M. Oshiro/Say, Co-Chairs; Garcia, Suzuki and Ward.
- H.B. No. 4117, HD 2, SD 2:**
- Representatives Herkes/Kawakami, Co-Chairs; Jones, Kanoho, Swain and Marumoto.
- H.B. No. 4131, HD 3, SD 2:**
- Representatives Chun Oakland/Tom/Say, Co-Chairs; Arakaki and Ward.
- H.B. No. 4145, HD 2, SD 1:**
- Representatives Menor/Say, Co-Chairs; Cachola, Kanoho and Thielen.

ADJOURNMENT

At 10:53 o'clock a.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, Tuesday, April 16, 1996.

FIFTY-FIRST DAY

Tuesday, April 16, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:43 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Jodi Mitani, a student at St. Andrews Priory, after which the Roll was called showing all members present with the exception of Representative Kahikina, who was excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 607 and 608) were read by the Clerk and were disposed of as follows:

Sen. Com. No. 607, informing the House that the President, on April 15, 1996, has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 291, SD 1:

Senators Ige, Chair; McCartney and Taniguchi.

H.B. No. 388, HD 1, SD 2:

Senators Tam, Chair; Aki and Levin.

H.B. No. 599, SD 1:

Senators Grauly/Fernandes Salling, Co-Chairs; Chumbley, Matsunaga and Anderson.

H.B. No. 1482, HD 1, SD 1:

Senators Tam, Chair; Aki and Ikeda.

H.B. No. 1741, HD 2, SD 1:

Senators Ige, Chair; McCartney and Taniguchi.

H.B. No. 1866, HD 1, SD 1:

Senators Grauly, Chair; Matsunaga, Matsuura, McCartney and Tam.

H.B. No. 2411, HD 1, SD 2:

Senators Grauly/Fernandes Salling; Co-Chairs; Matsunaga, Matsuura and Anderson.

H.B. No. 2416, HD 1, SD 1:

Senators Grauly, Chair; Matsunaga, McCartney, Tam and Anderson.

H.B. No. 2433, HD 2, SD 2:

Senators Fukunaga, Chair; Matsuura and Liu.

H.B. No. 2515, HD 1, SD 1:

Senators Chumbley/Grauly, Co-Chairs; Matsunaga, Matsuura, McCartney, Tam and Anderson.

H.B. No. 2603, HD 1, SD 1:

Senators Grauly, Chair; Chumbley, Matsunaga, McCartney and Anderson.

H.B. No. 2731, HD 1, SD 1:

Senators Grauly, Chair; Chumbley, Matsunaga, McCartney and Anderson.

H.B. No. 2868, HD 1, SD 1:

Senators Grauly, Chair; Matsunaga, McCartney, Tam and Anderson.

H.B. No. 2956, HD 1, SD 1:

Senators Grauly, Chair; Chumbley, Matsunaga, McCartney and Anderson.

H.B. No. 2957, SD 1:

Senators Grauly/Fernandes Salling, Co-Chairs; Chumbley, Matsunaga and Anderson.

H.B. No. 2975, SD 1:

Senators Grauly, Chair; Matsunaga, Matsuura, McCartney and Anderson.

H.B. No. 3046, HD 1, SD 1:

Senators Grauly, Chair; Matsunaga, Matsuura, McCartney and Anderson.

H.B. No. 3047, HD 1, SD 1:

Senators Grauly, Chair; Matsunaga, McCartney, Tam and Anderson.

H.B. No. 3216, HD 1, SD 1:

Senators Grauly, Chair; Chumbley, Matsunaga, Matsuura and Anderson.

H.B. No. 3241, HD 1, SD 1:

Senators Bunda, Chair; Chumbley, Holt, Taniguchi and Liu.

H.B. No. 3243, HD 1, SD 1:

Senators Grauly, Chair; Chumbley, Matsuura, McCartney and Anderson.

H.B. No. 3349, HD 1, SD 1:

Senators Grauly, Chair; Matsunaga, Matsuura, McCartney and Anderson.

H.B. No. 3350, HD 1, SD 1:

Senators Grauly, Chair; Matsunaga, Matsuura, McCartney and Anderson.

H.B. No. 3407, HD 1, SD 2:

Senators Grauly/Holt, Co-Chairs; Matsunaga, Matsuura and Anderson.

H.B. No. 3533, HD 2, SD 2:

Senators Grauly/Fernandes Salling, Co-Chairs;
Matsunaga, McCartney and Anderson.

H.B. No. 3581, SD 1:

Senators Grauly/Fernandes Salling, Co-Chairs;
Chumbley, Matsunaga and Anderson.

H.B. No. 3596, SD 1:

Senators Grauly, Chair; Matsunaga, McCartney, Tam
and Anderson.

H.B. No. 3631, SD 1:

Senators Grauly, Chair; Chumbley, Matsunaga,
McCartney and Anderson.

H.B. No. 3653, SD 1:

Senators Grauly, Chair; Chumbley, Matsunaga,
McCartney and Anderson.

H.B. No. 3666, HD 1, SD 1:

Senators Grauly, Chair; Matsunaga, Matsuura,
McCartney and Anderson.

H.B. No. 3862, HD 2, SD 1:

Senators Chumbley/Grauly, Co-Chairs; and
Kawamoto.

H.B. No. 3924, HD 1, SD 1:

Senators Grauly, Chair; Chumbley, Matsunaga,
Matsuura and Anderson.

H.B. No. 3970, HD 1, SD 1:

Senators Bunda, Chair; Chumbley, Holt, Taniguchi and
Liu.

Sen. Com. No. 608, informing the House that the
President, on April 15, 1996, has appointed as conferees
on the part of the Senate for the consideration of
amendments proposed by the House to the following
Senate Bills:

S.B. No. 1234, SD 1, HD 2:

Senators Holt, Chair; Iwase and Anderson.

S.B. No. 1602, SD 1, HD 1:

Senators Grauly/Fernandes Salling, Co-Chairs;
Chumbley, Tam and Anderson.

S.B. No. 2001, SD 2, HD 1:

Senators Ikeda/Holt, Co-Chairs; Kawamoto and Liu.

S.B. No. 2003, SD 1, HD 2:

Senators Iwase/Bunda, Co-Chairs; Ihara and Anderson.

S.B. No. 2007, SD 1, HD 2:

Senators Grauly/Holt, Co-Chairs; Matsunaga, Tam
and Anderson.

S.B. No. 2052, HD 1:

Senators Grauly, Chair; Fernandes Salling,
Matsunaga, Matsuura and Anderson.

S.B. No. 2101, SD 2, HD 1:

Senators Grauly/Holt, Co-Chairs; Matsunaga,
McCartney and Anderson.

S.B. No. 2125, SD 1, HD 2:

Senators Holt, Chair; Iwase and Anderson.

S.B. No. 2144, HD 2:

Senators Iwase, Chair; Tanaka and Anderson.

S.B. No. 2220, SD 1, HD 1:

Senators Fernandes Salling, Chair; Levin, Taniguchi
and Anderson.

S.B. No. 2223, SD 1, HD 1:

Senators Ikeda, Chair; Kawamoto, Solomon, Tanaka
and Taniguchi.

S.B. No. 2247, HD 1:

Senators Grauly, Chair; Matsunaga, Matsuura,
McCartney and Anderson.

S.B. No. 2248, SD 1, HD 1:

Senators Grauly, Chair; Chumbley, Matsunaga,
McCartney and Anderson.

S.B. No. 2264, SD 2, HD 2:

Senators Ikeda, Chair; Grauly, Kawamoto, Solomon
and Liu.

S.B. No. 2280, SD 2, HD 1:

Senators Holt, Chair; Levin and Anderson.

S.B. No. 2295, SD 1, HD 1:

Senators Grauly, Chair; Matsunaga, Matsuura,
McCartney and Anderson.

S.B. No. 2304, SD 1, HD 2:

Senators Ikeda, Chair; Baker, Kawamoto, Matsuura
and Tanaka.

S.B. No. 2322, SD 2, HD 2:

Senators Ikeda, Chair; Grauly, Solomon, Taniguchi
and Anderson.

S.B. No. 2326, SD 1, HD 1:

Senators Grauly, Chair; Chumbley, Matsunaga and
Matsuura.

S.B. No. 2329, HD 1:

Senators Holt, Chair; Iwase and Anderson.

S.B. No. 2381, SD 1, HD 1:

Senators Grauly, Chair; Matsunaga, McCartney, Tam
and Anderson.

S.B. No. 2405, SD 1, HD 1:

- Senators Matsunaga/Fukunaga, Co-Chairs; Baker, Levin and Liu.
- S.B. No. 2416, SD 1, HD 2:**
- Senators Grauly, Chair; Matsunaga, Matsuura, McCartney and Anderson.
- S.B. No. 2439, SD 1, HD 1:**
- Senators Holt, Chair; Iwase and Anderson.
- S.B. No. 2456, HD 2:**
- Senators Holt, Chair; Iwase and Anderson.
- S.B. No. 2458, SD 2, HD 2:**
- Senators Ikeda, Chair; Grauly, Holt, Iwase and Liu.
- S.B. No. 2459, HD 1:**
- Senators Holt, Chair; Ihara and Anderson.
- S.B. No. 2491, HD 1:**
- Senators Holt, Chair; Iwase and Anderson.
- S.B. No. 2502, SD 1, HD 1:**
- Senators Holt, Chair; Ihara and Anderson.
- S.B. No. 2503, SD 1, HD 1:**
- Senators Holt, Chair; Ihara and Anderson.
- S.B. No. 2532, SD 1, HD 1:**
- Senators Holt, Chair; Iwase and Anderson.
- S.B. No. 2548, SD 1, HD 2:**
- Senators Grauly/Iwase, Co-Chairs; Matsunaga, McCartney and Anderson.
- S.B. No. 2552, SD 1, HD 2:**
- Senators Ikeda, Chair; Baker, Kawamoto, Solomon, Tanaka, Taniguchi and Liu.
- S.B. No. 2699, SD 1, HD 2:**
- Senators Ikeda, Chair; Baker, Grauly, Tanaka and Anderson.
- S.B. No. 2713, SD 2, HD 2:**
- Senators Ikeda, Chair; Fernandes Salling, Matsuura, Tanaka and Liu.
- S.B. No. 2723, SD 2, HD 1:**
- Senators Ikeda, Chair; Holt, Iwase and Liu.
- S.B. No. 2724, SD 1, HD 1:**
- Senators Holt, Chair; Iwase and Anderson.
- S.B. No. 2729, SD 1, HD 1:**
- Senators Holt, Chair; Ige and Anderson.
- S.B. No. 2733, SD 1, HD 2:**
- Senators Ikeda, Chair; Holt, Iwase and Anderson.
- S.B. No. 2737, HD 2:**
- Senators Holt, Chair; Levin and Anderson.
- S.B. No. 2740, SD 1, HD 1:**
- Senators Holt, Chair; Iwase and Anderson.
- S.B. No. 2750, SD 1, HD 2:**
- Senators Holt, Chair; Ige and Anderson.
- S.B. No. 2769, SD 1, HD 2:**
- Senators Ikeda, Chair; Baker, Chumbley, Kawamoto and Liu.
- S.B. No. 2773, SD 1, HD 1:**
- Senators Grauly/Holt, Co-Chairs; Matsunaga, Matsuura and Anderson.
- S.B. No. 2777, SD 2, HD 2:**
- Senators Ikeda, Chair; Baker, Tam, Tanaka and Liu.
- S.B. No. 2789, SD 2, HD 1:**
- Senators Ikeda, Chair; Baker, Kawamoto, Levin and Liu.
- S.B. No. 2819, SD 2, HD 1:**
- Senators Ikeda, Chair; Bunda, Holt, Kawamoto and Liu.
- S.B. No. 2821, SD 2, HD 2:**
- Senators Ikeda, Chair; Baker, Fernandes Salling, Grauly and Liu.
- S.B. No. 2856, SD 1, HD 2:**
- Senators Ikeda, Chair; Matsuura, Solomon, Taniguchi and Liu.
- S.B. No. 2859, SD 2, HD 2:**
- Senators Ikeda, Chair; Baker, Levin, Matsuura and Liu.
- S.B. No. 2866, SD 2, HD 2:**
- Senators Ikeda, Chair; Aki, Bunda, Holt, Solomon, Taniguchi and Liu.
- S.B. No. 2888, SD 1, HD 1:**
- Senators Grauly, Chair; Matsunaga, Matsuura, McCartney and Anderson.
- S.B. No. 2993, SD 1, HD 1:**
- Senators Grauly, Chair; Matsunaga, Matsuura, McCartney and Anderson.
- S.B. No. 2998, SD 1, HD 2:**
- Senators Tam, Chair; Aki and Ikeda.
- S.B. No. 3054, HD 1:**
- Senators Fernandes Salling, Chair; Solomon and Tanaka.
- S.B. No. 3068, SD 1, HD 1:**

Senators Fukunaga/Grauly, Co-Chairs; Ihara and Liu.

S.B. No. 3079, SD 1, HD 1:

Senators Matsunaga/Kanno, Co-Chairs; and Ige.

S.B. No. 3134, SD 1, HD 1:

Senators Grauly/Fukunaga, Co-Chairs; Chumbley, Matsunaga and Anderson.

S.B. No. 3135, SD 1, HD 1:

Senators Ikeda, Chair; Baker, Kawamoto, Solomon and Taniguchi.

S.B. No. 3159, SD 1, HD 1:

Senators Holt, Chair; Iwase and Anderson.

S.B. No. 3170, SD 1, HD 2:

Senators Kanno/Iwase, Co-Chairs; and Anderson.

S.B. No. 3171, HD 1:

Senators Grauly, Chair; Matsunaga, Matsuura, McCartney and Anderson.

S.B. No. 3232, SD 2, HD 2:

Senators Ikeda, Chair; Baker, Fernandes Salling, Tanaka and Taniguchi.

S.B. No. 3248, SD 2, HD 2:

Senators Iwase/Matsunaga, Co-Chairs; Holt and Anderson.

S.B. No. 3266, SD 1, HD 1:

Senators Holt, Chair; Ihara and Anderson.

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

Representative Chang introduced James Pacopac and Bruce Kopa of the Pacific Resource Partnership.

Representative Jones introduced 9 students (Grades 6-12) in the Hooeholu Imua Program at Waianae High School. They were accompanied by Ms. Sarah Morey, chaperone.

Representative Pepper introduced Ms. Betty Tatum.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 329 and 330) were read by the Clerk and were disposed of as follows:

H.R. No. 329, entitled: "HOUSE RESOLUTION HONORING SUCCESS MULTIMEDIA ENTERPRISES," was jointly offered by Representatives Chang and Herkes.

Representative Chang moved that H.R. No. 329 be adopted, seconded by Representative Say.

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

"Mr. Speaker and members, it is a real pleasure and honor to introduce and recognize three very dynamic entrepreneurial trend-setters today in this chamber.

"I am especially pleased that they have pooled their talents and resources together to advance business in Hawaii through a most effective and esteemed media: **Success** magazine.

"**Success** magazine distributes over 500,000 magazines each month within the United States, and is currently negotiating to publish editions of the magazine in Korea, India, and Japan.

"You have before you on your desk a copy of the December 1995 issue of **Success** magazine which features an eleven-page special advertising section on Hawaii. It can be found by turning to the page with the yellow tab. I urge you to review it, as you'll be pleased to see that computer-driven technology and the Internet has brought the rest of the world much closer to us, and establishes Hawaii as more than just a place that people go to for vacations -- something we've been saying for years. Additional editorial coverage will be devoted to Hawaii by **Success** magazine in 1996; and **Success** also intends to donate substantial ad pages to Hawaiian businesses furthering opportunities with global entrepreneurs.

"I was very fortunate to have attended the First Annual Success Multimedia Symposium of Entrepreneurship and Technology on Maui in February. The symposium featured local and national business leaders, entrepreneurs, and politicians discussing their visions, goals, and prospects for advancing Hawaii business opportunities, and the benefits of doing business in Hawaii.

"I was particularly impressed with Mr. Peter Morris' contribution to the State of Hawaii in his sponsorship of the symposium. It demonstrates his belief in Hawaii's unlimited and untapped potentials in economic development and growth, and his eagerness to help to promote business in our beautiful State.

"I was very inspired and encouraged to hear other business people's perspective on what they felt the driving force in Hawaii's economy will be in the 21st century and beyond.

"One example of entrepreneurship that Success Multimedia co-sponsored with Dr. Kagawa and Ms. Iwamoto was featured at the symposium, and is called '**Menehune Magic**' which Mr. Morris calls the Sesame Street of the 90's. They intend to showcase the menehune and stories in a positive, politically correct manner that will create pride and economic benefit for the islands and our image throughout the world. By the way, all of you are invited to attend a luncheon presentation after this session to learn more about '**Menehune Magic**' with a short video presentation. Lunch will be served in Room 329 right after session.

"So without further delay, I am honored to introduce Mr. Peter Morris, Chairman of the Board of Success Multimedia Enterprises; publisher of **Success** magazine; corporate development advisor; and international advisor. As Chairman of Success Multimedia Enterprises, Mr. Morris is responsible for guiding the strategic implementation of multimedia products and services offered to entrepreneurs globally."

Mr. Peter Morris then rose to be recognized.

Accompanying Mr. Morris on the House floor were Dr. Kathleen Kagawa, President of the Alana Waikiki Hotel,

and creator of the **'Menehune Magic'**; and Ms. Stephanie Iwamoto, Chief Operating Officer of the Alana Waikiki Hotel.

Dr. Kathleen Kagawa and Ms. Stephanie Iwamoto then rose to be recognized.

Representative Chang then asked Mr. Bruce Lamonte, Vice President and representative in Hawaii for **Sunset** magazine, who was seated in the gallery, to stand to be recognized.

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

"I am particularly pleased with the article on Hawaiian technology, considering that this Legislature passed one of the most comprehensive telecommunication competition bills last year, and your article was also highlighted in Betty Tatum's show a few Sundays ago, I think it was, Betty, on telecommunications in Hawaii.

"I am also very pleased that you are doing a study on menehunes. We know they're everywhere. I have seen their work on the Reverend Kawai -- marvelous -- and they're here. For example, just this morning, they convinced the Speaker that the co-sponsor of this resolution was Representative Say instead of me, and we know the mischievous ones are here. Bills that appear to be dead, arise; bills that you think are going to pass, disappeared, and funny things show up in bills -- the mischievous ones are here. They've lightened our lives, they make things wonderful and entertaining for us in this otherwise somber setting that we work in.

"We're delighted that you're honoring the menehunes. I'm delighted that we are honoring you.

"Thank you, Mr. Speaker."

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

"Entrepreneurship -- more than any other single factor, including money -- although it helps to have some -- entrepreneurship is the one element which creates change, improves society, and enhances the quality of life.

"So what is an entrepreneur and what does it take to become one?

"Webster defines 'entrepreneur' as 'a person who organizes and assumes risk for business ventures, especially an impresario.'

"An entrepreneur is one who takes an idea, particularly an innovative thought, and employs much resourcefulness, initiative, and works 'like hell' to make it successful, despite advice from others, especially experts who say it can't be done or it won't work. Entrepreneurs extend themselves beyond something called the 'logic box' within which most people confine themselves. It's not easy because there are also many would-be entrepreneurs who are broke and in bankruptcy.

"It was just two weeks ago that we honored two lady entrepreneurs, also for their outstanding work in multimedia communications. I guess one can then conclude that since we are doing likewise today, women, by the ratio of 4 to 1 -- two from two weeks ago and two today and only one man -- that women are not only more beautiful as evidenced by our honorees today and those previously, but much smarter and more successful entrepreneurs than men.

"The most significant aspect of our honorees' work is that is it an educational program which not only excites interest and promotes learning, but also fosters an understanding of ourselves and of our culture and develops international goodwill.

"So, Mr. Speaker, I just wish to add my thanks and congratulations to impressarios Stephanie, Kathleen and Peter.

"Thank you very much."

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

"Mr. Speaker, I would like to commend the honorees for helping diversify the Hawaii economy. If you look on the tab that you've got on the magazine, underneath the big writing of Hawaii, it says, 'Transformed by the computer chip.' The Aloha State has become the first tropical technopolis.

"Mr. Speaker, this is contrary to the sun, the surf, an image that Hawaii is only a place to visit to get a tan or to have some fun. And I think as we diversify our economy, we need this kind of publicity. This is a great boon to changing what otherwise is sometimes a unilateral vision of who we are. And as Representative Kanoho said, entrepreneurship is what makes the world run. There is an entrepreneur renaissance going on in the world, Mr. Speaker, as my company teaches entrepreneurship throughout the world.

"I am very pleased that we have a base here in Hawaii, and I would commend them for what they are doing for our State, and suggest that as the world is out there and the bigger market still exists, that they are just waiting for success, and through your magazine they can have that.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, as one who has started a number of businesses myself, some of them still in existence, I appreciate what these people here have accomplished and what they have done. As one who also cannot afford Representative Ward's entrepreneurship training class, we use a lot of the information that comes from these types of publications to try and do a better job in the businesses that we are in. And in doing so, we are also able to employ more people as we become more successful, pay more taxes, help to put more money in the coffer so that we can do more things in the State of Hawaii.

"So I think those who support entrepreneurs and those who make it possible for them to be more successful are people that we should highly honor and acclaim throughout our State. As I noticed also in this, they are looking towards bringing more entrepreneurs to the State of Hawaii and looking at different options that they can use to succeed by investing in our State. And with that, I, as well, honor these people that are here this day.

"Thank you."

The motion was put by the Chair and carried, and H.R. No. 329 was adopted.

At this time, Certificates of Recognition were presented to the honorees by Representatives Cachola, Isbell and Say, and floral leis were given to them by Representatives Herkes, Kawakami and Kanoho.

H.R. No. 330, entitled: "HOUSE RESOLUTION CONGRATULATING AND COMMENDING THE HAWAII STATE TEACHERS ASSOCIATION," was jointly offered by Representatives Stegmaier, Menor, Shon, Arakaki, Santiago, Takai, Takumi, Tarnas and Yonamine.

Representative Stegmaier moved that H.R. No. 330 be adopted, seconded by Representative Menor.

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

"When I think of the HSTA, I think of the word 'dignity' not only for the dignity that the original leaders of the HSTA fought for and were able to secure for the membership of the HSTA back in the early 1970's, but also along the way, the effort that has been made to collaborate with the Department of Education, the Legislature, to this time when the HSTA has really taken a leadership role in the effort to restructure and to reform and to improve our educational system. They have truly accomplished this as an equal partner with all other institutions and entities that are involved in this major effort at the close of this century and into the next century.

"I wanted to commend the members to a new publication of the HSTA called 'Schools for the 21st Century,' a very visionary document of the future and especially what needs to be done to assure a quality education for every student in the State of Hawaii. Just in looking at this document and reading from it, to give you a sense of the vision that the HSTA has demonstrated, in the Executive summary, I quote: 'Hawaii is challenged by the need to make our public education system relevant to today's complex, fast changing society. The nature of the changes needed demands more than reform or restructuring. It calls for reculturing. Hawaii's needs are unique. We cannot simply transplant programs that have worked elsewhere. Effective change requires a framework strong enough to provide standards and support, yet flexible enough to allow each school to meet its own needs in its own way.'

"The eight people who made up the task force that the HSTA put together to write this document had eight beliefs for change in Hawaii's public schools. The first, if we are serious about making effective changes, we must make a full commitment to the process; second, decision-making teams have to take deliberate steps to build trust, not just assume it will develop as a side effect of good faith. There are several other strong beliefs in change that are supported and encouraged by the HSTA, and I commend them to you.

"I would like to focus on the last of these eight beliefs. The way we use and think about time may be the greatest obstacle to educational change. In that particular discussion about that belief, this organization states that each site-based, decision-making body must develop a school schedule that meets the needs and concerns of its total learning community. We need to share what works and learn from the schools trying new ideas and always our motivating question should be: What is best for the learner?

"Mr. Speaker, it is this vision of the future of Hawaii and its education system and what we all need to do to strengthen it that makes me confident that the future of public education in Hawaii is in good hands and I am very hopeful about the next quarter century of the life of the HSTA.

"I would like to take this opportunity to introduce the honorees," and asked the following individuals to stand to be recognized:

Ms. June Motokawa, President of HSTA, "a position she has held for the past two years, a veteran 30-year teacher, having taught at schools in Honolulu and on the Big Island. She is currently on leave from her Special Education position at Waiakea Intermediate School."

Ms. Odetta Fujimori, President of the newly-formed HSTA Retired Group, and she was "the first President of HSTA in 1971."

Ms. Lorraine Yasui, Chair of the HSTA Political Action Committee. "She is a reading resource teacher at Pohakea Elementary School where she has served Hawaii's children since 1966, and is a familiar face at the Legislature as she testifies and talks with legislators about issues that affect children and teachers."

Ms. Joan Lee Husted, Chief Negotiator and Deputy Executive Director of HSTA. "She is a vital force behind the creation of the HSTA and has been an HSTA employee since its formation in 1971. She is a former counselor at King Intermediate School."

Mr. George Yamamoto, Executive Director of the HSTA, "a position that he has held for two years, a former teacher with 33 years of experience with the Department of Education, and he has also served as principal and as a district superintendent."

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

"Mr. Speaker, it is indeed an honor and a privilege for me to be able to co-sponsor this resolution to congratulate the HSTA on this very special occasion of their 25th Anniversary.

"As we all know, HSTA has been at the forefront of educational excellence in our public schools. Throughout the years, HSTA has fought for measures to strengthen public education, including class size reductions, school facilities improvements, and incentives to attract and retain qualified instructors. In that respect, I can say that through their efforts, all of these measures have contributed immeasurably to the betterment of our children's education here in Hawaii.

"I would also like to add that my wife, Pat, is a long-time public school teacher and a proud member of HSTA and, quite frankly, she would not have forgiven me today if I did not make remarks commending HSTA. In that respect, I would like to express our appreciation to HSTA for all of the work that you have done for our public school system.

"We wish you our very best. Congratulations on your 25th Anniversary, and we hope that you have 25 more years of success in your future endeavors.

"Thank you."

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

"I guess I was around long enough to remember when HSTA and HFT were battling to become the sole bargaining agent for the teachers and since that time, when that issue was resolved and in the ensuing years, I have seen HSTA in action. They have brought credit to the teachers, the teaching profession, and they are a first-rate professional organization.

"I have had the opportunity to work with the HSTA Board of Directors, the staff and teachers over the years. I have seen them work and in action in the collective bargaining -- Joan Hustead -- and I remember when HSTA took this first step in initiating special education, first with the master plan, and any funding, any kinds of policies, procedures and curriculum were taken because of the initiative of the HSTA under June Motokawa and her teachers, and all of the lobbying, information and educating that Odetta Fujimori and Lorraine have done over the years. I remember them very well for giving us the opportunity to get to know them better, and for helping them, and working with them in making our public schools a better place and, of course, our good friend, George Yamamoto, who was an outstanding teacher, administrator and principal, and now the Executive Director. He brings with him tremendous committed leadership.

"In 1974, our budget for the Department of Education was \$147,000,000. Today, it is over \$800 million. So everything we have today in our public schools, whether it's curriculum, facilities, special services, support staff, et cetera, HSTA has been in the forefront in bringing achievements and successes and whatever we have in our public schools, and for that we can be very grateful and appreciative of their efforts.

"Mr. Speaker, they also taught me that the teaching profession is the most honorable, rewarding and challenging profession, and I think that in a nutshell means a responsible, first-rate and professional organization tells all of us the role that HSTA has played in improving and upgrading the education of our public school children.

"So, my congratulations to all of you for your leadership, and to the members of the HSTA, may you have more than 25 more years -- hundreds of years -- to come, and much success, and thank you very much for your efforts.

"Thank you."

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

"First, a word of congratulations for 25 years of dedicated excellence to improving a lot of our students in the Hawaii public schools.

"As Vice Chair of the Education Committee, I have gotten to know HSTA and their undying efforts to make sure we are educated in what they believe is best for our students, and I also wanted to express a special thanks on behalf of my eighteen-month old son to Auntie Larrie for watching him on those hearings that he attended -- just to keep him entertained so he wouldn't necessarily speak up too often.

"Thank you, Mr. Speaker."

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

"I really appreciate what HSTA has done for Hawaii, for the teaching profession, and especially for women by improving salaries and working conditions. HSTA has really helped women since mostly women are attracted to this profession. They have been able to become breadwinners in some cases, and very proud of their profession. They have improved teaching methods and they have been active participants in collective bargaining and in their government and, therefore, in the future of Hawaii.

"So I wish them continued success in their next 25 years, and especially in making inroads in increasing beginning salaries.

"Thank you."

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

"Being a product of the public schools, I have a lot of warm feelings for the public school teachers that HSTA represents. My parents, having graduated from Iolani and Punahou, entrusted their children's education to the public school system and had a lot of faith in the teachers.

"I just wanted to say 'thank you,' and have a wonderful 25th Anniversary.

"Thank you."

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

"Mr. Speaker, as a former active member of the Hawaii State Teachers' Association and a current associate member, I am proud to be here today to honor this organization for its long history of standing up for teachers' rights, and their working conditions and benefits.

"As a member of the HSTA, I stood with my colleagues on the picket line and went on strike in the early 1970s to improve the teaching profession for the children of Hawaii.

"I would like to add, too, that my wife, Joyce, is a teacher and a member of the HSTA, and to replace me, my daughter right now is a teacher and is a member of the HSTA.

"I offer my congratulations to HSTA on their Silver Anniversary.

"Thank you, Mr. Speaker."

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

"Mr. Speaker and colleagues, as an educator for some thirty years, having been both a teacher and administrator, I have seen both sides of the equation. I have followed the path of the Hawaii State Teachers' Association with great interest. This organization has progressed over the past 25 years, working diligently toward securing benefits for our teachers. They have been supportive advocates, always showing respect for their employees.

"Some of their most memorable areas of accomplishment include working toward a safer and healthier teaching and learning environment, working for appropriate facilities for the benefit of both teachers and students. The HSTA has worked toward empowering teachers by giving them the proper tools to allow them to accomplish their goals, by adjusting class sizes to create a better learning environment, and the avocation of in-service activities to further enhance the teacher's professional development.

"They have also sought to reward our teachers with salaries commensurate with their working relationship and, hopefully, much more for their continued dedication in educating Hawaii's next generations.

"It is with pride that I can say congratulations to HSTA. You have come a long way in 25 years, made many accomplishments, and helped so many people. I know your next 25 years will be just as challenging and productive.

"Thank you very much, Mr. Speaker."

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

"I do so with personal appreciation to all the teachers of Hawaii and in particular to the teachers who taught my three children who graduated from Mililani High School. I would like to say very simply that my youngest went through the public school system from grade one to twelve and we all remember his teachers -- Clara Coat at Mililani-Waena, Wayne Wai-Doo at Wheeler, Alice Kotake and others at Mililani High School. He graduated in 1993 as a national merit scholar. I think he received as good an education as any child would from any other school. And for that, we would like to thank the teachers, and to thank also their Association which represents them as their representative sitting before us today.

"So, congratulations, and many more years of success.

"Thank you, Mr. Speaker."

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

"As a former HSTA member, I would like to say 'thank you very much' to the HSTA because they, in a round-about sort of way, helped me get to where I am now by taking care of my parents so they could bring me up.

"On a personal note, I would also like to thank June, Odetta, Aunty Larrie, Joan and George. I've known you for a very long time, and you've always taken very good care of me and looked out for me, and I appreciate it.

"Keep up the good work.

"Thank you."

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

"When I think about HSTA and the thousands of its members, I think about our future -- about Hawaii's future, the nation's future, and indeed the world's future. In our teachers' hands are an awesome and tremendous responsibility of not only imparting knowledge and skills, but values and attitudes on which our society is based.

"With many of my best friends as teachers, I know and you know, too, that being a teacher can be a very satisfying and rewarding experience but, at the same time, a seemingly thankless and frustrating task.

"With that, Mr. Speaker, I would like to join with the others who have expressed my feelings, our deep gratitude and mahalo for all your good work.

"Thank you very much."

The motion was put by the Chair and carried, and H.R. No. 330 was adopted.

At this time, Certificates of Recognition were presented to the honorees by Representatives Takamine, Pepper, Takumi, Takai and Tarnas, and floral leis were given to them by Representatives Arakaki, Anderson, Stegmaier, Menor, Morihara, Yonamine and Shon.

At 12:27 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:13 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1719-96) recommending that S.C.R. No. 188 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 S.C.R. No. 188, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVISIT ITS REQUIREMENTS FOR UPGRADING FROM CESSPOOLS TO INDIVIDUAL WASTEWATER SYSTEMS," was referred to the Committee on Finance.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1720-96) recommending that S.C.R. No. 126 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE APRIL TO BE 'CARING FOR THE EARTH MONTH' AND EXTENDING A HEARTFELT MAHALO TO EARTH-FRIENDLY SCHOOLS HAWAII-INTERNATIONAL FOR ITS GOOD WORK IN PROMOTING ENVIRONMENTAL INFORMATION," was adopted.

Representative Shon, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1721-96) recommending that S.C.R. No. 235 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 235, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ADOPT AND USE ENVIRONMENTAL GOALS AND OBJECTIVES," was adopted.

APPOINTMENT OF CONFEREES

In accordance with the disagreement of the Senate to the amendments proposed by the House in the following Senate Bills and the request for a conference on the respective subject matter thereof, the Speaker appointed the following conferees on the part of the House at such conference:

S.B. No. 1234, SD 1, HD 2:

Representatives Yonamine/Say, Co-Chairs; Isbell, Kanoho and Ward.

S.B. No. 1602, SD 1, HD 1:

Representatives Hiraki/Tom/Kawakami, Co-Chairs; Nakasone and Ward.

S.B. No. 2001, SD 2, HD 1:

- Representatives Menor/Tom/Say, Co-Chairs; Cachola, Herkes, Yamane and Marumoto.
- S.B. No. 2003, SD 1, HD 2:**
- Representatives Chun Oakland/Nekoba/Menor, Co-Chairs; Saiki and Kawanakoa.
- S.B. No. 2007, SD 1, HD 2:**
- Representatives Takamine/Tom, Co-Chairs; Garcia, Swain and Meyer.
- S.B. No. 2052, HD 1:**
- Representatives Menor/Tom, Co-Chairs; Hamakawa, White and Thielen.
- S.B. No. 2101, SD 2, HD 1:**
- Representatives Tom/Menor, CO-Chairs; Saiki, White and Kawanakoa.
- S.B. No. 2125, SD 1, HD 2:**
- Representatives Hiraki/Menor, Co-Chairs; Ito, Yoshinaga and Ward.
- S.B. No. 2160, HD 1:**
- Representatives Say, Chair; Kawakami, Abinsay, Chang, Isbell, Ito, Jones, Kahikina, Kanoho, Nakasone, Nekoba, M. Oshiro, Suzuki, Marumoto and Ward.
- S.B. No. 2189, SD 1, HD 1:**
- Representatives Tom/Menor, Co-Chairs; White, Yoshinaga and Meyer.
- S.B. No. 2220, SD 1, HD 1:**
- Representatives Pepper, Chair; Kawakami, Saiki and Anderson.
- S.B. No. 2223, SD 1, HD 1:**
- Representatives Say, Chair; Kawakami, Suzuki and Marumoto.
- S.B. No. 2247, HD 1:**
- Representatives Tom, Chair; Herkes, White, Yamane and Thielen.
- S.B. No. 2248, SD 1, HD 1:**
- Representatives Tom, Chair; Swain, White, Yoshinaga and Kawanakoa.
- S.B. No. 2249, SD 1, HD 1:**
- Representatives Tom, Chair; Cachola, Herkes, White and Thielen.
- S.B. No. 2264, SD 2, HD 2:**
- Representatives Tom/Say, Co-Chairs; M. Oshiro, Saiki and Ward.
- S.B. No. 2280, SD 2, HD 1:**
- Representatives Menor/Tom, Co-Chairs; Garcia, White and Thielen.
- S.B. No. 2295, SD 1, HD 1:**
- Representatives Tom, Chair; Herkes, White, Yamane and Kawanakoa.
- S.B. No. 2304, SD 1, HD 2:**
- Representatives Chun Oakland/Tom/Say, Co-Chairs; Arakaki and Ward.
- S.B. No. 2322, SD 2, HD 2:**
- Representatives Tom/Say, Co-Chairs; Hamakawa, Kahikina and Ward.
- S.B. No. 2326, SD 1, HD 1:**
- Representatives Tom, Chair; Herkes, White, Yoshinaga and Thielen.
- S.B. No. 2329, HD 1:**
- Representatives Menor, Chair; Case, Swain, Yoshinaga and Meyer.
- S.B. No. 2380, SD 1, HD 2:**
- Representatives Stegmaier/Tom, Co-Chairs; Takai, Yamane and Anderson.
- S.B. No. 2381, SD 1, HD 1:**
- Representatives Tom, Chair; Cachola, Chun Oakland, White and Thielen.
- S.B. No. 2405, SD 1, HD 1:**
- Representatives Menor, Chair; Cachola, Yamane, Yoshinaga and Thielen.
- S.B. No. 2416, SD 1, HD 2:**
- Representatives Pepper/Tom/Menor, Co-Chairs; Hamakawa and Thielen.
- S.B. No. 2437, SD 1, HD 2:**
- Representatives Menor/Say, Co-Chairs; Cachola, Kawakami, Yamane and Marumoto.
- S.B. No. 2439, SD 1, HD 1:**
- Representatives Menor/Tom, Co-Chairs; Garcia, Swain, Yoshinaga and Meyer.
- S.B. No. 2446, SD 1, HD 1:**
- Representatives Stegmaier, Chair; Morihara, Takai and Anderson.
- S.B. No. 2456, HD 1:**
- Representatives Pepper/Menor, Co-Chairs; Hamakawa, Yoshinaga and Thielen.
- S.B. No. 2458, SD 2, HD 2:**
- Representatives Santiago/Tom/Say, Co-Chairs; Tarnas and Anderson.
- S.B. No. 2459, HD 1:**
- Representatives Pepper/Menor, Co-Chairs; Garcia, Kawakami and Anderson.
- S.B. No. 2471, SD 1, HD 1:**

- Representatives Tom, Chair; Case, White, Yamane and Kawananakoa.
- S.B. No. 2491, HD 1:**
- Representatives Menor/Say, Co-Chairs; Cachola, Kawakami, Yamane and Marumoto.
- S.B. No. 2502, SD 1, HD 1:**
- Representatives Menor, Chair; Cachola, Case, Garcia and Meyer.
- S.B. No. 2503, SD 1, HD 1:**
- Representatives Menor, Chair; Case, Garcia, Hiraki and Meyer.
- S.B. No. 2532, SD 1, HD 1:**
- Representatives Pepper/Menor/Tom, Co-Chairs; Saiki and Anderson.
- S.B. No. 2548, SD 1, HD 2:**
- Representatives Takamine/Tom, Co-Chairs; Herkes, Nekoba and Meyer.
- S.B. No. 2552, SD 1, HD 2:**
- Representatives Herkes/Cachola/Yonamine/Say, Co-Chairs; and Marumoto.
- S.B. No. 2699, SD 1, HD 2:**
- Representatives Tom/Say, Co-Chairs; Case, Isbell and Ward.
- S.B. No. 2713, SD 2, HD 2:**
- Representatives Chun Oakland/Tom/Say, Co-Chairs; Arakaki and Ward.
- S.B. No. 2723, SD 2, HD 1:**
- Representatives Menor/Tom/Say, Co-Chairs; Suzuki, Yoshinaga and Ward.
- S.B. No. 2724, SD 1, HD 1:**
- Representatives Menor, Chair; Garcia, Swain, Yoshinaga and Meyer.
- S.B. No. 2729, SD 1, HD 1:**
- Representatives Menor, Chair; Case, Garcia, Yoshinaga and Thielen.
- S.B. No. 2733, SD 1, HD 2:**
- Representatives Menor/Tom/Say, Co-Chairs; Cachola, Kawakami, Yamane and Marumoto.
- S.B. No. 2737, HD 2:**
- Representatives Lee/Menor/Tom, Co-Chairs; Takai and Halford.
- S.B. No. 2740, SD 1, HD 1:**
- Representatives Menor/Tom, Co-Chairs; Herkes, White and Meyer.
- S.B. No. 2750, SD 1, HD 2:**
- Representatives Pepper/Menor, Co-Chairs; Saiki, Swain and Anderson.
- S.B. No. 2758, SD 1, HD 2:**
- Representatives Yonamine/Menor/Say, Co-Chairs; Suzuki, Yamane and Ward.
- S.B. No. 2769, SD 1, HD 2:**
- Representatives Stegmaier/Say, Co-Chairs; Kawakami, Tarnas and Halford.
- S.B. No. 2773, SD 1, HD 1:**
- Representatives Pepper/Menor/Tom, Co-Chairs; Chun Oakland and Anderson.
- S.B. No. 2777, SD 2, HD 2:**
- Representatives Shon/Say, Co-Chairs; Abinsay, M. Oshiro and Marumoto.
- S.B. No. 2789, SD 2, HD 1:**
- Representatives Pepper/Kawakami, Co-Chairs; Kahikina, Stegmaier and Marumoto.
- S.B. No. 2819, SD 2, HD 1:**
- Representatives Say, Chair; Isbell, Ito, Kanoho, Kawakami and Marumoto.
- S.B. No. 2821, SD 2, HD 2:**
- Representatives Tom/Say, Co-Chairs; Ito, White and Thielen.
- S.B. No. 2856, SD 1, HD 2:**
- Representatives Chun Oakland/Say, Co-Chairs; Kahikina, Kawakami and Kawananakoa.
- S.B. No. 2859, SD 2, HD 2:**
- Representatives Chun Oakland/Say, Co-Chairs; Kawakami, Saiki and Marumoto.
- S.B. No. 2866, SD 2, HD 2:**
- Representatives Arakaki/Say, Co-Chairs; Jones, Kahikina and Kawananakoa.
- S.B. No. 2888, SD 1, HD 1:**
- Representatives Tom, Chair; Chun Oakland, White and Yamane.
- S.B. No. 2890, HD 1:**
- Representatives McMurdo/Tom, Co-Chairs; Case, Swain and Meyer.
- S.B. No. 2993, SD 1, HD 1:**
- Representatives Tom, Chair, Swain, White, Yamane and Kawananakoa.
- S.B. No. 2998, SD 1, HD 2:**
- Representatives Shon/Say, Co-Chairs; Abinsay, Santiago and Ward.
- S.B. No. 3021, SD 1, HD 1:**

Representatives Stegmaier/Kawakami, Co-Chairs; Kahikina, Morihara and Anderson.

S.B. No. 3054, HD 1:

Representatives Takumi/Hiraki/Tom, Co-Chairs; Ito and Thielen.

S.B. No. 3068, SD 1, HD 1:

Representatives Menor/Tom, Co-Chairs; Herkes, White and Thielen.

S.B. No. 3079, SD 1, HD 1:

Representatives Yonamine/Say, Co-Chairs; Case, Jones and Ward.

S.B. No. 3134, SD 1, HD 1:

Representatives Menor/Tom, Co-Chairs; White, Yoshinaga and Kawananaoka.

S.B. No. 3135, SD 1, HD 1:

Representatives Say, Chair; Jones, Kawakami and Marumoto.

S.B. No. 3159, SD 1, HD 1:

Representatives Menor, Chair; Herkes, Swain, White and Thielen.

S.B. No. 3170, SD 1, HD 2:

Representatives Swain/Nekoba/Say, Co-Chairs; Takai and Halford.

S.B. No. 3171, HD 1:

Representatives Tom, Chair; Hamakawa, White, Yoshinaga and Kawananaoka.

S.B. No. 3232, SD 2, HD 2:

Representatives Say/Yonamine, Co-Chairs; Jones, Nakasone and Ward.

S.B. No. 3248, SD 2, HD 2:

Representatives Santiago/Say, Co-Chairs; Abinsay, Garcia and Anderson.

S.B. No. 3266, SD 1, HD 1:

Representatives Menor/Tom, Co-Chairs; Cachola, White and Meyer.

HOUSE COMMUNICATION

House communication dated April 16, 1996 to the Honorable President and members of the Senate of the State of Hawaii from Patricia Mau-Shimizu, Clerk, informing the Senate that the Speaker has this day appointed as additional conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 1716, HD 1, SD 1:

Representative Takamine added as a Co-Chair.

H.B. No. 2599, SD 2:

Representative Saiki added as a conferee.

H.B. No. 3096, HD 1, SD 1:

Representative Tom added as a Co-Chair.

H.B. No. 3964, HD 1, SD 2:

Representative Yonamine added as a Co-Chair and Representative Jones added as a conferee.

ANNOUNCEMENTS

Representative Swain rose and stated:

"Mr. Speaker, yesterday was a very interesting day, and I still feel the effects of some of the things that took place. You had a semi-crippled team that pulled themselves together as they went out to the Waiialae Golf Course to prepare to meet the Senate in a match. We were a little bit worried that they might not show up -- they were all late -- so we thought we had won by default, and they decided we were the ones that were going to win because they didn't have a chance.

"Well, Mr. Speaker, taking the risk that all of their TVs are on and they are hearing this, maybe they shouldn't have shown up yesterday because the House members took it to them and won three out of the five matches handily. One was a tie, and the House members were down by one hole and they won the last hole which created the tie, and we only lost one match, and half of the team were still on the floor yesterday. So it was a wonderful afternoon, and we did get some of our honor back."

Representative Herkes then rose and stated:

"It was a wonderful day, Mr. Speaker, and Representative Swain is right ... no matter how they tried to jury-rig the pairings -- they tried everything. They said, 'You've got to give us strokes,' and we said, 'No, we're going to play it straight up.' Then they wanted to scramble, they wanted full score, so on and so forth. So finally, our honorable captain agreed to modify the scramble. It didn't make any difference -- we still kicked their butts. But the thing is, after the other round ball game -- the bigger one -- the Senate was full of speeches, lambasting this and that, and I just wish, Mr. Speaker, that we could have had a recess and gone over to the Senate today to listen to the speeches about the golf tournament, because I guess there were very few and far in between. And my congratulations to our captain who is the head of the World Champion Hawaii State Legislature Golf Team."

The Chair remarked:

"Thank you very much. You saved the face and the honor of the House of Representatives."

Representative White then rose and stated:

"I hope you can understand that I had an assignment yesterday, and it was twofold. One was that we couldn't send them away with their tails completely behind their legs, so it was Representative Morihara's and my responsibility to fall on our swords for our brothers and sister in the House.

"But in addition to that, I would like the Senate to know that my chairman, Chairman Tom, asked me to go easy on Graulty because this is going to be the last win he is going to see in the next two weeks."

Representative Cachola then rose and stated:

"I have always been gracious and humble in victory. I don't want to say anything bad to our Senate counterpart -- they really fought well. It so happened that your House members fought harder. There are some members who played with pain ... just like the saying goes -- no pain, no gain.

"When I heard the news that our ace female golfer was not going to play, and then I heard that my partner, Billy Swain, had a partial dislocated shoulder, that we are in danger of losing to the Senate. When I woke up Saturday, I could not get up because I had a bout of gout, and my son had to carry me, and I was also in danger of not playing. So I had to call on the reserves like Representative Nestor Garcia, Paul Oshiro, and even Ken Ito, but Ken Ito did not answer the phone. I also heard that Representative Barbara Marumoto was slated to play but nobody got back to me whether she was going to play. And Paul hadn't played for six years and he said he will go out and hit balls and he came in with his clubs ready to play if needed. On Monday morning, I found out that my partner was able to play, and I was so happy that I said we had a chance of winning. And it is good that Nestor Garcia played. He really played admirably and great. We call him 'one putt Garcia,' and they won.

"At this time, Mr. Speaker, I would like to introduce the members of the House Golf Team: Representatives Morihara, White, Herkes, Kanoho, Yamane, Nakasone, Kawanakoa, Swain and Cachola. With that we defended the honor of the House with dignity. Hopefully, next year we will do the same thing.

Thank you."

Representative Marumoto then rose and stated:

"I salute the House Golf Team. Had I been invited to play, I would especially have liked to partake, especially since it was in the 17th House District. But, Mr. Speaker, I am not a very good player and so I did not make the cut, unlike you who participated in the House/Senate basketball game. I really commend you -- you were able to play a whole 30 seconds, but I didn't even make the cut.

"Thank you."

The Chair then asked the members of the House to give the golf team a big hand. (The golf team received a round of applause.)

ADJOURNMENT

At 1:41 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 17, 1996.

FIFTY-SECOND DAY

Wednesday, April 17, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:44 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Rabbi Avi Magid of Temple Emanu-el, after which the Roll was called showing all members present with the exception of Representatives Halford, Ito, Menor, Meyer and White, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-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 Fifty-First Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 609 to 615) were read by the Clerk and were placed on file:

Sen. Com. No. 609, informing the House that the President has, on April 16, 1996, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 608, SD 2, HD 2:

Senators Iwase/Ikeda, Co-Chairs; Ige, Kawamoto and Anderson.

Sen. Com. No. 610, informing the House that the President has, on April 16, 1996, added Senator Iwase as an additional member on the part of the Senate at the conference on Senate Bill No. 2729, SD 1, HD 1.

Sen. Com. No. 611, informing the House that the President has, on April 16, 1996, added Senator Levin as an additional member on the part of the Senate at the conference on Senate Bill No. 1234, SD 1, HD 2.

Sen. Com. No. 612, informing the House that the President has, on April 16, 1996, added Senator Ige as an additional member on the part of the Senate at the conference on Senate Bill No. 2003, SD 1, HD 2.

Sen. Com. No. 613, informing the House that the President has, on April 16, 1996, added Senator Iwase as an additional member on the part of the Senate at the conference on Senate Bill No. 2552, SD 1, HD 2.

Sen. Com. No. 614, informing the House that the following Senate Bills have passed Final Reading in the Senate on April 16, 1996:

S.B. No. 2263, SD 1, HD 1, "RELATING TO FOREIGN MONEY JUDGMENTS";

S.B. No. 2340, SD 2, HD 2, "RELATING TO HUNTING";

S.B. No. 2341, HD 1, "RELATING TO THE COMMUNITY COLLEGES";

S.B. No. 2487, SD 1, HD 2, "RELATING TO THE OMBUDSMAN";

S.B. No. 2772, SD 2, HD 1, "RELATING TO THE DISTRIBUTION OF CIGARETTES IN PACKAGES CONTAINING LESS THAN TWENTY CIGARETTES";

S.B. No. 2929, SD 1, HD 1, "RELATING TO THE ENFORCEMENT OF CRIMINAL PROVISIONS UNDER TITLE 14 ADMINISTERED BY THE DEPARTMENT OF TAXATION"; and

S.B. No. 3160, SD 1, HD 2, "RELATING TO LIQUOR LICENSES".

Sen. Com. No. 615, informing the House that the President has, on April 16, 1996, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 2286, HD 1, SD 1:

Senators Ikeda/Holt, Co-Chairs; Kawamoto and Liu.

H.B. No. 2359, SD 1:

Senators Holt, Chair; Levin and Anderson.

H.B. No. 2505, HD 2, SD 2:

Senators Tam/Ige, Co-Chairs; and Aki.

H.B. No. 2647, HD 1, SD 1:

Senators Holt, Chair; Ihara and Anderson.

H.B. No. 2789, HD 1, SD 1:

Senators Holt, Chair; Ige and Anderson.

H.B. No. 2897, HD 2, SD 2:

Senators Chumbley/Levin, Co-Chairs; Kawamoto and Matsunaga.

H.B. No. 3086, HD 1, SD 1:

Senators Holt, Chair; Ihara and Anderson.

H.B. No. 3096, HD 1, SD 1:

Senators Holt, Chair; Iwase and Anderson.

H.B. No. 3291, HD 1, SD 1:

Senators Holt, Chair; Iwase and Anderson.

H.B. No. 3398, SD 1:

Senators Holt, Chair; Ige, Iwase and Anderson.

H.B. No. 3400, SD 1:

Senators Holt, Chair; Iwase and Anderson.

H.B. No. 3409, HD 1, SD 1:

Senators Holt, Chair; Iwase and Anderson.

H.B. No. 3417, SD 1:

Senators Holt, Chair; Iwase and Anderson.

H.B. No. 3419, HD 1, SD 1:

Senators Holt, Chair; Ihara and Anderson.

H.B. No. 3760, HD 1, SD 1:

Senators Holt, Chair; Iwase and Anderson.

H.B. No. 3785, HD 1, SD 1:

Senators Holt, Chair; Iwase and Anderson.

H.B. No. 3809, HD 1, SD 2:

Senators Holt, Chair; Ihara and Anderson.

At this time, Representative Tarnas introduced to the members of the House Elaine Cohn, "a good friend from Kona."

ORDER OF THE DAY**COMMITTEE REASSIGNMENTS**

The following Senate Concurrent Resolutions were re-referred as follows:

S.C.R. Nos.	Re-referred to:
45	Committee on Education
66	Committee on Finance
137	Committee on Finance
164	Committee on Finance
175	Committee on Education
208	Committee on Finance
253	Committee on Finance
261	Committee on Education

CONFERENCE COMMITTEE REPORT

Representatives Menor, Tom and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 4142, SD 1, presented a report (Conf. Com. Rep. No. 1) recommending that H.B. No. 4142, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1 and H.B. No. 4142, SD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW THE USE OF REVENUE BONDS FOR THE FUNDING OF A STATE PROPERTY INSURANCE PROGRAM PROVIDING HURRICANE INSURANCE COVERAGE," was deferred for a period of 10 days.

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1722-96) recommending that

S.C.R. No. 43, SD 1, 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 S.C.R. No. 43, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO USE ITS EXPERTISE TO PLAN A SUSTAINABLE ECONOMIC BASE FOR HAWAII COUNTY," 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. 1723-96) recommending that S.C.R. No. 282, SD 1, as amended in HD 1, be referred to the Committee on Finance.

Representative Amaral moved that the report of the Committee be adopted and S.C.R. No. 282, SD 1, HD 1, be referred to the Committee on Finance, seconded by Representative Thielen.

Representative Thielen rose to speak strongly against the resolution, stating:

"I know that this measure only calls for a study, and I guess we could say that this body, probably more times than not, asks for items to be studied and then doesn't act upon the recommendations made in the study.

"My concern about this measure, Mr. Speaker, is that it might provide ammunition for those that want to legalize gambling in the State of Hawaii. I think we heard very compelling testimony from the Attorney General why this would be foolhardy for our State, and I think we've heard equally compelling testimony from law enforcement officials saying, don't move ahead on what the Music Man called 'the first big step on the road to degradation.'

"I think this is the initial step, Mr. Speaker. I don't see any point in spending government time and resources studying something that should be a dead issue. I don't think we should roll the dice; I don't think we should move ahead and continue to try different procedures and methods to legalize gambling in this State. Gambling is bad for Hawaii, and you can bet on that."

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

"Mr. Speaker, I support this measure for the reasons that the previous speaker was against the measure, and that is because the intention of this measure is to study and to present this body with good, objective information with respect to the issue of shipboard casinos and pari-mutuel horse racing in Hawaii, to specifically look at what the economic impact of that is.

"Quite frankly, Mr. Speaker, there may be members here on the floor that are so close-minded about certain issues that regardless of the compelling facts before them, will never choose to look at the benefits of this to the State of Hawaii. Some of us, Mr. Speaker, take our job very seriously and do not believe that we have that option of closing off our minds. We believe, in fact, that it is our responsibility to bring before us all the arguments, all the objective and compelling arguments, with respect to all issues and not to preclude any discussions.

"I ask, Mr. Speaker, that the members here today support this measure that allows us to take what can be an inflammatory and otherwise emotional issue and put it

instead at the level of getting the facts and basing our decision upon those facts at hand.

"Thank you, Mr. Speaker."

Representative Isbell then rose to "strongly protest and vote against this resolution," stating:

"First of all, notwithstanding the fact that I am opposed to gambling, this happens to be the result also of my position based on a Supreme Court ruling which just occurred within the past two weeks. It is very clear that under the new ruling, Indian nations can no longer sue the state to put in casinos, but if the state has any kind of gambling, the Supreme Court has ruled that the Indian nations can buy a piece of property and put in a casino, and that they do not have to share with the state any revenues. They also do not have to pay any taxes, so therefore, they are a nation unto themselves and no one would benefit from them except that group.

"It also should be known that there is a bill before Congress which calls for a national Indian lottery that if we ever have any kind of gambling here -- even bingo -- that it would be allowed in the state as a national Indian lottery which would be run from out-of-state. This is not based on emotion -- it is fact. I have a copy of the Supreme Court decision and would be happy to share it with the Speaker, with the prior speaker, and anyone else who would care to see it.

"My mahalo in allowing me to rise and speak against, I know, one of your favorite subjects.

"Thank you very much, Mr. Speaker."

The Chair responded:

"As the Speaker of the House, I take no pride for or against.

"Thank you very much."

Representative Ward rose in opposition to the resolution, stating:

"Mr. Speaker, I rise in opposition to oppose what otherwise the Majority Floor Leader opposes for the very reasons why she opposed what was opposed. I oppose what she said for the sake that it's a very myopic position that she is taking because we are doing a national study that Congressman Hyde and the others have said: 'We are going to look at gambling throughout the United States.' It would be very myopic of us in Hawaii to say, well, let's look at our little manini place here about what gambling's doing to our society and then say that this is the best thing that we should do and perceive just one piece of the action, one slice of the pie, and I would say, let us look back at the bigger picture of what our nation is going through. Let us wait for this National Gambling Study Commission that is coming out, after an eighteen months study, to look at all of the ramifications, not only shipboard, not only horse racing, but slot machines, lottery and, Mr. Speaker, the whole nine yards.

"Mr. Speaker, the best thing we can do is to step back and wait and not do anything until we really see what the data has to say and then from there, if we don't find specificity, then we can come back and say, well, let's look at what our ships coming out of Honolulu Harbor have to say and what otherwise horse racing may have to say.

"In the meantime, the best thing is to mothball this, look at the big picture, look at what's going on at the federal level and from there, then and only then, should

we move in Hawaii with anything other than a measured example of what a study can say that we should or should not do.

"Thank you, Mr. Speaker."

Representative Kahikina then rose in opposition to the measure and requested that Representative Isbell's remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Swain then rose and requested the Clerk to cast an aye with reservations for him, and the Chair "so ordered."

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

"We have no assurance that Congress will pass the study bill. It seems to me that a little information isn't going to hurt anybody.

"I note with interest that the Minority keeps talking about Hawaii as the 'tax hell' and people are fleeing this State, and where are they going? Nevada.

"Thank you."

Representative Shon then rose and requested the Clerk to cast a "serious, objective and compelling no," and the Chair "so ordered."

Representative Stegmaier then rose to speak against the resolution, stating:

"If, perhaps, this study were to be done in conjunction with a thorough study of the sociological and psychological impacts of these forms of gambling, it may cause me to vote in support of it, but just to have the economic benefits or lack thereof identified won't get us very far in deliberating on this for the next legislative session.

"Thank you."

Representative Case then rose and asked the Clerk to cast an aye with reservations for him, and the Chair "so ordered."

Representative Case then said:

"The reason for my aye vote is that I agree with the Majority Floor Leader that this issue, as other issues, should in fact be studied. I think we can stand to have more studies around here and it's hard for me to vote against the study, notwithstanding the fact that I will continue to oppose the substance of the particular measures.

"The reservations that I have, which I am hopeful the next committee will review if the measure makes it to the next committee, are in the composition of the people that will conduct this study. It does include the DBEDT which I trust will be objective, but it also asks representatives of the hotel and airline industries to participate in that study and for the information to be provided by those industries.

"My concern is that those industries are the ones that support gambling in substance, and I would be concerned that we provide some kind of safeguards to ensure that the data that we receive from those industries is in fact objective. Perhaps the next committee could take a look at expanding the scope of the people requested to provide information to the other industries or resources that are truly objective, or perhaps have the other point of view.

"Thank you."

Representative Santiago then rose and said, "I have the same concerns as the previous speaker," and requested the Clerk to cast an aye with reservations for him, and the Chair "so ordered."

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

"I just want to mention that in 1994, there was a concurrent resolution passed by the Legislature to do a study of this issue, to do a social and economic impact study of gambling, and in 1994 the Legislative Reference Bureau completed their study of the social impacts of gambling in Hawaii.

"This resolution is actually the second half of the 1994 resolution calling for an economic impact study on gambling which was not done. So basically, this one just calls for the completion of the 1994 study by the Legislative Reference Bureau which came in to testify that they don't have the resources and the staffing expertise to do this study, so we are redirecting the study to the Department of Business, Economic Development, and Tourism.

"Thank you, Mr. Speaker."

Representative Garcia then rose, saying, "I have the same concerns as expressed by the Representative from Manoa and the Representative from the North Shore of Oahu," and asked the Clerk to cast an aye with reservations for him, and the Chair "so ordered."

Representative Marumoto then rose to speak against the resolution, stating:

"I must protest the Majority Floor Leader's insinuation that opponents of gambling are close-minded and do not look at the facts at hand or, for that matter, are not as conscientious as pro-gambling legislators.

"I base my opposition to the testimony of the police and the Attorney General who have submitted testimony in opposition to this resolution, and I think, in addition to the police and the Attorney General, the U.S. Attorney are all basing their opposition to gambling on the facts and on the increase in crime that would result if gambling were to be introduced to our community.

"Also, I have a protest against the word 'gaming' because I feel just because the 'ble' is removed from the word, it doesn't take the 'bull' out of the word. I think we should call gambling what it is and not use euphemisms.

"I would urge all others to vote their conscience and vote no.

"Thank you."

Representative Tarnas then rose and asked the Clerk to cast a yes with reservations for him, and the Chair "so ordered."

Representative Tarnas continued, saying:

"Let it not be said that I make decisions without being open to information, so I would welcome additional information on this. However, I think it is important that we have objective economic analysis of this, and the comments from the Representative from Manoa, I think, are very accurate so we need to look at who will be brought on board.

"As in other cases, LRB may be useful to be involved in this just because of their objectivity. DBEDT may take the lead; others should be involved. But we need to ensure that what we are getting is accurate, is objective, so that we can do our business of the people here in the House with good information.

"Thank you, Mr. Speaker."

Representative Kawanakoa then rose in opposition to the resolution and asked the Clerk to cast a no vote for him "based on the same rationale as expressed by the Representative from Manoa," and the Chair "so ordered."

Representative Nekoba then rose and asked the Clerk to cast an aye with reservations for him, and the Chair "so ordered."

Representative Takumi then rose and asked the Clerk to cast an aye with reservations for him, and the Chair "so ordered."

Representative Takumi then, on a point of clarification, said:

"I think the 1994 study was basically on shipboard gambling and did not deal with horse racing, if I am not mistaken.

"Thank you."

The Chair answered:

"That is correct."

Representative Thielen then rose and stated:

"I want to add to my comments, especially in light of the Majority Floor Leader's comments about closed minds.

"The resolution itself presents a close-minded request -- very narrow. It does not involve the Attorney General, and as the Representative from Kona so aptly commented, the Attorney General is probably the most critical person to be able to be part of this group that is going to look into this.

"The question is whether or not we're going to start the steps to open our shores to Indian gambling operations in Hawaii. Without the Attorney General's expertise, without the knowledge of the legal ramifications of what we would be doing on this, we're being very close-minded.

"The resolution is slanted, Mr. Speaker, as has been mentioned by other of my colleagues -- terribly slanted toward the hotel industry. One of the proponents has been at every hearing pushing gambling, pushing the legalization of gambling. It's asking the Department of Business, Economic Development and Tourism; it is not talking about the police aspect, the criminal aspect, it is not talking about the social aspect, and it certainly is not talking about the legal aspect. We're taking a step to ask for a resolution, making sure that the players who are going to be involved are going to come up with what we want this study to say. So, it is very slanted, Mr. Speaker, it is very close-minded, and I strongly object to it as it is written.

"Thank you."

Representative Ward then rose and said:

"Mr. Speaker. . .

Representative Ward was not recognized and the Chair said:

"The question has been called for. . .Is there a second to the motion?"

The motion was seconded by Representative Amaral.

Representative Thielen then rose and said:

"Mr. Speaker, I object to that -- that's cutting off debate!"

The Chair stated:

"The question has been called for. . .you're out of order. **You're out of order. Will you please sit down!**"

Representative Thielen answered:

"I'm not out of order, Mr. Speaker. . .

The Chair interrupted and said:

"You're out of order -- you're out of order. Will you please sit down! The question has been called for."

Representative Thielen then asked for a recess, whereupon the Chair answered:

"We're in the process of a motion now. . .you're out of order. If you wish to leave, I'll have you escorted out. We'll call for the question. All in favor, say aye -- opposed? The ayes have it (for the previous question)."

The motion to adopt the report of the Committee and referring S.C.R. No. 282, SD 1, HD 1, to the Committee on Finance was put by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 282, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE ECONOMIC IMPACTS OF SHIPBOARD CASINOS AND PARI-MUTUEL HORSE RACING IN HAWAII," was referred to the Committee on Finance, with Representatives Isbell, Kahikina, Kawanakoa, Marumoto, Shon, Stegmaier, Thielen and Ward voting no. (Representatives Case, Garcia, Nekoba, Santiago, Takumi and Tarnas voted aye with reservations.)

APPOINTMENT OF CONFEREES

In accordance with the disagreement of the Senate to the amendments proposed by the House in the following Senate Bills and the request for a conference on the respective subject matter thereof, the Speaker appointed the following Conferees on the part of the House at such conference:

S.B. No. 608, SD 2, HD 2:

Representatives Takamine/Lee/Say, Co-Chairs; Ito, Takai, Tarnas and Halford.

S.B. No. 641, SD 2, HD 1:

Representatives Kanoho/Say, Co-Chairs; P. Oshiro and Marumoto.

S.B. No. 1305, HD 1:

Representatives Shon, Chair; M. Oshiro, Tarnas, Yamane and Meyer.

S.B. No. 1738, SD 1, HD 2:

Representatives Herkes/Kawakami, Co-Chairs; Morihara, M. Oshiro and Marumoto.

S.B. No. 1810, SD 1, HD 2:

Representatives Yonamine/Say, Co-Chairs; Nakasone, Suzuki and Ward.

S.B. No. 2087, SD 1, HD 2:

Representatives Stegmaier/Tom/Say, Co-Chairs; Santiago and Halford.

S.B. No. 2088, SD 2, HD 1:

Representatives Say, Chair; Abinsay, Kahikina, Kawakami, Nakasone and Marumoto.

S.B. No. 2090, SD 2, HD 2:

Representatives Swain/Say, Co-Chairs; Herkes, Jones, Kahikina and Halford.

S.B. No. 2145, SD 1, HD 2:

Representatives Stegmaier/Say, Co-Chairs; Kawakami, Tarnas and Anderson.

S.B. No. 2152, SD 1, HD 2:

Representatives Lee/Stegmaier/Say, Co-Chairs; Abinsay, Yonamine and Marumoto.

S.B. No. 2186, SD 1, HD 1:

Representatives Tom, Chair; Swain, White, Yamane and Kawanakoa.

S.B. No. 2209, SD 2, HD 1:

Representatives Stegmaier/Say, Co-Chairs; Ito, Tarnas and Marumoto.

S.B. No. 2210, SD 1, HD 1:

Representatives Stegmaier/Say, Co-Chairs; Ito, Tarnas and Marumoto.

S.B. No. 2238, SD 2, HD 1:

Representatives Herkes/Shon/Say, Co-Chairs; M. Oshiro and Ward.

S.B. No. 2278, SD 2, HD 1:

Representatives Morihara/Say, Co-Chairs; Jones, Swain and Ward.

S.B. No. 2333, SD 1, HD 1:

Representatives Say, Chair; Kawakami, Nakasone and Marumoto.

S.B. No. 2338, SD 2, HD 1:

Representatives Lee/Say, Co-Chairs; Morihara, M. Oshiro and Anderson.

S.B. No. 2388, SD 2, HD 1:

Representatives Chun Oakland/Pepper/Kawakami, Co-Chairs; Saiki and Anderson.

S.B. No. 2401, SD 2, HD 2:

- Representatives Tom/Menor/Say, Co-Chairs; White and Kawanakoa.
- S.B. No. 2485, HD 2:**
- Representatives Yonamine/Say, Co-Chairs; Nakasone, Suzuki and Marumoto.
- S.B. No. 2662, SD 1, HD 2:**
- Representatives Pepper/Say, Co-Chairs; Chun Oakland, Kawakami and Anderson.
- S.B. No. 2682, SD 1, HD 2:**
- Representatives Morihara/Say, Co-Chairs; Isbell, Takai and Halford.
- S.B. No. 2726, SD 1, HD 2:**
- Representatives Menor/Say, Co-Chairs; Garcia, Kanoho, Yoshinaga and Thielen.
- S.B. No. 2730, SD 1, HD 1:**
- Representatives Menor/Say, Co-Chairs; Hiraki, Kanoho and Marumoto.
- S.B. No. 2770, SD 2, HD 2:**
- Representatives Stegmaier/Say, Co-Chairs; Kawakami, Tarnas and Halford.
- S.B. No. 2781, SD 2, HD 3:**
- Representatives Pepper/Lee/Kawakami, Co-Chairs; Shon and Anderson.
- S.B. No. 2811, SD 1, HD 1:**
- Representatives Yonamine/Say, Co-Chairs; Nakasone, Suzuki and Ward.
- S.B. No. 2836, SD 2, HD 2:**
- Representatives Yonamine/Say, Co-Chairs; Nakasone, Suzuki and Marumoto.
- S.B. No. 2848, SD 2, HD 1:**
- Representatives Yonamine/Say, Co-Chairs; Nakasone and Takumi.
- S.B. No. 2850, SD 1, HD 1:**
- Representatives Yonamine/Say, Co-Chairs; Suzuki, Takumi and Marumoto.
- S.B. No. 2875, SD 1, HD 2:**
- Representatives Tom/Say, Co-Chairs; Case, Kanoho and Thielen.
- S.B. No. 2887, HD 1:**
- Representatives McMurdo/Kawakami, Co-Chairs; Case, Isbell and Ward.
- S.B. No. 2891, SD 2, HD 2:**
- Representatives McMurdo/Tom/Say, Co-Chairs; Case and Meyer.
- S.B. No. 2894, SD 2, HD 2:**
- Representatives Hiraki/Nakasone, Co-Chairs; Case, Isbell and Ward.
- S.B. No. 2902, HD 1:**
- Representatives Lee/Say, Co-Chairs; Nekoba, Shon and Marumoto.
- S.B. No. 2913, HD 1:**
- Representatives Tom/Say, Co-Chairs; Herkes, Nakasone and Marumoto.
- S.B. No. 2941, SD 2, HD 2:**
- Representatives Santiago/Kawakami, Co-Chairs; M. Oshiro, Tarnas and Anderson.
- S.B. No. 2999, SD 2, HD 2:**
- Representatives Hiraki/Kawakami, Co-Chairs; Ito, Jones and Ward.
- S.B. No. 3011, SD 2, HD 2:**
- Representatives Arakaki/Stegmaier/Say, Co-Chairs; M. Oshiro and Kawanakoa.
- S.B. No. 3012, SD 2, HD 2:**
- Representatives Yonamine/Say, Co-Chairs; Isbell, Suzuki and Ward.
- S.B. No. 3042, SD 2, HD 2:**
- Representatives Chun Oakland/Kawakami, Co-Chairs; Arakaki, Isbell and Kawanakoa.
- S.B. No. 3108, SD 2, HD 1:**
- Representatives Herkes/Kawakami, Co-Chairs; Jones, Morihara and Marumoto.
- S.B. No. 3110, SD 2, HD 2:**
- Representatives Yonamine/Say, Co-Chairs; Abinsay, Ito, Takumi and Ward.
- S.B. No. 3154, SD 2, HD 2:**
- Representatives Yonamine/Say, Co-Chairs; Abinsay, Ito and Marumoto.
- S.B. No. 3158, SD 1, HD 1:**
- Representatives Menor/Say, Co-Chairs; Cachola, Ito and Ward.
- S.B. No. 3166, HD 1:**
- Representatives Cachola/Say, Co-Chairs; Chang, Lee, Swain and Marumoto.
- S.B. No. 3198, SD 1, HD 1:**
- Representatives Pepper/Kawakami, Co-Chairs; Hamakawa, Isbell and Anderson.
- S.B. No. 3231, SD 1, HD 2:**
- Representatives Takumi/Say, Co-Chairs; Ito, Suzuki and Ward.
- S.B. No. 3240, SD 2, HD 2:**

Representatives Herkes/Kawakami, Co-Chairs; Kanoho, Swain and Marumoto.

S.B. No. 3262, SD 2, HD 2:

Representatives Herkes/Kawakami, Co-Chairs; Kanoho, Swain and Marumoto.

**APPOINTMENT OF ADDITIONAL
CONFEREES**

H.B. No. 2599, SD 2:

Representative Chang was added as a conferee.

H.B. No. 3498, SD 2:

Representative Stegmaier was added as a conferee.

ADJOURNMENT

At 12:10 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 18, 1996.

FIFTY-THIRD DAY

Thursday, April 18, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:43 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Janice Morikawa of the First Chinese Church of Christ, after which the Roll was called showing all members present with the exception of Representatives Ito, Marumoto, Morihara and Takamine, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-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 Fifty-Second Day was approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 196 to 198) were read by the Clerk and were placed on file:

Gov. Msg. No. 196, informing the House that on April 10, 1996, he signed the following bills into law:

House Bill No. 2576 as Act 2, entitled: "RELATING TO HANSEN'S DISEASE";

Senate Bill No. 2187 as Act 3, entitled: "RELATING TO SENTENCING"; and

Senate Bill No. 2885 as Act 4, entitled: "RELATING TO THE HAWAII PAROLING AUTHORITY".

Gov. Msg. No. 197, informing the House that on April 11, 1996, he signed the following bills into law:

House Bill No. 3456 as Act 5, entitled: "RELATING TO CERTIFICATION OF CHILD PLACING ORGANIZATIONS, CHILD CARING INSTITUTIONS, AND FOSTER BOARDING HOMES";

House Bill No. 4035 as Act 6, entitled: "RELATING TO PACKAGED SOIL"; and

Senate Bill No. 2783 as Act 7, entitled: "RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS".

Gov. Msg. No. 198, informing the House that on April 12, 1996, he signed the following bills into law:

Senate Bill No. 2128 as Act 8, entitled: "RELATING TO BUSINESS DEVELOPMENT";

Senate Bill No. 2521 as Act 9, entitled: "RELATING TO FINANCIAL SERVICES LOAN COMPANIES";

Senate Bill No. 2685 as Act 10, entitled: "RELATING TO DEPOSIT OF PUBLICATIONS"; and

Senate Bill No. 2739 as Act 11, entitled: "RELATING TO GIFT CERTIFICATES".

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 616 to 617) were read by the Clerk and were placed on file:

Sen. Com. No. 616, informing the House that the President has, on April 17, 1996, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 44, SD 1:

Senators Ikeda, Chair; Baker, Bunda, Fernandes Salling, Fukunaga, Kanno, Kawamoto, Solomon, Tanaka, Taniguchi and Liu.

H.B. No. 50, HD 2, SD 2:

Senators Ikeda, Chair; Fernandes Salling, Vice Chair; Solomon, Taniguchi and Anderson.

H.B. No. 114, HD 2, SD 2:

Senators Ikeda, Chair; Graulty, Vice Chair; Kawamoto, Solomon and Liu.

H.B. No. 401, HD 2, SD 2:

Senators Ikeda, Chair; Tam, Vice Chair; Baker, Fukunaga and Liu.

H.B. No. 582, HD 1, SD 1:

Senators Ikeda, Chair; Kawamoto, Solomon, Tanaka and Taniguchi.

H.B. No. 696, HD 1, SD 1:

Senators Kanno, Chair; Taniguchi and Anderson.

H.B. No. 894, HD 1, SD 1:

Senators Ikeda, Chair; Baker, Tanaka, Taniguchi and Liu.

H.B. No. 1042, SD 1:

Senators Kanno, Chair; Taniguchi and Anderson.

H.B. No. 1716, HD 1, SD 1:

Senators Ikeda, Chair; Ige, Vice Chair; Iwase, Taniguchi and Liu.

H.B. No. 1926, HD 2, SD 2:

Senators Ikeda, Chair; Holt, Vice Chair; Iwase and Anderson.

H.B. No. 2401, SD 1:

Senators Ikeda, Chair; Baker, Bunda, Fernandes Salling, Fukunaga, Kanno, Kawamoto, Solomon, Tanaka, Taniguchi and Liu.

H.B. No. 2452, HD 3, SD 1:

Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Solomon and Anderson.

H.B. No. 2502, HD 1, SD 1:

- Senators Ikeda, Chair; Baker, Bunda, Fernandes Salling, Fukunaga, Kanno, Kawamoto, Solomon, Tanaka, Taniguchi and Liu.
- H.B. No. 2514, HD 3, SD 2:**
- Senators Ikeda, Chair; Chumbley/Levin, Vice Chairs; Solomon and Liu.
- H.B. No. 2526, SD 2:**
- Senators Ikeda, Chair; Gaulty/Levin, Vice-Chairs; Solomon and Liu.
- H.B. No. 2549, HD 2, SD 2:**
- Senators Ikeda; Levin, Vice Chair; Baker, Fukunaga and Liu.
- H.B. No. 2599, SD 2:**
- Senators Ikeda, Chair; Gaulty, Vice Chair; Solomon and Taniguchi.
- H.B. No. 2636, HD 2, SD 1:**
- Senators Ikeda, Chair; Gaulty, Vice Chair; Fukunaga, Solomon and Liu.
- H.B. No. 2642, HD 1, SD 1:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Tanaka and Anderson.
- H.B. No. 2644, HD 1, SD 2:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Solomon and Anderson.
- H.B. No. 2726, HD 2, SD 2:**
- Senators Ikeda, Chair; Gaulty, Vice Chair; Kawamoto, Taniguchi and Liu.
- H.B. No. 2729, HD 2, SD 1:**
- Senators Ikeda, Chair; Gaulty, Vice Chair; Solomon, Tanaka and Liu.
- H.B. No. 2800, HD 1, SD 1:**
- Senators Ikeda, Chair; Baker, Bunda, Fernandes Salling, Fukunaga, Kanno, Kawamoto, Solomon, Tanaka, Taniguchi and Liu.
- H.B. No. 2809, HD 2, SD 1:**
- Senators Ikeda, Chair; Ige, Vice Chair; Iwase, Kawamoto and Liu.
- H.B. No. 2991, SD 1:**
- Senators Kanno, Chair; Baker and Anderson.
- H.B. No. 3101, HD 2, SD 2:**
- Senators Ikeda, Chair; Bunda, Vice Chair; Holt, Taniguchi and Liu.
- H.B. No. 3102, HD 1, SD 2:**
- Senators Ikeda, Chair; Holt, Vice Chair; Iwase, Kawamoto and Anderson.
- H.B. No. 3138, HD 1, SD 2:**
- Senators Ikeda, Chair; Chumbley, Vice Chair; Baker, Kawamoto and Liu.
- H.B. No. 3153, HD 2, SD 2:**
- Senators Ikeda, Chair; Gaulty, Vice Chair; Baker, Solomon and Liu.
- H.B. No. 3154, HD 2, SD 2:**
- Senators Ikeda, Chair; Fukunaga, Vice Chair; Baker, Tanaka and Liu.
- H.B. No. 3203, HD 1, SD 2:**
- Senators Ikeda, Chair; Matsunaga, Vice Chair; Tanaka, Taniguchi and Liu.
- H.B. No. 3208, HD 2, SD 1:**
- Senators Ikeda, Chair; Matsunaga, Vice Chair; Tanaka, Taniguchi and Liu.
- H.B. No. 3211, HD 1, SD 2:**
- Senators Ikeda, Chair; Fernandes Salling, Vice Chair; Kawamoto, Taniguchi and Anderson.
- H.B. No. 3293, HD 1, SD 1:**
- Senators Ikeda, Chair; Iwase/Kanno, Vice Chairs; Holt and Anderson.
- H.B. No. 3300, SD 1:**
- Senators Ikeda, Chair; Baker, Bunda, Fernandes Salling, Fukunaga, Kanno, Kawamoto, Solomon, Tanaka, Taniguchi and Liu.
- H.B. No. 3332, SD 2:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Solomon, Tanaka and Liu.
- H.B. No. 3333, SD 1:**
- Senators Kanno, Chair; Solomon and Anderson.
- H.B. No. 3340, HD 1, SD 1:**
- Senators Ikeda, Chair; Fernandes Salling, Vice Chair; Baker, Solomon and Liu.
- H.B. No. 3341, HD 2, SD 2:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Solomon and Taniguchi.
- H.B. No. 3342, HD 1, SD 1:**
- Senators Ikeda, Chair; Baker, Fukunaga, Kawamoto, Solomon and Liu.
- H.B. No. 3344, HD 2, SD 1:**
- Senators Ikeda, Chair; Baker, Bunda, Fukunaga and Liu.
- H.B. No. 3345, HD 2, SD 2:**
- Senators Ikeda, Chair; Chumbley, Gaulty, Solomon and Anderson.
- H.B. No. 3362, HD 2, SD 1:**

- Senators Ikeda, Chair; Grauly, Vice Chair; Kawamoto, Solomon and Liu.
- H.B. No. 3382, HD 1, SD 1:**
- Senators Ikeda, Chair; Baker, Bunda, Fernandes Salling, Fukunaga, Kanno, Kawamoto, Solomon, Tanaka, Taniguchi and Liu.
- H.B. No. 3389, HD 1, SD 1:**
- Senators Ikeda, Chair; Fernandes Salling, Kawamoto, Solomon and Liu.
- H.B. No. 3399, HD 2, SD 1:**
- Senators Ikeda, Chair; Holt, Vice Chair; Iwase and Anderson.
- H.B. No. 3421, HD 2, SD 2:**
- Senators Ikeda, Chair; Fukunaga/Holt, Vice Chairs; Iwase and Anderson.
- H.B. No. 3423, HD 1, SD 1:**
- Senators Ikeda, Chair; Holt, Vice Chair; Iwase and Liu.
- H.B. No. 3427, HD 2, SD 1:**
- Senators Ikeda/Holt, Co-Chairs; Iwase and Anderson.
- H.B. No. 3432, HD 1, SD 2:**
- Senators Ikeda, Chair; Chumbley/Kanno, Vice Chairs; Tanaka and Liu.
- H.B. No. 3434, HD 2, SD 2:**
- Senators Ikeda, Chair; Chumbley, Vice Chair; Kawamoto and Liu.
- H.B. No. 3439, HD 1, SD 1:**
- Senators Ikeda, Chair; Chumbley, Vice Chair; Baker, Kawamoto and Liu.
- H.B. No. 3493, HD 2, SD 2:**
- Senators Ikeda, Chair; Levin, Vice Chair; Baker, Taniguchi and Liu.
- H.B. No. 3498, SD 2:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Kawamoto, Taniguchi and Liu.
- H.B. No. 3505, HD 1, SD 1:**
- Senators Ikeda, Chair; Levin, Vice Chair; Baker, Kanno and Liu.
- H.B. No. 3512, HD 2, SD 1:**
- Senators Kanno/Ikeda, Co-Chairs; Baker, Kawamoto, Solomon and Liu.
- H.B. No. 3522, HD 1, SD 1:**
- Senators Iwase, Chair; Tanaka and Anderson.
- H.B. No. 3523, HD 1, SD 1:**
- Senators Iwase, Chair; Tanaka and Anderson.
- H.B. No. 3534, HD 2, SD 2:**
- Senators Ikeda, Chair; Iwase/Grauly, Vice Chairs; Holt and Liu.
- H.B. No. 3538, HD 2, SD 1:**
- Senators Ikeda, Chair; Grauly, Vice Chair; Fernandes Salling, Fukunaga and Liu.
- H.B. No. 3542, HD 2, SD 1:**
- Senators Ikeda, Chair; Grauly, Vice Chair, Fukunaga, Solomon and Liu.
- H.B. No. 3548, HD 1, SD 2:**
- Senators Ikeda, Chair; Grauly, Vice Chair; Baker, Kawamoto and Liu.
- H.B. No. 3551, HD 1, SD 1:**
- Senators Ikeda, Chair; Baker, Kawamoto, Taniguchi and Liu.
- H.B. No. 3554, HD 1, SD 1:**
- Senators Ikeda, Chair; Baker, Kawamoto, Taniguchi and Liu.
- H.B. No. 3563, HD 1, SD 1:**
- Senators Ikeda, Chair; Baker, Kawamoto, Taniguchi and Liu.
- H.B. No. 3565, HD 1, SD 1:**
- Senators Ikeda, Chair; Baker, Kawamoto, Taniguchi and Liu.
- H.B. No. 3567, HD 1, SD 1:**
- Senators Ikeda, Chair; Baker, Kawamoto, Taniguchi and Liu.
- H.B. No. 3570, HD 1, SD 1:**
- Senators Ikeda, Chair; Baker, Kawamoto, Taniguchi and Liu.
- H.B. No. 3577, HD 2, SD 2:**
- Senators Ikeda, Chair; Fernandes Salling/Tam, Vice Chairs; Taniguchi and Liu.
- H.B. No. 3579, HD 2, SD 2:**
- Senators Ikeda, Chair; Fernandes Salling, Vice Chair; Baker, Solomon and Liu.
- H.B. No. 3583, HD 2, SD 2:**
- Senators Ikeda, Chair; Ige, Vice Chair; Iwase, Taniguchi and Liu.
- H.B. No. 3602, HD 1, SD 1:**
- Senators Ikeda, Chair; Bunda, Vice Chair; Holt, Taniguchi and Liu.
- H.B. No. 3611, HD 1, SD 1:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Tanaka and Anderson.
- H.B. No. 3616, HD 1, SD 2:**

- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Tanaka and Anderson.
- H.B. No. 3618, HD 2, SD 1:**
- Senators Ikeda, Chair; Fernandes Salling, Vice Chair; Kawamoto, Solomon and Anderson.
- H.B. No. 3636, SD 2:**
- Senators Ikeda, Chair; Grauly, Kanno and Liu.
- H.B. No. 3650, HD 1, SD 1:**
- Senators Ikeda, Chair; Grauly, Baker, Bunda, Fernandes Salling, Fukunaga, Kanno, Kawamoto, Solomon, Tanaka, Taniguchi and Liu.
- H.B. No. 3656, HD 2, SD 2:**
- Senators Ikeda, Chair; Grauly, Vice Chair; and Anderson.
- H.B. No. 3711, SD 2:**
- Senators Ikeda, Chair; Holt, Vice Chair; Iwase and Liu.
- H.B. No. 3766, HD 2, SD 2:**
- Senators Ikeda, Chair; Iwase, Vice Chair; Holt and Anderson.
- H.B. No. 3773, HD 1, SD 1:**
- Senators Ikeda, Chair; Baker, Kawamoto, Solomon and Liu.
- H.B. No. 3789, HD 2, SD 2:**
- Senators Ikeda, Chair; Fernandes Salling, Vice Chair; and Kawamoto.
- H.B. No. 3793, HD 1, SD 1:**
- Senators Tam, Chair; Chumbley and Levin.
- H.B. No. 3822, SD 1:**
- Senators Grauly, Chair; Chumbley, Matsunaga and McCartney.
- H.B. No. 3833, HD 1, SD 2:**
- Senators Ikeda, Chair; Ige, Vice Chair; Solomon, Taniguchi and Liu.
- H.B. No. 3852, SD 2:**
- Senators Ikeda, Chair; Matsunaga, Vice Chair; Baker, Fukunaga and Liu.
- H.B. No. 3853, HD 1, SD 1:**
- Senators Ikeda, Chair; Baker, Fukunaga, Kawamoto and Liu.
- H.B. No. 3881, HD 2, SD 2:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Solomon and Anderson.
- H.B. No. 3954, HD 2, SD 1:**
- Senators Ikeda, Chair; Ige, Vice Chair; Kawamoto, Taniguchi and Liu.
- H.B. No. 3968, HD 2, SD 1:**
- Senators Kanno/Ikeda, Co-Chairs; Baker, Kawamoto, Solomon and Liu.
- H.B. No. 4008, HD 1, SD 1:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Fernandes Salling, Solomon and Liu.
- H.B. No. 4010, HD 2, SD 1:**
- Senators Kanno/Iwase, Co-Chairs; and Anderson.
- H.B. No. 4063, SD 1:**
- Senators Ikeda, Chair; Ige, Vice Chair; Solomon, Taniguchi and Liu.
- H.B. No. 4117, HD 2, SD 2:**
- Senators Ikeda, Chair; Matsunaga, Vice Chair; Fernandes Salling, Solomon and Liu.
- H.B. No. 4131, HD 3, SD 2:**
- Senators Ikeda, Chair; Matsuura/Kanno, Vice Chairs; Baker, Kawamoto, Solomon and Liu.
- H.B. No. 4145, HD 2, SD 1:**
- Senators Ikeda, Chair; Holt, Vice Chair; Iwase and Liu.
- Sen. Com. No. 617, informing the House that the President has, on April 17, 1996, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bills:
- S.B. No. 641, SD 2, HD 1:**
- Senators Ikeda, Chair; Fukunaga, Vice Chair; Tanaka, Taniguchi and Liu.
- S.B. No. 1305, HD 1:**
- Senators Grauly/Tam, Co-Chairs; Chumbley and Matsuura.
- S.B. No. 1738, SD 1, HD 2:**
- Senators Ikeda, Chair; Matsunaga, Vice Chair; Kawamoto, Solomon and Liu.
- S.B. No. 1810, SD 1, HD 2:**
- Senators Ikeda, Chair; Baker, Kanno, Solomon and Liu.
- S.B. No. 2022, SD 1, HD 2:**
- Senators Ikeda, Chair; Chumbley, Vice Chair; Fernandes Salling, Kawamoto and Liu.
- S.B. No. 2087, SD 1, HD 2:**
- Senators Ikeda, Chair; Chumbley, Vice Chair; Bunda, Taniguchi and Liu.
- S.B. No. 2088, SD 2, HD 1:**

- Senators Ikeda, Chair; Fernandes Salling, Vice Chair; Baker, Kawamoto, Taniguchi and Liu.
- S.B. No. 2090, SD 2, HD 2:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Solomon and Anderson.
- S.B. No. 2145, SD 1, HD 2:**
- Senators Ikeda, Chair; Chumbley, Vice Chair; Baker, Kawamoto and Liu.
- S.B. No. 2152, SD 1, HD 2:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Solomon and Liu.
- S.B. No. 2186, SD 1, HD 1:**
- Senators Graulty, Chair; Chumbley, Matsunaga and McCartney.
- S.B. No. 2209, SD 2, HD 1:**
- Senators Ikeda, Chair; Chumbley, Vice Chair; Fukunaga, Kawamoto and Liu.
- S.B. No. 2210, SD 1, HD 1:**
- Senators Ikeda, Chair; Chumbley, Vice Chair; Fukunaga, Kawamoto and Liu.
- S.B. No. 2238, SD 2, HD 1:**
- Senators Ikeda, Chair; Matsunaga/Ige, Vice Chairs; Fukunaga and Liu.
- S.B. No. 2278, SD 2, HD 1:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Kawamoto and Anderson.
- S.B. No. 2333, SD 1, HD 1:**
- Senators Ikeda/Fernandes Salling, Co-Chairs; Kawamoto, Taniguchi and Anderson.
- S.B. No. 2338, SD 2, HD 1:**
- Senators Ikeda, Chair; Ige, Vice Chair; Iwase, Taniguchi and Liu.
- S.B. No. 2388, SD 2, HD 1:**
- Senators Ikeda, Chair; Matsuura/Levin, Vice Chairs; Kawamoto and Liu.
- S.B. No. 2401, SD 2, HD 2:**
- Senators Ikeda, Chair; Fukunaga/Holt, Vice Chairs; Iwase and Anderson.
- S.B. No. 2402, SD 1, HD 2:**
- Senators Ikeda, Chair; Matsunaga, Vice Chair; Fernandes Salling, Solomon and Liu.
- S.B. No. 2437, SD 1, HD 2:**
- Senators Ikeda, Chair; Holt, Vice Chair; and Iwase.
- S.B. No. 2485, HD 2:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Kawamoto and Solomon.
- S.B. No. 2662, SD 1, HD 2:**
- Senators Ikeda, Chair; Levin, Vice Chair; Bunda, Tanaka and Liu.
- S.B. No. 2682, SD 1, HD 2:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Bunda, Solomon and Anderson.
- S.B. No. 2726, SD 1, HD 2:**
- Senators Ikeda, Chair; Holt, Vice Chair; Iwase, Solomon and Liu.
- S.B. No. 2730, SD 1, HD 1:**
- Senators Ikeda, Chair; Holt, Vice Chair; Iwase and Anderson.
- S.B. No. 2758, SD 1, HD 2:**
- Senators Ikeda, Chair; Holt, Vice Chair; Iwase, Solomon and Liu.
- S.B. No. 2770, SD 2, HD 2:**
- Senators Ikeda, Chair; Chumbley, Vice Chair; Baker, Kawamoto and Liu.
- S.B. No. 2781, SD 2, HD 3:**
- Senators Ikeda, Chair; Ige/Levin, Vice Chairs; Iwase and Liu.
- S.B. No. 2811, SD 1, HD 1:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Solomon, Taniguchi and Anderson.
- S.B. No. 2836, SD 2, HD 2:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Solomon and Anderson.
- S.B. No. 2848, SD 2, HD 1:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Taniguchi and Anderson.
- S.B. No. 2850, SD 1, HD 1:**
- Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Taniguchi and Anderson.
- S.B. No. 2875, SD 1, HD 2:**
- Senators Ikeda, Chair; Graulty, Vice Chair; Baker, Fernandes Salling, Solomon, Tanaka and Liu.
- S.B. No. 2887, HD 1:**
- Senators Ikeda, Chair; Graulty, Vice Chair; Baker, Fukunaga and Liu.
- S.B. No. 2891, SD 2, HD 2:**
- Senators Ikeda, Chair; Graulty, Vice Chair; Solomon, Taniguchi and Liu.
- S.B. No. 2894, SD 2, HD 2:**
- Senators Ikeda, Chair; Fernandes Salling/Tam, Vice Chairs; Taniguchi and Liu.

S.B. No. 2902, HD 1:

Senators Ikeda, Chair; Ige, Vice Chair; Iwase, Taniguchi and Liu.

Senators Ikeda, Chair; Matsunaga, Vice Chair; Fernandes Salling, Solomon and Liu.

S.B. No. 2913, HD 1:

Senators Ikeda, Chair; Fernandes Salling, Vice Chair; Kawamoto, Solomon and Liu.

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

Representative Yoshinaga, on behalf of Representative Saiki and herself, introduced a group of senior citizens from the Kapahulu/Moiliili Senior Center. They were accompanied by Mrs. Kathy Faye.

S.B. No. 2941, SD 2, HD 2:

Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Solomon and Anderson.

Representative Okamura introduced Mrs. Rose Lau and her daughter from Seattle, Washington.

S.B. No. 2999, SD 2, HD 2:

Senators Ikeda, Chair; Fernandes Salling/Fukunaga, Vice Chairs; Bunda and Liu.

At 11:50 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

S.B. No. 3011, SD 2, HD 2:

Senators Ikeda, Chair; Bunda/Chumbley, Vice Chairs; Holt and Liu.

The House of Representatives reconvened at 11:52 o'clock a.m.

ORDER OF THE DAY**COMMITTEE REASSIGNMENTS**

The following House Bill (H.B. No. 3970) was re-referred as follows:

S.B. No. 3012, SD 2, HD 2:

Senators Ikeda, Chair; Kanno, Vice Chair; Baker, Solomon and Anderson.

H.B. No. Re-referred to:

3970 Committee on Hawaiian Affairs and Housing, then to the Committee on Finance

S.B. No. 3042, SD 2, HD 2:

Senators Ikeda, Chair; Grauly, Vice Chair; Solomon, Taniguchi and Liu.

The following Senate Concurrent Resolutions were re-referred as follows:

S.B. No. 3108, SD 2, HD 1:

Senators Ikeda, Chair; Matsunaga/Tam, Vice Chairs; Fukunaga and Liu.

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

151 Committee on Finance

S.B. No. 3110, SD 2, HD 2:

Senators Ikeda, Chair; Kanno/Chumbley, Vice Chair; Kawamoto and Liu.

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

S.B. No. 3154, SD 2, HD 2:

Senators Ikeda, Chair; Kanno/Chumbley, Vice Chairs; Tanaka and Liu.

STANDING COMMITTEE REPORTS

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1724-96) recommending that S.C.R. No. 168 be referred to the Committee on Finance.

S.B. No. 3158, SD 1, HD 1:

Senators Ikeda, Chair; Holt, Vice Chair; Iwase and Liu.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 168, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COORDINATION OF EFFORTS TO MAKE UNIVERSITY OF HAWAII LIBRARY COLLECTIONS AVAILABLE ON A SYSTEMWIDE AND STATEWIDE BASIS THROUGH MODERN DISTRIBUTED DIGITAL STORAGE SYSTEMS AND TELECOMMUNICATIONS TECHNOLOGIES," was referred to the Committee on Finance.

S.B. No. 3166, HD 1:

Senators Ikeda, Chair; Tanaka, Vice Chair; Iwase, Kawamoto and Anderson.

Representative Lee, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1725-96) recommending that S.C.R. No. 145, SD 1, as amended in HD 1, be referred to the Committee on Finance.

S.B. No. 3198, SD 1, HD 1:

Senators Ikeda, Chair; Levin, Vice Chair; Baker, Tanaka and Liu.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 145, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO

S.B. No. 3231, SD 1, HD 2:

Senators Ikeda, Chair; Fernandes Salling, Vice Chair; Solomon, Tanaka and Liu.

S.B. No. 3240, SD 2, HD 2:

Senators Ikeda, Chair; Matsunaga, Vice Chair; Fernandes Salling, Solomon and Liu.

S.B. No. 3262, SD 2, HD 2:

REVIEW ITS TUITION ASSISTANCE PROGRAM TO ALLOW MORE TIME FOR TUITION ASSISTANCE APPLICATION AND APPROVAL," 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. 1726-96) recommending that S.C.R. No. 267, SD 1, 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 S.C.R. No. 267, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO COMMUNICATE WITH ARTS ORGANIZATIONS AND INDIVIDUAL ARTISTS IN AN OPEN AND TIMELY MANNER WITH INFORMATION THAT IS CONSISTENT AND ACCURATE," was referred to the Committee on Finance.

Representative Morihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1727-96) recommending that S.C.R. No. 171, 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 S.C.R. No. 171, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO INITIATE DEVELOPMENT OF A COMPREHENSIVE AGRICULTURAL WATER DELIVERY MANAGEMENT SYSTEM FOR DIVERSIFIED AGRICULTURE AREAS," was referred to the Committee on Finance.

Representative Morihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1728-96) recommending that S.C.R. No. 186, SD 1, 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 S.C.R. No. 186, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COORDINATION OF EFFORTS OF THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, AND THE DEPARTMENT OF AGRICULTURE TO DEVELOP A PLAN FOR THE SHIPMENT OF HAWAII CATTLE TO THE UNITED STATES WEST COAST THAT IS CONSISTENT WITH SECTION 27 OF THE MERCHANT MARINE ACT, 1920," was referred to the Committee on Finance.

Representative Morihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1729-96) recommending that S.C.R. No. 265, SD 1, 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 S.C.R. No. 265, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO DEVELOP A STRATEGY TO PROMOTE THE STATE COFFEE INDUSTRY," was referred to the Committee on Finance.

At 11:55 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:13 o'clock p.m.

INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)

H.R. No. 331, entitled: "HOUSE RESOLUTION COMMENDING HAWAII'S 1996 SMALL BUSINESS AWARD WINNERS," was offered by Representative Herkes and was read by the Clerk.

Representative Herkes moved that H.R. No. 331 be adopted, seconded by Representative Jones.

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

"Mr. Speaker, I have the pleasure of serving as Chairman of your Committee on Economic Development and Business Concerns, a task which is both challenging and rewarding.

"And today is one of the more rewarding moments for I have the opportunity to express my personal congratulations, as well as those of the House, to the Small Business Award recipients and to preface today's presentation with a few short words.

"Small business represents a lot of things. It is the essence of our free enterprise system, it is the backbone of our State's economy ... small business is the realization of the entrepreneurial dream. And usually, unfortunately, is the first to take the hit during difficult economic times.

"Over the years, I have had the privilege of owning and managing a number of small businesses. I have been in the surfboard manufacturing business, the big service business -- I have owned a couple of restaurants -- and I understand the rewards and the risks that small business entrepreneurs go through.

"We join together this afternoon to honor a group of successful business people. But we also honor our awardees for their community spirit, for overstepping the boundaries of their daily business routines, to take the time and make the effort to give something back to their communities and to those who are less fortunate than themselves.

"Having met and exceeded these criteria, the Honolulu District Office of the U.S. Small Business Administration has selected recipients for the following categories and, Mr. Speaker and members, allow me to introduce the winners to you."

Representative Herkes then asked the following honorees, who were seated on the House floor, to stand to be recognized:

Mr. Richard Moody, the Small Business Person of the Year, from Aloha Conferencing Service, Inc.

Mr. Patrick Novak, the Small Business Exporter of the Year, of the French Gourmet, who was unable to be on the floor.

Mr. Shakil Ahmed, the Young Entrepreneur of the Year, and owner of PDC Systems.

Mr. Jon P. Brubaker, CPA, the Accountant Advocate of the Year from Kauai.

Mr. Stanley H. Fujiyama, from the Bank of Hawaii, the Financial Services Advocate of the Year.

Ms. Lucy Anne Jokiel, the Media Advocate of the Year, from the **Hawaii Investor** magazine.

Ms. Jean Geer, the Minority Small Business Advocate of the Year, of Pacific Business Insights, Inc. "If I am allowed to have a favorite among these, Mr. Speaker, and I will take that as an opportunity, my favorite has got to be Jean Geer for all of the work that she has done for the displaced sugar workers in Kau, and I hope that we can continue to utilize her services for that very important function."

Mr. Edward Kawamura, Sr., the Veteran Small Business Advocate of the Year, of M. Kawamura Farm Enterprises, Inc., and

Ms. Cherylle Morrow, the Woman in Business Advocate of the Year, of Innervation Inc.

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

"I congratulate all of you, but I would like to especially single out Jean Geer as Representative Herkes did. This young lady has been extremely efficient in helping small businesses get the small business loans. She has been a driving force to help the Kau people to get on their feet, and to go through the trauma of losing sugar in their communities.

"I just want to congratulate you and let you know that we do appreciate you and we look forward to working with you.

"Thank you very much, Mr. Speaker."

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

"I am very honored to have the opportunity to speak about a friend and fellow Kauai resident, Edward Kawamura, Sr., who has so unselfishly served his country and community.

"Ed Kawamura is a successful businessman who is President and General Manager of M. Kawamura Farm Enterprises, Inc. This is a business that his father started in 1959 that provides wholesale and retail farming and landscaping equipment, as well as animal feed and fertilizer, to Kauai residents.

"Incidentally, the founder of the firm, Ed's dad -- Mac -- is sitting in the audience," and asked Mac to stand to be recognized.

"We know that in Ed receiving the prize, that the honor is also being conveyed to you. I would be remiss, since we're looking up into the audience, in not recognizing Mr. Andy Poepoe, who is the SBA honcho in Hawaii," and asked Andy to stand to be recognized. With Andy was Janet Nani Long of Representative Kanoho's staff who then rose to be recognized.

"Mac is also a very good friend and strong supporter, such that he has walked the streets with me in my house to house campaigns. You wouldn't believe it, looking at him, but Mac will be 83 in three months and stands about 5 feet tall, but is truly a giant in stature and exhibits a level of kindness and I think has as much energy as all of us put together.

"Ed is a Vietnam veteran who bravely served his country in Southeast Asia at the height of that conflict.

Currently, as President of the Kauai Veterans Council and the Kauai Vietnam Era Veterans Association, he donates a tremendous amount of time and energy to improve the standard of living for veterans. As a representative of the veterans, he has met with officials in Washington, D.C. and has also attended the National Veterans' Convention for Disabled American Veterans. He has held regular workshops to educate Kauai veterans on the current benefits available to them, such as loan programs, medical benefits and insurance.

"Ed was instrumental in the construction of a new \$1.4 million structure which serves as a social hall, meeting place and museum not only for Kauai residents, but for much of the people of Kauai. This is something we are all very proud of and if not for the time, professional skills, labor, material and equipment willingly donated by the veterans, the cost of this project would have easily been many, many times more than the \$1.4 million. This entire project has become a model to be emulated on all islands.

"Thanks to Ed Kawamura, the Kauai veterans have access to all the services and benefits available to them, along with a big, beautiful new facility. He truly deserved to be recognized. Thank you, Ed.

"Thank you, Mr. Speaker."

Representative Stegmaier then rose and stated:

"I rise to speak in favor of the resolution and specifically to honor Richard Moody, the State's Small Business Person of the Year.

"At a Conference on Science and Technology Information and Staffing Resources which you, Mr. Speaker, permitted me to attend at the Harvard School of Government when I was Economic Development Committee Chair, I spoke with great pride about this company, based in Hawaii Kai, that tapped into the magic of Aloha to arrange conference calls instantaneously between people thousands of miles away from each other on the mainland and elsewhere around the world. In spite of our remoteness, our digital communications infrastructure allows us in Hawaii to serve the world in bringing people together just as quickly as anyone else.

"And Hawaii's mystique and spirit of Aloha causes individuals, families and businesses, including many **Fortune 500** companies and governments, to call on Hawaii, and specifically in the person of Richard Moody and his staff at Aloha Conferencing to serve them.

"Aloha Conferencing, now owned by Cable and Wireless, Inc., is serving the world with conference taping, transcription, queuing and security services. And they are now planning to expand into video conferencing and audiographic services.

"Mr. Speaker, Richard Moody is one of the shining successes of the DBEDT, he having received his initial business loan from the department.

"We wish him well in Washington, D.C. next month as he represents Hawaii and contends with 49 other Small Business Persons of the Year for the title of National Small Business Person of the Year.

"Thank you."

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

"I would like to thank these gentlemen and ladies for the great work they have done for the business community, but I would especially like to speak about Mr. Jon Brubaker from the island of Kauai as well. I had the opportunity of sitting with Jon at a Chamber dinner function just a few weeks ago.

"Mr. Jon Brubaker is the Accountant Advocate of the Year, and to those of us who are in business, we know how important the accountant is to us. They help us from paying too much taxes and, more importantly, from underpaying taxes. Mr. Brubaker's commitment to small business and the economic welfare of the island of Kauai is very important. His firm, Jon Brubaker & Co., provides accounting, audit and tax services to small businesses and many nonprofit businesses.

"Mr. Speaker, Jon Brubaker is a staunch supporter of responsible recordkeeping, financial planning for all firms, and he carries this philosophy over to working with many nonprofit organizations, and he does this pro bono. He works with the Kauai Economic Development Board, the Chamber of Commerce, Serenity House, Kauai Housing Authority, Kealahono Recovery Centers, Malama Pono HIV Agency, and many others. He is active in the American Institute of Certified Public Accountants and the Hawaii Society of Certified Public Accountants. He lobbies for accountants and small businesses throughout the State.

"In working with the Kauai Economic Development Board, he has initiated reforms within their accounting systems to allow them to be more efficient in cost, and in reducing the cost of the whole organization's operating budget. Mr. Brubaker has also served as their secretary, their executive committee member, and acted as an accounting and contract administration systems advisor, which is a key role in that organization as well.

"Other activities he supports include the donating of professional services after Hurricane Iniki. He was secretary and Board member of the Kauai Disaster Fund, and he worked with FEMA, the SBA, DBEDT, all after the aftermath of Hurricane Iniki, in helping these people do the work that was very crucial to the recovery of the island of Kauai.

"So with that, I want to thank him for all that he has done for the island of Kauai, and I honor him this day.

"Thank you."

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

"Specifically to Mr. Shakil Ahmed, the Young Entrepreneur of the Year, so I find it very fitting that I am doing this.

"I want to congratulate him on all his hard work and to tell him that as the youngest legislator, I understand how it feels to be striking out in the world and trying to make your mark as a young person -- the young kid on the block. And I appreciate the hard work that you have done, and I wish you all the luck in the world.

"Thank you."

Representative Lee then rose and stated:

"Mr. Speaker, I rise to speak in favor of the resolution with special reference to Richard A. Moody, the 1996 Small Business Person of the Year.

"The significance of his selection is the significance of the change in our economy. Note that he is doing it in

services -- the invisible side of trade which is the forte for Hawaii in the future. We can no longer have the natural advantage in agriculture or in other manufacturing, but Mr. Moody has paved the way for all of us to take advantage of the new technology and the new vistas as it opens up.

"And as he goes to Washington, D.C. to represent Hawaii in the national competition for the U.S. Small Business Person of the Year, we wish him well and wish him all the good luck that he needs, and please come back with the title.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I look forward to this each session because this is the time we can commend our small business community although sometimes it is a thankless job in Hawaii. There's not the glory always that's associated with the role, but there is a saying, Mr. Speaker, that goes something like: 'All men are created equal up to the point of exertion.' Now they should add: 'All women are created equal up to the point of exertion' also.

"But the truth in that is that all entrepreneurs are created equal up to the point of motivation. And that is, some have a bigger fire in the belly than the others and those that are here have that fire. That's why they're here; that's why they are going to go on to the national or to other bigger and better things, because there is that motivation. And that is why business is such a great thing. You don't have to have an education, but you've got to have motivation. You don't have to have money, but you've got to have resources and a lot of sweat equity and elbow grease to get into it.

"Though entrepreneurial talent is randomly distributed, Mr. Speaker, only five to ten percent of any nation is entrepreneurial, again making this group very select. The other ninety to ninety-five percent of us have the entrepreneur sleeping inside of us, Mr. Speaker. Sometimes they work for the government. However, these gentlemen and ladies have 85 out of every 100 jobs coming out of their private sector businesses. We couldn't do without them.

"I commend them for their hard work, and after the flowers, the leis, the pictures and the commendation, keep up the good work. Hawaii needs you. And thank you, Andy Poepoe, for the SBA institutionalizing this day to honor these honorees.

"Thank you, Mr. Speaker."

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

"I want to honor all of the small business people, and especially give my thanks to Cherylle Morrow who is the 1996 Woman in Business Advocate of the Year.

"Cherylle has really become a role model for many of the women in Hawaii. I think you all know how difficult it is for women in business, especially in small business, and she stands here today as a role model for all women in Hawaii that we also can look ahead, and with the same energy and the same enthusiasm, move ahead.

"I say this, Mr. Speaker, as the mother of four children, three of whom are small business people. One has created his own game software company. He has named it Windward Studios after being raised on the

Windward side of Oahu. The problem is, he lives in Texas. He is not here, and I am sorry about that. The other two small business people -- one is on the island of Kauai, struggling in the construction industry which is almost nonexistent over there, and the other is a small business person in the construction industry here on this island.

"I am proud of them as I am proud of these small business people, and I know how difficult it is, how many challenges you have to overcome. And I thank you for being role models for our State.

"Thank you."

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

"I had hoped that Patrick Novak could be here today and I am sorry that he is not. But knowing what a go-getter he is, I guess he doesn't even have the time to stop for just a few hours.

"Over the years, my husband has worked with Mr. Novak, selling him used equipment, new equipment. I would hear the stories, and he's a gentleman that I looked forward to meeting and thought I would meet today.

"Patrick Novak is a man who really epitomizes the spirit of entrepreneurial efforts. He came to this country from France with very little money, leased some space in the basement of a downtown building where he did miraculous things, putting out breads and bakery products under very difficult circumstances. Like many bakers, he was a man who worked, it seemed, 24 hours a day.

"And so I stand to salute all of the honorees here today, because that's what it really takes in business -- small business people must give 150 percent, and these folks have done it well.

"Thank you, Mr. Speaker."

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

"Mr. Speaker and colleagues, today I wear polka dots to welcome two outstanding Kauai Small Business Advocates of the Year -- Mr. Edward Kawamura, Sr. and Mr. Jon P. Brubaker. These busy polka dots represent the busy lives these two gentlemen lead as active community members, devoting countless hours of their time toward the economic welfare and betterment of our island.

"Mr. Kawamura, selected as the Veteran Small Business Advocate, serves as President of the Kauai Veterans Council and the Kauai Vietnam Era Veteran's Association. He has been tireless and devoted in his representation of the needs of the veteran women and men. The community and the entire island have also benefited from his efforts in constructing the new spanning Veteran's Center, which Representative Kanoho mentioned.

"It was this energetic man who spent hours overseeing this exciting project come to being. We applaud his successful management of his family operation of M. Kawamura Enterprises as well as the Veteran Affairs, and he has given all of his generous community commitments to our communities.

"On a different note, Mr. Brubaker operates a very progressive CPA firm. He leads by example, inspiring his associates to do likewise as they volunteer countless hours of their valuable time providing pro bono service to non-

profit entities on Kauai. He is truly a remarkable individual who gives from his heart. It is with this sense of humility that we honor his selection as the Accountant Advocate of the Year.

"So just as these busy polka dots come together with the help of a skilled tailor to form a cohesive working unit, you two gentlemen are honored for your guidance, using your skills to create, fuse, bind and stitch together a successful and cohesive small business community on Kauai.

"Congratulations to you both and to all the Small Business Persons of the Year. We laud your accomplishments and salute your leadership, your managerial and entrepreneurial skills. You all truly epitomize the way to success of small business leadership in our island state.

"Thank you very much, Mr. Speaker."

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

"I, too, would like to congratulate all the ladies and gentlemen that we're honoring today, and it's my privilege to speak on behalf of the 1996 Media Advocate of the Year for the State of Hawaii -- Ms. Lucy Jokiel.

"Mr. Speaker, in business, as in most activities, including government, accurate, timely and insightful information frequently makes the difference between success and failure. In recognition of this and the desire of Hawaii's business community for up-to-date information on local business trends and activities, Ms. Jokiel has devoted her journalistic talents toward the fulfillment of this vital need.

"From the board rooms of Hawaii's major corporations, to the store rooms of mom and pop groceries, the information, commentary, and data compiled and disseminated by Ms. Jokiel has proven to be an invaluable tool in the day-to-day struggle for economic survival.

"Over the past ten years, Lucy has served as editor of both **Hawaii Business** magazine and **Hawaii Investor** magazine. In addition, she personally contributes articles and stories about various business activities and personalities across our State.

"Most recently, she has refocused her editorial mission to cover the many activities and strategies undertaken by the small business community to operate effectively and efficiently in our struggling economy.

"Her personal efforts in this regard have also actively engaged her in Hawaii's White House Conference on Small Business, and the 1995 Hawaii Congress on Small Business.

"Let me also add that her skills as a journalist have not gone without notice or distinction among her literary colleagues. Lucy has been the honored recipient of many awards, including:

- (1) The 1986, 1987 and 1988 Award for Excellence in Business Writing from the Hawaii Publishers Association;
- (2) The 1990 Small Business Hawaii Business Writer of the Year Award; and
- (3) The 1993 Editorial Award from the International Association of Business Communicators.

"Mr. Speaker, Ms. Jokiel has truly demonstrated her personal commitment to making Hawaii a better and more informed place in which to do business.

"Thank you."

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

"I congratulate all of the award winners but especially, Mr. Moody.

"For those of my colleagues who don't know this, I had some serious doubts when I first went to Aloha Conferencing Service several years ago to write the insurance for Aloha Conferencing Service. I had some reservations because his second floor office unit in Hawaii Kai was quite barren. He essentially had only his desk in the back when he started. But Mr. Moody was very positive, and he had an economic advantage. He believed, and it has been borne out, and I give him a lot of credit. He has taught me several things in our talks over the years, but congratulations, Mr. Moody.

"Thank you."

The motion was put by the Chair and carried, and H.R. No. 331 was adopted.

At this time, Certificates of Recognition were presented to the honorees by Representatives Okamura, Thielen, Garcia, Swain, Nekoba, Stegmaier, Isbell and Herkes, and floral leis were given to them by Representatives Meyer, Tarnas, Yoshinaga, Kawakami, Herkes, Chun Oakland, Kanoho, Pepper and Jones.

At 12:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:50 o'clock p.m., the following late introductions were made to the members of the House:

Representative Santiago introduced a group of individuals from the Strength Coalition, "who have been lobbying for general assistance and other programs for the poor."

Representative Thielen introduced a former colleague, Robert Nakata.

APPOINTMENT OF CONFEREES

In accordance with the disagreement of the Senate to the amendments proposed by the House in the following Senate Bills and the request for a conference on the subject matter thereof, the Speaker appointed the following Conferees on the part of the House at such conference:

S.B. No. 1735, SD 1, HD 2:

Representatives Herkes/Say, Co-Chairs; Abinsay, Jones and Marumoto.

S.B. No. 2067, SD 1, HD 1:

Representatives Lee/Menor/Say, Co-Chairs; Case, Kahikina, Takai and Halford.

S.B. No. 2522, SD 1, HD 2:

Representatives Pepper/Kawakami, Co-Chairs; Hamakawa, Isbell and Anderson.

S.B. No. 2795, SD 2, HD 2:

Representatives Pepper/Say, Co-Chairs; Jones, Kawakami and Marumoto.

APPOINTMENT OF CONFEREES (CHANGES)

H.B. No. 1482, HD 1, SD 1:

Representative Yoshinaga has been added as a Conferee.

H.B. No. 3542, HD 2, SD 1:

Representative Thielen has been excused as a Conferee, and Representative Kawanakoa has been added as a Conferee.

H.B. No. 3636, SD 2:

Representative White has been excused as a Conferee.

H.B. No. 3970, HD 1, SD 1:

Representative Say has been added as a Co-Chair, and Representatives Jones and Nakasone have been added as Conferees.

H.B. No. 4117, HD 2, SD 2:

Representative Jones has been excused as a Conferee.

ANNOUNCEMENTS

Representative Takai rose and stated:

"On behalf of you and the members of this House, your Co-Chairs working very hard on the Hawaii Foodbank this year; namely, Representatives Arakaki, Chun Oakland, Nekoba, Thielen and myself, have been working with the members of this House to ensure our success. I just wanted to remind the members that tomorrow is the deadline for the Foodbank Drive. I would also like to invite all of you to join us, if you have some time on Saturday, 10:00 a.m. We are going to go down as a group to deliver whatever we have to the Foodbank people at Restaurant Row.

"I would also like to add that today the Senate came over to my office and tried to negotiate with us to extend the deadline to Monday, and being negotiators under your leadership, we held steadfast and the deadline is 5:00 p.m. Friday, so please, members, those of you who have not participated yet, please contribute and deliver everything to my office.

"Thank you, Mr. Speaker."

Representative Arakaki then rose and stated:

"That's really good news, Mr. Speaker, but I'm afraid for you and I, Mr. Speaker, for the old-timers -- we're in third place. It doesn't sound too bad except that there's only three teams, so I want to urge all the old-timers -- let's show our giving spirit, and let's not fall too far behind.

"Thank you, Mr. Speaker."

Representative Okamura: "There will be a very important Majority caucus immediately following session in the Majority Caucus Room."

ADJOURNMENT

At 12:52 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, April 19, 1996.

FIFTY-FOURTH DAY

Friday, April 19, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:43 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend John Strickland of the Unity Church, 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 Fifty-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 Fifty-Third Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 618 to 620) were read by the Clerk and were placed on file:

Sen. Com. No. 618, informing the House that the President has, on April 18, 1996, appointed as Conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 4074, HD 1, SD 1:

Senators Ikeda, Chair; Iwase, Vice-Chair; Bunda, Holt and Anderson.

Sen. Com. No. 619, informing the House that the President has, on April 18, 1996, appointed as Conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 1735, SD 1, HD 2:

Senators Ikeda, Chair; Matsunaga, Vice-Chair; Baker, Kawamoto and Liu.

S.B. No. 2067, SD 1, HD 1:

Senators Ikeda, Chair; Ige, Vice-Chair; Iwase, Taniguchi and Liu.

S.B. No. 2227, SD 1, HD 2:

Senators Ikeda, Chair; Tam, Vice-Chair; Baker, Bunda and Liu.

S.B. No. 2522, SD 1, HD 2:

Senators Ikeda, Chair; Levin, Vice-Chair; Fernandes Salling, Kawamoto, Solomon, Tanaka and Liu.

S.B. No. 2795, SD 2, HD 2:

Senators Ikeda, Chair; Levin, Vice-Chair; Kawamoto, Taniguchi and Liu.

Sen. Com. No. 620, informing the House that the President has, on April 18, 1996, made changes to the following Senate Bills:

S.B. No. 2264, SD 2, HD 2:

Removes Senator Grauly as a member and adds him as a Vice-Chair.

S.B. No. 2280, SD 2, HD 1:

Removes Senator Levin as a member and adds him as a Vice-Chair.

S.B. No. 2304, SD 1, HD 2:

Removes Senator Matsuura as a member and adds him as a Vice-Chair.

S.B. No. 2322, SD 2, HD 2:

Removes Senator Grauly as a member and adds him as a Vice-Chair.

S.B. No. 2458, SD 2, HD 2:

Removes Senators Iwase/Grauly as members and adds them as Vice-Chairs.

S.B. No. 2713, SD 2, HD 2:

Removes Senator Matsuura as a member and adds him as a Vice-Chair.

S.B. No. 2723, SD 2, HD 1:

Removes Senator Holt as a member and adds him as a Vice-Chair.

S.B. No. 2733, SD 1, HD 2:

Removes Senator Holt as a member and adds him as a Vice-Chair.

S.B. No. 2777, SD 2, HD 2:

Removes Senator Tam as a member and adds him as a Vice-Chair.

S.B. No. 2819, SD 2, HD 1:

Removes Senator Bunda as a member and adds him as a Vice-Chair.

S.B. No. 2821, SD 2, HD 2:

Removes Senator Grauly as a member and adds him as a Vice-Chair.

S.B. No. 2856, SD 1, HD 2:

Removes Senator Matsuura as a member and adds him as a Vice-Chair.

S.B. No. 2859, SD 2, HD 2:

Removes Senator Matsuura as a member and adds him as a Vice-Chair.

S.B. No. 2866, SD 2, HD 2:

Removes Senators Bunda/Aki as members and adds them as Vice-Chairs.

S.B. No. 3232, SD 2, HD 2:

Removes Senator Fernandes Salling as a member and adds her as a Vice-Chair.

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

Representative Takamine introduced a group of students from the Big Island "who will be participating in a public hearing on the Senate side for the Committee on Education." They were accompanied by their advisors, Milton Oyama and Kathy Kunishige.

Representative Santiago introduced the officers of Drug Busters from Waialua High School, as follows: Jennifer Bagasol, President; Judith Bucasas, Vice-President; and Shancy Grilho, Treasurer. They were accompanied by their advisors, Dan Yahata and Karen Paty. With them also was Ron Valenciana, Editor of the **North Shore News**.

STANDING COMMITTEE REPORTS

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1730-96) recommending that S.C.R. No. 52 be adopted.

Representative Amaral moved that the report of the Committee be adopted and S.C.R. No. 52 be adopted, seconded by Representative Thielen.

Representative Ward rose and requested a conflict ruling, saying that the United Nations is his employer/contractor, and the Chair ruled "no conflict."

Representative Ward then spoke in favor of the resolution, stating:

"Mr. Speaker, this resolution is a reminder to our countrymen that we not only have international presence, but international responsibilities with that presence.

"The United Nations is owed over a billion dollars by our country. This is primarily in the form of peacekeeping, mobility as well as poverty alleviation that is in all parts of the world, and some of those of which I have served in. I know without the United Nations, some of the people who are, in effect, alive today would not be alive.

"There are about 175 members in the United Nations. The United States is still the leader, the United States is still the richest, and we are still giving the worst role model possible by being the leader and not paying our dues. We are the one who owes the most to the United Nations.

"Mr. Speaker, this is just a friendly reminder, and we should get on with it.

"Thank you."

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

"I would like the Journal to reflect that the remarks made by the Minority Leader reflect my opinion, that the United States government should pay its debt promptly in order to maintain the solvency of the United Nations so that the United Nations can carry out all of its missions from which the United States profits so much.

"Thank you, Mr. Speaker."

The Chair "so ordered."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 52, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ASSIST IN ASSURING THAT THE UNITED STATES CONTINUES TO SUPPORT THE UNITED NATIONS BY PAYING ITS SHARE OF CONTRIBUTIONS TO MAINTAIN THE FINANCIAL SOLVENCY OF THE UNITED NATIONS," was adopted.

Representative Takumi, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1731-96) recommending that S.C.R. No. 212 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 212, entitled: "SENATE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF A RELATIONSHIP OF FRIENDSHIP AND PEACE THROUGH EDUCATION AND OTHER MEASURES BETWEEN THE STATE OF HAWAII AND THE PREFECTURE OF HIROSHIMA, JAPAN," was adopted.

Representative Arakaki, for the Committee on Hawaiian Affairs and Housing, presented a report (Stand. Com. Rep. No. 1732-96) recommending that S.C.R. No. 252 be referred to the Committee on Public Safety and Military Affairs.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 252, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO DISCUSS WITH THE UNITED STATES DEPARTMENT OF DEFENSE THE POSSIBILITY OF FEDERAL MILITARY INCLUDING AS PART OF THEIR REGULAR TRAINING ACTIVITIES IN HAWAII, THE CONSTRUCTION OF INFRASTRUCTURE ON HAWAIIAN HOME LANDS," was referred to the Committee on Public Safety and Military Affairs.

Representative Arakaki, for the Committee on Hawaiian Affairs and Housing, presented a report (Stand. Com. Rep. No. 1733-96) recommending that S.C.R. No. 260, SD 1, be referred to the Committee on Finance.

Representative Amaral moved that the report of the Committee be adopted and S.C.R. No. 260, SD 1, be referred to the Committee on Finance, seconded by Representative Thielen.

Representative Amaral rose to speak against the resolution, stating:

"I rise in opposition, Mr. Speaker, in part simply to give notice to the members of my concern. I note that this is going on to the Finance Committee, so I would ask that the members consider this.

"This resolution deals with appointing a joint interim committee to coordinate efforts and facilitate dialogue between the State administration and Hawaiian sovereignty leaders on the establishment of a Hawaiian Nation Trading Region.

"All I would note is that I believe that is not properly the role of State government to deal with nations trading. I believe also that this is premature. In fact, the supporters of this resolution are people that believe themselves to be the only nation -- Hawaiian nation -- and we have not yet even had a plebiscite or vote to

determine whether or not Hawaiians want to talk about self-governance or about nationhood.

"So, I think this is actually an attempt, Mr. Speaker, to try to undermine the existing system that is moving forward to poll native Hawaiians about the issue of nationhood, and I think it also supplants actually the powers of government. That's why I'm speaking against this measure.

"Thank you very much."

Representative Lee then rose and stated:

"Mr. Speaker, I think the Majority Floor Leader has persuaded me that I ought to share her reservations and, therefore, join her in voting against this resolution."

Representative Kawanakoa then rose to register his no vote, "for the same reasons as given by the Majority Floor Leader," and the Chair "so ordered."

Representative Isbell then rose to register her no vote, saying, "I, too, have been persuaded."

Representative Shon then rose to register his no vote, and the Chair "so ordered."

Representative Kahikina then rose to register his no vote, and the Chair "so ordered."

Representative Halford then rose to register his no vote, and the Chair "so ordered."

At 11:55 o'clock a.m., Representative Amaral asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:01 o'clock p.m., Representative Okamura called for the previous question, seconded by Representative Amaral and carried.

Representative Thielen rose and stated:

"Mr. Speaker, I would like to have some discussion on that motion."

Chair: "It has been moved and seconded. . ."

Representative Thielen: "I would like to discuss on that motion, Mr. Speaker."

Chair: "There is no discussion on this floor."

Representative Thielen: "I'm discussing on the motion that was posed by Representative Okamura and seconded by Annelle Amaral."

Chair: "It has been moved and seconded, I will call for the question. All those in favor, signify by saying 'aye' -- all those opposed? Motion is carried."

Representative Thielen then rose on a point of personal privilege and stated:

"Mr. Speaker, I would like to ask why we are not allowed to have discussion on a motion on the floor of the House?"

The Chair responded:

"The Chair has ruled and the Majority has ruled. Will you please be seated, Representative."

Representative Thielen stated:

"Mr. Speaker, as the point of privilege, I would like to know where it says in the House Rules that we are not allowed to have discussion on a motion?"

The Chair answered:

"The House Rules can be amended by the Majority at any time, and you know that yourself, Representative."

Representative Okamura then rose and asked for a recess, and at 12:03 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:05 o'clock p.m., the motion was put by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 260, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE HAWAII STATE LEGISLATURE TO APPOINT A JOINT INTERIM COMMITTEE TO COORDINATE EFFORTS AND FACILITATE DIALOGUE BETWEEN THE STATE ADMINISTRATION AND HAWAIIAN SOVEREIGNTY LEADERS ON ESTABLISHING A HAWAIIAN NATION TRADING REGION," was referred to the Committee on Finance, with Representatives Amaral, Halford, Isbell, Kahikina, Kawanakoa, Lee and Shon voting no.

Representatives Arakaki and Pepper, for the Committees on Hawaiian Affairs and Housing and Health, presented a joint report (Stand. Com. Rep. No. 1734-96) recommending that S.C.R. No. 191, 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 S.C.R. No. 191, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO REAFFIRM THE TRUST RESPONSIBILITY OF THE STATE FOR IMPROVING THE HEALTH STATUS OF HAWAIIANS TO THE HIGHEST POSSIBLE LEVEL," was referred to the Committee on Finance.

APPOINTMENT OF CONFEREES

In accordance with the disagreement of the House to the amendments proposed by the Senate in the following House Bill and the request for a conference on the respective subject matter thereof, the Speaker appointed the following Conferees on the part of the House at such conference:

H.B. No. 3347, SD 1:

Representatives Tom, Chair; Herkes, Swain, White, Yamane and Kawanakoa.

APPOINTMENT OF CONFEREES (CHANGES)

H.B. No. 1716, HD 1, SD 1:

Representative Say has been assigned to be lead Co-Chair.

ANNOUNCEMENTS

Representative Arakaki rose and stated:

"Today represents the one year anniversary of the tragedy that occurred in Oklahoma, and I want to ask you

if we can have a moment of silence for the 168 people who died in that tragedy. Besides that, although it was a tragedy and it represented a loss of innocence for this country and also made us aware of our sense of vulnerability not just in Oklahoma, but all over this country, including Hawaii, I think it also represented an indomitable spirit that responds to tragedy such as this. And it also showed the compassion and caring that is also a response from the people and it is also evident here in Hawaii.

"I would point to the tremendous response that the plea for bone marrow donations had, as well as the tremendous response we've had to our Foodbank Drive, and with that I would like to ask you that we have a moment of silence not just for the tragedy, but also for all of these responses.

"Thank you."

The Chair then asked the members of the House and audience to stand for a moment of silence.

Representative Stegmaier then rose and stated:

"Governor Cayetano has declared, by a proclamation, that tomorrow, April 20th, will be Kaiwi State Park Day, and I would like to invite my colleagues to join Representative Chun Oakland, Representative Ward and other colleagues and citizens who support the creation of Kaiwi State Park, to join us at the First Annual Sandy Beach Music Festival from noon until sunset tomorrow."

Representative Chun Oakland then rose and stated:

"I would like to, on behalf of the Committees on Human Services and Health, point out this blue ribbon that is on your desks. April is Prevent Child Abuse Month and we really would like your support by putting the ribbon on your car or whatever vehicle you have, to show your support for the effort to prevent child abuse in Hawaii."

Representative Takai then rose and stated:

"On behalf of the other co-chairs of the House's effort for the Foodbank Drive this year, I would like to thank everyone for participating. We have received a hundred percent participation among not only the members of this House, but also our support offices. And I would also like to remind everyone that we have still a few more hours to contribute so if you do have some items in your offices, my staff will be coming around sometime between now and 3:00 o'clock today.

"We would also like to once again invite everyone to the celebration at Restaurant Row tomorrow. We will be meeting at my office at 10:00 a.m., and we will be going down to Restaurant Row as a group. On Monday, as a sign of cooperation with the Senate, we will be giving all of our items to the Hawaii Foodbank at about 1:30 p.m. in front of the Father Damien statue, so you are all invited.

"Now, we set a goal of 100 points per office and we have exceeded that goal, so we are over 5100 points which is better than last year. But I have heard recently that the Senate has on their floor right now almost six thousand pounds of food, so it's going to be pretty close, but I am confident that we will come through with all your help. I am not suggesting that you donate any more because a lot of people have donated considerable amounts of money and rice, and rice, and rice.

"Thank you very much, Mr. Speaker."

Representative White then rose and asked:

"Mr. Speaker, may we ask Representative Takai to let us know which team is ahead and by how much, and which team is in the tail position and by how much?"

Representative Takai answered:

"We're in a very difficult situation because I am quite sure the Senate is listening to us right now. We have about four more hours to the end. But I am sure that Team No. 2, which Representative White is a member of, is still in the lead, and I think Team No. 1 -- the veterans -- and Team No. 3 -- the freshmen -- are running neck and neck, so it will be very close. We're all pretty close, but I think Team No. 2 is still ahead by just a little."

Representative Kawakami then rose and requested waiver of the 48-hour hearing notice requirement for the Finance Committee to hear some resolutions at 2:00 p.m. this afternoon in Room 308, and the Chair "so ordered."

ADJOURNMENT

At 12:12 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 Monday, April 22, 1996.

FIFTY-FIFTH DAY

Monday, April 22, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:44 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Chaplain Captain Larry Sharp of Schofield Barracks, after which the Roll was called showing all members present with the exception of Representatives M. Oshiro and Tom, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 621 to 624) were read by the Clerk and were placed on file:

Sen. Com. No. 621, returning House Concurrent Resolution No. 112, HD 2, which was adopted by the Senate on April 19, 1996.

Sen. Com. No. 622, informing the House that the President has, on April 19, 1996, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 2358, HD 1, SD 1:

Senators Fernandes Salling, Chair; Tanaka, Taniguchi and Anderson.

H.B. No. 2384, HD 1, SD 1:

Senators Fernandes Salling, Chair; Tanaka, Taniguchi and Anderson.

H.B. No. 2598, SD 1:

Senators Holt, Chair; Iwase and Anderson.

H.B. No. 3347, SD 1:

Senators Grauly, Chair; Chumbley, Matsunaga, Matsuura, McCartney, Tam and Anderson.

H.B. No. 3520, SD 1:

Senators Ikeda/Kanno, Co-Chairs; Baker, Solomon and Taniguchi.

Sen. Com. No. 623, informing the House that the Senate has made the following changes to Senate conferees assignments for the House Bills listed below:

H.B. No. 50, HD 2, SD 2
H.B. No. 3211, HD 1, SD 2
H.B. No. 3577, HD 2, SD 2
H.B. No. 3618, HD 2, SD 1
H.B. No. 3789, HD 2, SD 2

Senator Fernandes Salling is discharged as a Vice-Chair and is added as a Member.

Senator Baker is added as a Vice-Chair.

H.B. No. 3340, HD 1, SD 1

H.B. No. 3579, HD 2, SD 2

Senator Fernandes Salling is discharged as a Vice-Chair and is added as a Member.

Senator Baker is discharged as a Member and is added as a Vice-Chair.

H.B. No. 3138, HD 1, SD 2

Adds Senator Fukunaga as an additional member.

H.B. No. 3154, HD 2, SD 2

H.B. No. 3421, HD 2, SD 2

Adds Senator Ihara as an additional member.

H.B. No. 3512, HD 2, SD 1

H.B. No. 3968, HD 2, SD 1

Adds Senator Taniguchi as an additional member.

Sen. Com. No. 624, informing the House that the Senate has made the following changes to Senate conferees assignments for the Senate Bills listed below:

S.B. No. 641, SD 2, HD 1

Adds Senator Ihara as an additional member.

S.B. No. 2401, SD 2, HD 2

Adds Senators Chumbley and Grauly as additional members.

S.B. No. 1234, SD 1, HD 2

S.B. No. 2758, SD 1, HD 2

S.B. No. 2999, SD 2, HD 2

Adds Senator Kanno as an additional member.

S.B. No. 2088, SD 2, HD 1

S.B. No. 2894, SD 2, HD 2

S.B. No. 2913, HD 1

S.B. No. 2999, SD 2, HD 2

S.B. No. 3231, SD 1, HD 2

Senator Fernandes Salling is discharged as Vice-Chair and is added as a Member.

S.B. No. 2088, SD 2, HD 1

Senator Baker is discharged as a Member and is added as a Vice-Chair.

S.B. No. 2333, SD 1, HD 1

Senator Fernandes Salling is discharged as a Co-Chair and is added as a Member.

Senator Baker is added as a Vice-Chair.

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

Representative Arakaki introduced members of the Kalihi/Palama Children and Adolescent Mental Health Team, accompanied by their leader, Sabrah Hitchcock.

Representative Arakaki then introduced his "shadows" for today -- Esperalda Pastor and Brandon Alcantra, eighth graders at Dole Intermediate School.

Representative Chun Oakland then introduced her "shadows" -- Janna Lee Mariano and Jenai Lineer, eighth graders at Dole Intermediate School.

Representative Abinsay introduced his "shadow" -- Jennifer Galaza, an eighth grader at Dole Intermediate School.

STANDING COMMITTEE REPORTS

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1735-96) recommending that S.C.R. No. 108, SD 1, 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 report of the Committee was adopted and S.C.R. No. 108, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO EXPAND AND GRANT PERMANENT STATUS TO THE TEMPORARY VISA WAIVER PROGRAM ESTABLISHED UNDER THE IMMIGRATION CONTROL AND REFORM ACT OF 1986," was referred to the Committee on Intergovernmental Relations and International Affairs.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1736-96) recommending that S.C.R. No. 243, SD 1, 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 S.C.R. No. 243, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP AN OVERALL HEALTH TOURISM STRATEGY FOR THE STATE OF HAWAII," was referred to the Committee on Finance.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1737-96) recommending that S.C.R. No. 246, SD 1, 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 S.C.R. No. 246, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII PUBLIC BROADCASTING AUTHORITY TO DEVELOP, IN CONSULTATION WITH OTHER PUBLIC PROGRAMMING USERS, A TRANSITION PLAN FOR BECOMING A COMMUNITY LICENSEE," was referred to the Committee on Finance.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1738-96) recommending that S.C.R. No. 57, SD 1, 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 S.C.R. No. 57, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO RECOMMEND AN APPROPRIATE SCOPE AND WORK PLAN FOR THE ESTABLISHMENT OF A TASK FORCE FOR THE REVIEW AND STUDY OF ALL GOVERNMENT REGULATION OF CONTRACTORS AND THE BUILDING INDUSTRY," was referred to the Committee on Legislative Management.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1739-96) recommending that S.C.R. No. 77, SD 2, 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 joint report of the Committees was adopted and S.C.R. No. 77, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION INVESTIGATING THE OPTIONS OF ARBITRATION FOR DISPUTES BETWEEN CONDOMINIUM ASSOCIATIONS, CONDOMINIUM OWNERS, AND THEIR MANAGING AGENTS," 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. 1740-96) recommending that S.C.R. No. 195, SD 1, 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 S.C.R. No. 195, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, IN CONJUNCTION WITH PUBLIC AND PEG PROGRAMMING ENTITIES, TO ESTABLISH A STRATEGIC PLAN TO MAXIMIZE USE OF ENHANCED CABLE AND TELEVISION CAPACITY," was referred to the Committee on Finance.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1741-96) recommending that S.C.R. No. 286, SD 1, 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 S.C.R. No. 286, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE APPROPRIATE CRITERIA UNDER WHICH UTILITY LINES SHALL BE PLACED UNDERGROUND, AND OF THE APPROPRIATE MEANS OF FINANCING ANY COST DIFFERENTIAL BETWEEN OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES," 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. 1742-96) recommending that S.C.R. No. 247, SD 1, 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 S.C.R. No. 247, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ASSIST IN DEVISING A PLAN TO ASSURE THE LONG-TERM VIABILITY OF PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS CABLE TELEVISION ACCESS IN HAWAII," was referred to the Committee on Finance.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1743-96) recommending that S.C.R. No. 209, SD 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 S.C.R. No. 209, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DETERMINE THE FEASIBILITY OF ESTABLISHING REGIONAL SPORTS PLAYING FIELDS AND SPRING BASEBALL TRAINING CAMPS THROUGHOUT THE STATE OF HAWAII," was referred to the Committee on Finance.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1744-96) recommending that S.C.R. No. 258, SD 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 S.C.R. No. 258, SD 1, entitled: "SENATE 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.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1745-96) recommending that S.C.R. No. 263, SD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 263, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE OWNERS AND INSURERS OF KAUAI HOTELS CLOSED AS A RESULT OF HURRICANE INIKI MAKE EVERY EFFORT TO REOPEN THE HOTELS," was referred to the Committee on Consumer Protection and Commerce.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1746-96) recommending that S.C.R. No. 176, SD 1, 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 S.C.R. No. 176, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF HAWAII'S CONGRESSIONAL DELEGATION TO MOOR THE U.S.S. MISSOURI (BB-63) IN BATTLESHIP ROW," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1747-96) recommending that S.C.R. No. 66 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 66, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UTILIZATION OF COMPUTER TECHNOLOGY FOR THE EMPOWERMENT OF THE STUDENT COMMUNICATION NETWORK," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1748-96) recommending that S.C.R. No. 86 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the

Committee was adopted and S.C.R. No. 86, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS NOT TO ENACT FEDERAL LEGISLATIVE MANDATES ON STATES WITHOUT NECESSARY FUNDING," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1749-96) recommending that S.C.R. No. 100 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 100, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE CONGRESS TO CONSIDER AMENDING THE ESTATE TAX LAW TO INCREASE THE UNIFIED CREDIT AGAINST ESTATE TAX SO THAT THE VALUE OF A DECEDENT'S PRINCIPAL RESIDENCE SHALL NOT BE TAXED OR AMEND THE DEFINITION OF 'GROSS ESTATE' TO EXCLUDE THE VALUE OF A DECEDENT'S PRINCIPAL RESIDENCE," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1750-96) recommending that S.C.R. No. 137 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 137, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ADOPT AND IMPLEMENT PROCEDURAL GUIDELINES FOR ASSISTIVE TECHNOLOGY," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1751-96) recommending that S.C.R. No. 164, SD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 164, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT INTERIM COMMITTEE ON EDUCATION BUDGET REFORM," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1752-96) recommending that S.C.R. No. 168 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 168, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COORDINATION OF EFFORTS TO MAKE UNIVERSITY OF HAWAII LIBRARY COLLECTIONS AVAILABLE ON A SYSTEMWIDE AND STATEWIDE BASIS THROUGH MODERN DISTRIBUTED DIGITAL STORAGE SYSTEMS AND TELECOMMUNICATIONS TECHNOLOGIES," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1753-96) recommending that S.C.R. No. 188 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 188, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVISIT ITS REQUIREMENTS FOR UPGRADING FROM CESSPOOLS TO INDIVIDUAL WASTEWATER SYSTEMS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1754-96) recommending that S.C.R. No. 208, SD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 208, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF, AND MAKE RECOMMENDATIONS FOR, A VOLUNTEER ENFORCEMENT PROGRAM FOR THE ILLEGAL USE OF HANDICAPPED PARKING," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1755-96) recommending that S.C.R. No. 253, SD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 253, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE KEAHOLE-KONA INTERNATIONAL AIRPORT FUEL NEEDS ENLISTING THE ASSISTANCE FROM PRIVATE SECTOR FUEL PROVIDERS," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1756-96) recommending that S.C.R. No. 43, SD 1, HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 43, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO USE ITS EXPERTISE TO PLAN A SUSTAINABLE ECONOMIC BASE FOR HAWAII COUNTY," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1757-96) recommending that S.C.R. No. 186, SD 1, HD 1, be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 186, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COORDINATION OF EFFORTS OF THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, AND THE DEPARTMENT OF AGRICULTURE TO DEVELOP A PLAN FOR THE SHIPMENT OF HAWAII CATTLE TO THE UNITED STATES WEST COAST THAT IS CONSISTENT WITH SECTION 27 OF THE MERCHANT MARINE ACT, 1920," was adopted.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1758-96) recommending that S.C.R. No. 282, SD 1, HD 1, as amended in HD 2, be adopted.

By unanimous consent, action was deferred to the end of the calendar.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1759-96) recommending that H.R. No. 59 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.R. No. 59, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO REPORT ON ITS PROGRESS IN ESTABLISHING A COMPREHENSIVE WORKFORCE DEVELOPMENT SYSTEM IN HAWAII," was adopted.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1760-96) recommending that S.C.R. No. 169, as amended in HD 1, be adopted.

Representative Amaral moved that the report of the Committee be adopted and S.C.R. No. 169, HD 1, be adopted, seconded by Representative Thielen.

Representative Shon rose to speak against the resolution, stating:

"Mr. Speaker, I appreciate that this has been modified from its original form, but I have often felt that the issue of social promotions is a constant dilemma for our schools, and that when youngsters enter intermediate and high school, if they cannot achieve a 2.0 average, it is probably because the school system has failed them up to that point. A 2.0 average is not a difficult thing to achieve in our school system if every grade level have done their job and worked with those youngsters.

"I know that this is an attempt to deal with folks who are in high school who are just hanging on -- sports or something are important aspects of their lives that may be keeping them in school, and I approve of that. But I also am afraid of the growing sentiment, I think, which is to loosen our standards in our schools which, in the long run, does a disservice to the students as they move through the system.

"For those small reasons, I'll just vote no.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 169, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO STUDY THE 2.0 GRADE POINT AVERAGE RULE FOR STUDENTS TO PARTICIPATE IN CO-CURRICULAR ACTIVITIES," was adopted, with Representative Shon voting no.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1761-96) recommending that S.C.R. No. 175, SD 1, 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 S.C.R. No. 175, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO REVIEW AND REVISE THE SCHOOL CODE AND DEPARTMENT OF EDUCATION ADMINISTRATIVE RULES TO REFLECT RECENT SYSTEMIC REFORMS," was adopted.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1762-96) recommending that S.C.R. No. 45 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 45, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING

THE STATE DEPARTMENT OF EDUCATION TO ADVISE PARENTS AND GUARDIANS OF THE STUDENT CODE OF CONDUCT AND THEIR RESPONSIBILITIES RELATING TO IT," was adopted.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1763-96) recommending that S.C.R. No. 261 be adopted.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the report of the Committee was adopted and S.C.R. No. 261, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE SCHOOL INSPECTION PROGRAM AND IMPROVEMENT IN THE INSPECTION CRITERIA AND PROCESS," was adopted.

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

The House of Representatives reconvened at 1:02 o'clock p.m.

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 1758-96 and S.C.R. No. 282, SD 1, HD 2:

Representative Amaral moved that the report of the Committee be adopted and S.C.R. No. 282, SD 1, HD 2, be adopted, seconded by Representative Thielen.

Representative Thielen then offered the following amendment to S.C.R. No. 282, SD 1, HD 2:

"SECTION 1. Senate Concurrent Resolution 282, S.D. 1, H.D. 2, is amended by amending line 30 on page 2 to read:

'the economic impacts as well as economic impacts on law enforcement and human services of these forms of legalized gaming in'

SECTION 2. Senate Concurrent Resolution 282, S.D. 1, H.D. 2, is amended by amending line 38 on page 2 to read:

'and pari-mutuel horse racing, including the related economic impacts on law enforcement and human services, in Hawaii; and'

SECTION 3. Senate Concurrent Resolution 282, S.D. 1, H.D. 2, is amended by amending lines 41 to 42 on page 2 to read:

'Consumer Affairs, the Hawaii Visitors Bureau, the Airlines Committee of Hawaii, the Attorney General, representatives of the law enforcement community, the county prosecutors, and the U.S. Attorney are requested to cooperate with DBEDT by'

SECTION 4. Senate Concurrent Resolution 282, S.D. 1, H.D. 2, is amended by amending lines 10 to 11 on page 3 to read:

'the executive heads of the Hawaii Visitors Bureau, and the Airlines Committee on Hawaii; the Attorney General; the Chief of the Honolulu Police Department; the Prosecuting Attorney for each county; and the U.S. Attorney.'

Representative Thielen moved that the amendment be adopted, seconded by Representative Ward.

Representative Thielen rose to speak in support of the amendment, stating:

"Mr. Speaker, it's a rather difficult place for me to be in at this moment. I do not support any form of gambling. I don't support going ahead with the study of the economic impacts of shipboard casinos and pari-mutuel horse racing in Hawaii.

"However, being practical, I thought with the vote the last time that this resolution looks like it is going to make it through the process, so then I decided ... what should I do to make it less slanted, to make it less than an obvious dunk shot, or whatever you want to call it, in gambling lingo? And I decided what was missing from this resolution is any assessment of the economic impact on law enforcement and on human services. And if we were going to call for a study to be done and have it be such a slanted study, we could just as well save the taxpayers the money. Unless it has all of the aspects looked at, then we aren't going to end up with a valid study.

"I have some information that was recently brought to my attention after our last debate on this measure, when someone called me from the island of Maui and said, 'Get ahold of the article that was written in the **Minneapolis Star Tribune** that has been excerpted in the recent **Reader's Digest**.'

"In Minnesota, the people wager \$4.1 billion legally in the state each year. And you would think, oh, well, great, the state is benefiting from that. Well, the answer is 'no.' It's created a new class of addicts, victims and criminals whose activities are devastating families. Even the conservative estimates in Minnesota, Mr. Speaker, show that the social toll that problem gambling cost Minnesotans more than \$200 million per year in taxes lost in bad debts and crime. That's the kind of information that we need to get at to see what would happen to Hawaii if we go take that 'first step on the road to degradation,' quoting from the **Music Man**.

"Many experts have agreed that the potential for gambling addiction hits the most vulnerable group -- the teenagers -- and we're dealing with human service needs of the teens right now. We're dealing with crime -- escalating crime -- and we're dealing with all of those social needs. The study, without this amendment to it, won't even look at that -- it would just put on blindfolds and won't pay any attention to that.

"There's been a pawnshop boom -- that's great for small business! The pawnshops are booming in Minnesota, but bankruptcies have increased significantly. We know that our State is one of the highest in bankruptcies in the nation. In Minnesota, there are twenty times as many people who have gambling debts that go through bankruptcy. That's been the change that has occurred there.

"We know about the high crime rate. The National Council on . . .

At this point, Representative Say rose on a point of order and stated:

"Can the speaker confine her remarks to the amendment that is on the floor at this particular point, Mr. Speaker? Her speech is in regards to all forms of gaming. We are just addressing this floor amendment in regards to enforcement and human services on legalized gaming."

The Chair asked Representative Thielen to "please confine your remarks to the amendment," and asked Representative Thielen to "proceed."

Representative Thielen thanked the Chair and continued, saying:

"If you'll turn to page 2 of my amendment, if the Finance Chair will turn to page 2 of my amendment, lines 28 and 29, I want to add the 'economic impacts on law enforcement and human services.'

"The National Council on Problem Gambling has found that 75 percent of gamblers treated at in-patient centers had committed a crime. That's the information that we need to get at -- the economic impact on law enforcement. And you know, you would think that these might be people that were out there in the criminal sector anyway, but it's not correct. In most gambling-related embezzlement cases, authorities say the court file shows the same thing -- no previous criminal record.

"Do you see what that means? What that means is that we go ahead with a study -- without this economic impact on law enforcement and human services -- if we go ahead without this amendment, we end up with a study that is not going to give us the data upon which to make a sensible decision in future sessions. Their research efforts that have gone on across the country, many of them have been criticized by saying, we don't know how much problem gamblers cost society.

"Mr. Speaker, my amendment asks us to look at what do problem gamblers cost our society here in Hawaii? There are significant social and economic impacts, and few of these problems have been documented by states across the nation, as this article notes. It would be, I think, very wrong for us as legislators to say, we're going to ignore those issues, and ignore that portion of the information, and just go ahead with a closed-minded study that obviously is going to come out and say, 'Whoopie, let's watch the horses run, let's legalize pari-mutuel betting, and let's go ahead with shipboard gambling.'

"Even taking out the words, 'the B', or as my colleague called it the other day, the 'BL' which is short for 'bull,' even taking that out and calling it 'gaming' doesn't make it any better. What we're saying here is go do a slanted study, come back to the Legislature next year with your slanted study, which then members can hold up and wave in the air saying, 'Gaming would be good for the State of Hawaii.

"Well, Mr. Speaker, I think that's such a shibai. I think it's so clear to see through that whole attempt, and that's why this resolution is before the members, to say, if you really want information, if you want to know how many bankruptcies we'll create, if you want to know how many teenagers we'll throw into addiction, if you want to know what the Department of Human Services will have to deal with, then look at those aspects as well. Include the economic impacts on law enforcement and human services. Look at the whole spectrum of what stepping on this road to degradation could do to us in the State of Hawaii. Don't go about this with blinders. Horses wear blinders, legislators should not.

"Thank you, Mr. Speaker."

"Representative Amaral then rose to speak against the amendment, stating:

"Mr. Speaker, it was pointed out by the previous speaker that the intention of this floor amendment is to expand the study in order to examine two additional issues, that with respect to economic impact on law enforcement, and also the economic impact on human services. And so laying on the members' desks are

amendments to Sections 1, 2, 3 and 4, as outlined by the previous speaker. I think not noted with respect to the lines that are amended, members would have to look accordingly to those.

"My first point, Mr. Speaker, in speaking against this floor amendment, is that in the reading of Senate Concurrent Resolution 282, SD 1, HD 2, there is nothing in my reading of this House Draft 2, Mr. Speaker, that appears to, in the study of the economic impact on these two aspects of gaming, prevent them from looking at the economic impacts on law enforcement or on human services.

"I would add also, Mr. Speaker, and reference the committee report, that the committee report attached notes in the fourth paragraph down that your committee notes the economic impacts on law enforcement and human services are also key issues for the study. As the study does not prevent anyone from looking at this issue, as the committee report in fact indicates that these are issues, it certainly is possible with this resolution, as written, to proceed and look into these issues if the members deem that to be important enough and if this task force deems that to be important.

"However, Mr. Speaker, my objection goes even further than that. On the face of it, it would appear as if these amendments are to expand the study and therefore bring better information back to the Legislature. I noticed that in the amendments, where we have added on that representatives from the law enforcement community should be involved in the study, we note that copies of this resolution are transmitted to only the Attorney General, the Prosecuting Attorney, the U.S. Attorney, and a representative from one Police Department, that is the Honolulu Police Department. It would seem, on the face of it then, Mr. Speaker, that none of the neighbor island Chiefs of Police have any expertise in this issue as we need not disseminate this to them.

"It would seem also, Mr. Speaker, that although we are very concerned about the social impact and the social concerns to our community, no copies go to the head of the Department of Human Services. There is no inclusion of human service providers in this task force to look into this issue. But, perhaps, within the scheme of things, as we have previously pointed out, it is possible already to include human services as we are not prevented from doing that.

"On the face of it, it seems, Mr. Speaker, that in fact the true intent of this amendment is to raise the red flag that gambling causes crime, that gambling is wrong, and that we should kill this study at all cost. If that is the issue before us, then we waste our time, Mr. Speaker, talking about a floor amendment. Let us get to the real issue then, if that's the intent here -- not to add more light to this, not to add more information to this decision-making, but simply to muddy up the issue and frighten people that we have not enough data and not enough information to move forward. Then I resent very much that we are wasting our time with a resolution such as this when there is no real desire, no real intention, to bring good, hard data forward. I believe that it is possible already in the resolution that is before us, and I would ask the members to please vote this amendment down.

"Thank you."

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

"I begin by thanking the Finance Chair for including in paragraph 4 of the committee report that the issue of law

enforcement and human services is also a key issue. And this is the second time around that the amendment has been proposed, and I appreciate the ten/fifteen minutes that we had in Finance to discuss it.

"However, Mr. Speaker, I think the way it reads without the amendment to the resolution, it's a non-resolution. It's like you asking for a profit and loss statement, and we know that two parts of a profit and loss statement are projected income and projected expenses, and what we're saying here is, give us the projected income, show us how much we're going to make on parimutuel or shipboard gambling, or we're not going to look at the down side by specifying, even though it is so serious, and if the Majority Floor Leader really means what she said about the HPD is going to have to have more investigations or more cost attached to it, why don't we put it in the resolution and get both sides of the issue? Just to have income, economic impacts without outgoing economic expenses, is really making this a pseudo-resolution. So if we're very serious about really measuring economic impacts, we've got to see the balance side, not only cash in but cash out, Mr. Speaker. That's what the whole issue is.

"If we can't accept this amendment, let's step back and really be objective about it and look at the federal level -- what they're doing -- as the national gambling study is about to get approval, about to take effect, for all those many legislative bodies like ourselves who are now backing off from this very subject.

"As I said earlier, why should we have a very manini micro study in Hawaii when we're going to have the benefit of gambling and its impact in all the states, in all the different methodologies that they've tried to make a quick buck of, and it seems as though they're backing off. So the wiser thing is to have the study, having the cash in and the cash out parts of the economic impact; or secondly, not having any resolution whatsoever and wait for the federal National Commission on Gambling to give its report before we venture into this any further.

"Thank you, Mr. Speaker."

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

Representative Thielen then rose to speak against the resolution, stating:

"Mr. Speaker, before the question is called again ... I am a little bit sensitive as I said ... and I want to be sure that I cast a resounding **NO** vote on this resolution.

"Mr. Speaker, I think, as my colleague has said, that when we do a study of economic impacts related to legalized gambling, a little paragraph on page 1 is not going to make the difference. Page 1 of the committee report drops off when this resolution goes back over to the Senate because the Senate will have to have a Conference Committee on this, the way the bill has been amended. They may agree to ours, but a committee report doesn't mandate anything. The resolution is the direction.

"So although the committee report notes that economic impacts on law enforcement and human services are key issues for this study, the actual resolution doesn't involve any of those people, isn't directed to go to any of those people, and we obviously are going to end up with a very biased report that will be brought to us before the next legislative session.

"I think that it's a misuse of taxpayers' money. I think it's the way that we start pulling the first olive out of the bottle in the hopes then that all the rest of the 50 olives

will then just automatically pop out easily with an aye vote, legalizing gambling in the State. I think it's a mistake, Mr. Speaker, and I vote strongly against it.

"And I would hope, Mr. Speaker, that the question wouldn't be called before all of those members that want to go on record in the Journal, showing that they oppose this measure, have an opportunity to stand up and say so. Otherwise, the Journal reflects who votes no, and if no one has stood up and added their names to that list, you will be noted among all the ayes as assuming that you were here present and the ayes carried the measure. So I hope we would have adequate time for people to voice their opposition.

"Thank you, Mr. Speaker."

Representative White then rose to speak in favor of the resolution, stating:

"I think you know, as many of the people in this chamber know, that I am no great friend of gambling, but I have always said that if it can be proven that this is going to have a positive effect, then I may reconsider. If it's not going to have an impact on some of the sectors of our economy that I believe it will, then I may be more willing to support it.

"In my view, an economic impact is an economic impact. I think while the Minority Floor Leader's concerns about the limitation of this study may seem well-founded, let's face it -- if DBEDT is instructed to evaluate the economic impacts, then it should include all economic impacts. If it is going to impact the State's tax collections because of the recent Supreme Court decision, and if Indian tribes are able to come in here and remove funds from the State by taking it from our visitors and shipping it out, then that's an economic impact that ought to be evaluated. If it's going to hurt small businesses by diverting business from the many activities that our visitors partake in while they are staying here, then that's an economic impact, and that should be evaluated. If we are creating something that will establish a level of social impacts, social impacts, as we all know in discussing General Assistance and other social programs here in the past couple of weeks, that has an economic impact and that should be included. If there's an impact on crime, that means there's a law enforcement impact.

"So as we go forward with this study, I know, Mr. Speaker, that these kinds of things will be evaluated because if they are not evaluated, then we are not presenting the full range of concerns necessary to consider this issue in any upcoming legislative sessions. If we are not doing a full, complete study, then it is not going to move members of this House forward on the gambling issue, and with that I vote up on this measure with the confidence that we will proceed with an effective study.

"Thank you, Mr. Speaker."

Representative Isbell then rose to speak in opposition to the resolution, stating:

"First of all, I am opposed to gambling so I find no need to study it. But the second thing that I am very concerned about is that at the hearings, the Attorney General is very clear about the fact that it was putting us in very deep jeopardy if we should ever put any kind of gambling on the table for a vote and actually pass it, and that has to do with Indian gaming. Whether or not we want to accept her opinion at this time is not relevant. I think everybody needs to read that Supreme Court decision and they need to look at all of the laws that are there on gaming already. And I think you will find that they could come in and as a matter of fact, according to

the law, if someone who has sovereignty wants to have a konani game and it was traditional, that would be a class 1, and they could actually do that.

"But I want to, at this time, mention that these words will be in the Journal, and I want them to be very clear that when we have other states in the nation who are now trying to figure how to get out of gambling because of the social aspects and the impacts it had on their state, I question why in the world we would even consider doing it. Are we so far off, so bad in debt, that we have to have gambling which we must depend on people losing to make money? The only way that any state can make any money is to have people lose, and so by losing money, the state is supposed to be 'gaining' money.

"So I would ask only that my colleagues who will be here next year, to take a look at gaming in its full spectrum, that they requested the Attorney General for a full opinion and based it on fact, and as a matter of fact, we do ask the Attorney General for opinions all the time and we take them as gospel. Here we have an Attorney General who has given us an opinion and we're saying -- well, she has overstepped her bounds, she doesn't know all the figures or something, so I'm saying to you that I respect the Attorney General, I respect all of you, and I respect the fact you will all have an opportunity next year because, as someone had pointed out, regardless of how this study comes out, there will be bills before you on gaming.

"Good luck and mahalo."

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

"Certainly, Mr. Speaker, I understand that some of our members have concerns about the Indian Gaming Regulation Act and have felt quite swayed by the opinions of our Attorney General, and I'm not here to comment on whether or not our Attorney General is correct or incorrect. All I know, Mr. Speaker, however, is that we have documentation before us regarding the recent Supreme Court decision regarding the Seminole Tribe of Florida vs. Florida. The opinion was announced March 27, 1996. Essentially what the high court did in a 5 to 4 decision was to strike down the Gaming Act provision that said, 'An Indian tribe may sue a state in federal court if the state does not define clearly on what reservation it will allow gambling.' The Seminoles had sued the state of Florida after Governor Childs did not agree to the tribe's plan for gambling on one of its five Florida reservations.

"And essentially, I guess, why states celebrated this decision was that it goes to the heart of the Eleventh Amendment and to the heart of state's rights. In particular, what is important however for us to be aware of is that tribal nations do not get to step into a state simply because you pass laws regarding gambling and willy-nilly take over the rights to gamble there. The Indian Gaming Regulation Act provides that tribes cannot conduct gambling on newly-acquired tribal lands unless the Secretary of the Interior, the local officials, and the Governor of the state: One, meet with them and come up and concur with that gambling use; and secondarily, that the state is assured that this is not detrimental to the surrounding communities. Beyond that, certainly the Supreme Court decision went even further in order to identify where federal government's rights end and where state government's rights begin, and asserted the sovereignty rights of the state to be able to prevent and to be able to have a say as to whether or not the Indian nations could come in and begin gambling on their turf.

"Some of us have a copy of the full text of the opinions. We would be more than happy to share it. Having gotten some looks from the Journal Clerk, I certainly do not want to enter the full text into the record so I will just make an allusion to it and let it suffice at that.

"Thank you, Mr. Speaker."

Representative Santiago then rose and requested the Clerk to register a no vote for him, and the Chair "so ordered."

Representative Halford then rose and requested the Clerk to register a no vote for him, and the Chair "so ordered."

Representative Swain then rose and requested the Clerk to register an aye with reservations for him, and the Chair "so ordered."

Representative Chun Oakland then rose and requested the Clerk to enter a no vote for her, and the Chair "so ordered."

Representative Chun Oakland continued, saying:

"Just in terms of what the Representative from Maui was hopeful of that would be included in the economic impact, I do hope that all the different aspects that he mentioned, in fact, will be in this study.

"Thank you."

Representative Kahikina then rose and requested the Clerk to register a no vote for him, and the Chair "so ordered."

Representative Case then rose and asked the Clerk to register a no vote for him, and requested brief remarks be inserted in the Journal, and the Chair "so ordered."

Representative Case's remarks are as follows:

"Mr. Speaker, I rise to speak in opposition to this resolution.

"Mr. Speaker, when this matter was before us on Second Reading, I voted aye with reservations. As I stated at the time, my support was on the basis that an objective and comprehensive study of the economic effects of shipboard casino and pari-mutuel gambling could be beneficial to the ongoing debate on this subject notwithstanding my own opposition to legalized gambling.

"My reservations expressed concern that the particular study identified in the resolution would be neither objective nor comprehensive. Among other issues, that draft of the resolution took a narrow view of the extent of economic effects and had an equally narrow resource base consisting virtually exclusively of the tourism industry.

"My hope was that the subsequent committee would correct these omissions and strengthen the resolution. I do not, however, believe that the House Draft 2 before us today accomplishes these goals, for a number of reasons.

"First, the resolution continues to provide a self-constrained scope of inquiry as to exactly what economic effects are to be studied; the question is broader than simply the direct economic impact to the tourism and directly-related industries. Second, the omission of the tourist industry from the specified resource base also weakens the resolution; the concern expressed in my previous remarks was simply that the industry not be the only resource base, but it is, on the other hand, a necessary one.

"Some may argue that these objections are splitting hairs. But my concern, in light of the continued objection of a majority of the public to any legalized gambling, is that any such study be scrupulously fair, balanced and objective, or not be conducted at all.

"Thank you."

Representative Kanoho then rose and asked the Clerk to register an aye with reservations for him, and the Chair "so ordered."

Representative Saiki then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered."

Representative Tarnas then rose and asked the Clerk to register an aye with reservations for him, and the Chair "so ordered."

Representative Tarnas continued, saying:

"My reservations are that it is not clearly stated in the resolution what is an economic impact, and I concur with the previous speaker from Maui that economic impact truly means that economic impact on law enforcement, human services and economic impacts of any subsequent decisions that may, therefore, be expected or possible by passage of a limited gaming through pari-mutuel or through shipboard gambling.

"So I just want to make it very clear that my intent as a legislator is that economic impact in this resolution includes that, and I would certainly hope that through my comments in the Journal and other comments that that is clear to DBEDT when they do the study.

"Thank you, Mr. Speaker."

Representative Nekoba then rose and asked the Clerk to register an aye with reservations for him, and the Chair "so ordered."

Representative Garcia then rose and asked the Clerk to register an aye with reservations for him, and the Chair "so ordered."

Representative Stegmaier then rose and asked the Clerk to record an aye with reservations for him, and the Chair "so ordered."

Representative Stegmaier continued, saying:

"I did vote in opposition to an earlier draft of this resolution, and the reason was that there was not an effort directing DBEDT to look at the social and psychological impacts of gambling.

"I see that in what the Finance Committee has done, the amendment to the resolution, as well as the committee report, commits that the economic impact on law enforcement and human services will be a part of this study. That goes far enough to allay my concerns that it will be too one-sided to provide much new information to us, and for that reason, I'm supporting this resolution as it stands right now, with reservations."

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

"I have two very brief comments, Mr. Speaker. One is, I believe, it would be naive to think that a hostile takeover by the American-Indian gaming community is not a reality. This is not an endorsement for the Attorney General, but I believe the way that this case was stated very explicitly in the Finance Committee, she was not

playing tiddly-winks with what was going to happen. If they came in and bought a piece of property, in short of doing which otherwise in bed with the feds they could do, and they have done so in other states. So I think it is naive to think that . . . we put it in the Journal and you can read it and find out for yourself, and I think what Representative Isbell has said has very well established the fact that this is serious big business on their part. If you have any questions about it, wait for the National Indian Lottery when your kids start buying Indian tickets to win a scholarship to the University.

"My second point is this, Mr. Speaker. To some of us, the issue is as clear as the question -- does Marilyn Monroe need a face-lift? This is from our generation where Hawaii has the most beautiful face in the world and we're asking -- do we need a face-lift? Do we need to study if we need a face-lift in Hawaii? To me, it is so clear, that once you've got the beauty of Hawaii, you don't have to study as to whether or not it's needed. It's known without experience; it's just implicitly known as the most beautiful place in the world -- it just doesn't need gambling.

"Thank you, Mr. Speaker."

Representative Takai then rose and requested the Clerk to cast an aye with reservations for him, and the Chair "so ordered."

Representative Marumoto then rose to speak against the resolution, stating:

"I really would not know what to do with this resolution if I were DBEDT. I guess to study it would be an interesting project. I'd probably farm it out to a contractor, but I wouldn't know what to tell that person in terms of the scope of the study or the parameters of it.

"It asks to study the economic impacts, but it doesn't say, well, we want X-number of casinos for you to study. It may be hard to study something when you don't know whether this entails one casino or fifty casinos on ships, whether it's confined to one island or to all four islands, and it does make a difference on the economic impact. Are these casinos on ships forced to leave the dock, or are they like many on the Mississippi waterfront, just tied up permanently to the dock? At a certain point, you make more money with each ship but then when you get over X-number of ships, then you might start losing money, so it's very difficult to assess an economic impact. We don't know how many jobs it will entail, so how do you tell somebody how to study this particular problem?

"The same with the pari-mutuel racing. It kind of boggles my mind to figure out whether this means a racetrack in Hawaii or several racetracks in Hawaii, or do we just bring in pari-mutuel betting from Vegas, piped in via the Internet or closed-circuit TV, and it makes a big difference on the economic impact. But do we tell them to, well, study the whole thing, in which case it will take several hundred thousand of dollars, and I am sure that there might be some room in the budget set aside for this particular study.

"It is also impossible to assess the losses in setting economic impact because it asks you to look at people not going to Las Vegas; in other words, local people who will vacation at home instead or bet at home. It's hard to measure. They want us to look at Asians who do not choose Hawaii to vacation in because we don't have gambling. They ask to assess investments that don't come to Hawaii because we don't have gambling, and the number of people who are relocating to Las Vegas for a better life. Well, who knows how many people we've already lost and how many we will lose in the future?"

"It's just a very large request, and for that reason, I just think it's an impossible one to fulfill. I would ask all my colleagues to vote no on this measure.

"Thank you."

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

"My reason for voting no is I see that this resolution is worded in such a way that you're almost guaranteed a very slanted report.

"My other reason is that, on the national level the realization that gambling is not the panacea that all have hoped for, and they are now observing very large problems, and a lot of money will go into that study.

"We have the advantage of being a state that has not succumbed to gambling and we should sit back and wait for that report. And I see no reason why we should spend our money to do a report that will not be as extensive as the national one.

"Thank you, Mr. Speaker."

Representative Kawanakoa then rose and requested the Clerk to register a no vote for him, and the Chair "so ordered."

Representative Anderson then rose and requested the Clerk to register a no vote for her, and the Chair "so ordered."

Representative Takumi then rose and requested the Clerk to register an aye with reservations, and the Chair "so ordered."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 282, SD 1, HD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE ECONOMIC IMPACTS OF SHIPBOARD CASINOS AND PARI-MUTUEL HORSE RACING IN HAWAII," was adopted, with Representatives Anderson, Case, Chun Oakland, Halford, Isbell, Kahikina, Kawanakoa, Marumoto, Meyer, Saiki, Santiago, Thielen and Ward voting no. (Representatives Garcia, Kanoho, Nekoba, Stegmaier, Swain, Takai, Takumi and Tarnas voted aye with reservations.)

CONFERENCE COMMITTEE REPORT

Representatives Pepper and Stegmaier, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2897, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 2) recommending that H.B. No. 2897, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and H.B. No. 2897, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

ANNOUNCEMENTS

Representative Takai rose and stated:

"I would like to encourage those who have some time to run upstairs, take a picture with Father Damien and all of

our food, so we can have it for our **Legislative Rapper**, our newspaper, immediately following session."

Representative Cachola then rose and asked the Chair to give Representative Takai and all the co-captains a big hand for a job well done. (The members of the House and audience gave them a round of applause.)

Representative Kawanakoa then rose and stated:

"For those of you who haven't had the chance to read the newspaper -- I know it's a very busy time of the year -- but I would like to remind my colleagues of a Hawaiian Unity Rally that will be held at the State Capitol from 12:00 noon to 1:00 p.m. tomorrow afternoon. I would encourage all the legislators -- Hawaiian at heart -- to please come and attend and for the other legislators to come and listen to upwards of over a thousand participants voicing their opposition to Senate Bill No. 1698."

ADJOURNMENT

At 1:49 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, Tuesday, April 23, 1996.

FIFTY-SIXTH DAY

Tuesday, April 23, 1996

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:13 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Jennifer Ma (7th grader) and Taryn Horner (8th grader) of St. Andrew's Priory, after which the Roll was called showing all members present with the exception of Representatives Cachola, Menor, Swain and Yamane, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-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 Fifty-Fifth Day was approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 199 and 200) were read by the Clerk and were placed on file:

Gov. Msg. No. 199, requesting immediate consideration and passage of Administration Proposal LRB-12(96), introduced as HB-3520, Making An Emergency Appropriation for Unemployment Benefits to Former State Employees, in accordance with Section 9, Article VII, of the Constitution of the State of Hawaii.

Gov. Msg. No. 200, requesting immediate consideration and passage of Administration Proposal EDN-10(96), introduced as HB 3438, Relating to Supplementary Appropriations for the Fiscal Year Ending June 30, 1996, in accordance with Section 9, Article VII, of the Constitution of the State of Hawaii.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 625 to 643) were read by the Clerk and were placed on file:

Sen. Com. No. 625, informing the House that the President has, on April 22, 1996, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 1559, SD 2:

Senators Ikeda, Chair; Levin, Vice Chair; Fernandes Salling, Kawamoto, Solomon, Tanaka and Liu.

Sen. Com. No. 626, informing the House that the President has, on April 22, 1996, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 1557, SD 2, HD 1:

Senators Grauly/Fernandes Salling, Co-Chairs; Matsunaga, Matsuura and Anderson.

S.B. No. 2124, HD 1:

Senators Grauly, Chair; Chumbley, Matsuura and Anderson.

Sen. Com. No. 627, informing the House that the Senate has adopted House Concurrent Resolution No. 5, HD 1, SD 1, on April 22, 1996.

Sen. Com. No. 628, returning House Concurrent Resolution No. 16 which was adopted by the Senate on April 22, 1996.

Sen. Com. No. 629, returning House Concurrent Resolution No. 27 which was adopted by the Senate on April 22, 1996.

Sen. Com. No. 630, returning House Concurrent Resolution No. 49, HD 1, which was adopted by the Senate on April 22, 1996.

Sen. Com. No. 631, returning House Concurrent Resolution No. 56 which was adopted by the Senate on April 22, 1996.

Sen. Com. No. 632, returning House Concurrent Resolution No. 63, HD 2, which was adopted by the Senate on April 22, 1996.

Sen. Com. No. 633, informing the House that the Senate has adopted House Concurrent Resolution No. 84, HD 1, SD 1, on April 22, 1996.

Sen. Com. No. 634, informing the House that the Senate has adopted House Concurrent Resolution No. 150, HD 1, SD 2, on April 22, 1996.

Sen. Com. No. 635, informing the House that the Senate has adopted House Concurrent Resolution No. 159, SD 2, on April 22, 1996.

Sen. Com. No. 636, informing the House that the Senate has adopted House Concurrent Resolution No. 197, HD 1, SD 1, on April 22, 1996.

Sen. Com. No. 637, informing the House that the Senate has adopted House Concurrent Resolution No. 220, SD 1, on April 22, 1996.

Sen. Com. No. 638, informing the House that the Senate has adopted House Concurrent Resolution No. 259, SD 1, on April 22, 1996.

Sen. Com. No. 639, informing the House that the Senate has adopted House Concurrent Resolution No. 276, HD 1, SD 1, on April 22, 1996.

Sen. Com. No. 640, informing the House that the Senate has adopted House Concurrent Resolution No. 284, SD 1, on April 22, 1996.

Sen. Com. No. 641, informing the House that the Senate has adopted House Concurrent Resolution No. 289, HD 2, SD 1, on April 22, 1996.

Sen. Com. No. 642, returning House Concurrent Resolution No. 300 which was adopted by the Senate on April 22, 1996.

Sen. Com. No. 643, informing the House that the Senate has adopted House Concurrent Resolution No. 324, HD 1, SD 1, on April 22, 1996.

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

Representative Marumoto introduced Mrs. Deanne Aoki and her mother-in-law, Mrs. Gladys Aoki, of Kailua.

Representative Stegmaier introduced a group of kindergarteners from Koko Head School. They were accompanied by their teachers, Mrs. Gloria Zane and Mrs. JoAnn Kumamoto; Mrs. Karen Harunaga, part-time teacher; Ms. Kathleen Liden, student teacher; and parents, Mrs. Janine Kuramoto, Mrs. Laurel Matsumoto and Mrs. Mary Ann Kukalini.

Representative Arakaki introduced his "shadows" -- Gerome Balbin and Geroff Peters, sixth graders at Dole Intermediate School.

Representative Chun Oakland introduced her "shadows" -- Ken Lee and Kim Nguyen from Dole Intermediate School.

Representative Abinsay introduced Melvin Ragadio, his "shadow" from Dole Intermediate School.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

S.C.R. No. 174 was re-referred to the Committee on Education.

CONFERENCE COMMITTEE REPORT

Representatives Hiraki, Tom and Yoshinaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2433, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 3) recommending that H.B. No. 2433, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3 and H.B. No. 2433, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ward and carried, the rules were suspended for the purpose of reconsidering action previously taken.

RECONSIDERATION OF ACTION TAKEN

Representative Okamura moved that the House reconsider its action taken on April 12, 1996 in disagreeing to the amendments proposed by the Senate to House Bill Nos. 2384, HD 1 (SD 1); 2411, HD 1 (SD 2); 2598 (SD 1); 2789, HD 1 (SD 1); 2957 (SD 1); 2991 (SD 1); 3208, HD 2 (SD 1); 3333 (SD 1); 3520 (SD 1); 3567, HD 1 (SD 1); 3581 (SD 1); 3611, HD 1 (SD 1); 3616, HD 1 (SD 2); and 4010, HD 2 (SD 1), seconded by Representative Ward and carried.

Representative Okamura then gave notice of intent to agree to the amendments proposed by the Senate to House Bill Nos. 2384, HD 1 (SD 1); 2411, HD 1 (SD 2); 2598 (SD 1); 2789, HD 1 (SD 1); 2957 (SD 1); 2991 (SD 1); 3208, HD 2 (SD 1); 3333 (SD 1); 3520 (SD 1); 3567,

HD 1 (SD 1); 3581 (SD 1); 3611, HD 1 (SD 1); 3616, HD 1 (SD 2); and 4010, HD 2 (SD 1).

APPOINTMENT OF CONFEREES

In accordance with the disagreement of the House to the amendments proposed by the House in the following Senate Bills and the request for a conference on the respective subject matter thereof, the Speaker appointed the following Conferees on the part of the House at such conference:

S.B. No. 1557, SD 2, HD 1:

Representatives Hiraki/Tom, Co-Chairs; Nakasone, White and Thielen.

S.B. No. 2124, HD 1:

Representatives McMurdo/Tom, Co-Chairs; Case, Hamakawa and Thielen.

S.B. No. 2144, HD 2:

Representatives Arakaki/Nekoba, Co-Chairs; Hamakawa, Tarnas and Kawanakoa.

ANNOUNCEMENTS

At this time, Representative Case, on behalf of the members of the House, wished Representative McMurdo a belated "Happy Birthday!"

Representative Takai then rose and stated:

"I don't want to belabor this too much but the fact that we have never won the Legislature Foodbank Drive, we have to mention it more often than not because we need this to be reflected in the Journal.

"I did want to thank everyone here, but also my staff wanted me to recognize all the staff throughout the House of Representatives -- from the custodians to the clerks, to the receptionists, our office managers, our legislative aides -- everyone helped to contribute. And, as a matter of fact, if it wasn't for them, I don't think we would have won.

"I also wanted to mention that in the three-way race between the freshmen, the seasoned members and the veterans, the freshmen won. But it was very close. The freshmen had a 205.8 point average; the seasoned members (1988, 1990 and 1992 elections) had 202.6 point average; and the veterans, Mr. Speaker (1982, 1984 and 1986 classes) had 194.3 point average. If we totalled all of our physical weights here, the amount of food that we contributed to the Foodbank this year would have exceeded that so if you can envision. . .and some of you didn't join us yesterday in our send-off, but we had tons and tons of food. As a matter of fact, the Legislature this year contributed more than nine tons of food.

"I also wanted to, at this time, recognize a few of the Representatives and their staffs for their outstanding work. These are members of the 300 Club -- 300 points or more -- namely, Representatives Anderson, Arakaki, Chun Oakland, Lee, Nakasone, Say, White and Takai, Chief Clerk Pat Mau-Shimizu and Linda Oamilda. All of these offices contributed more than 300 pounds.

"And finally, Mr. Speaker, I couldn't have done this without the help and assistance of our co-chairs -- Representatives Arakaki, Chun Oakland, Nekoba and Thielen. But more importantly, I don't think I could

have done it without my staff and I want to mention and recognize them at this time: Baron Gushiken, Hisao Yamashita and Stuart Saito.

"Thank you, Mr. Speaker."

The Chair then stated:

"Thank you very much. It's a job well done."

Representative Thielen then rose and stated:

"As one of the co-chairs, I would like to give a sincere 'thank you' to Representative Takai for his leadership, his perseverance, tiny bit of pushing which was really very good, and I think, really, the credit goes to you, Representative Takai, for leading us into a victory this year. Your act is going to be a hard one to follow.

"Thank you."

ADJOURNMENT

At 11:59 o'clock a.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 24, 1996.