

FIFTEENTH DAY

Thursday, February 6, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 12:13 o'clock p.m. with the Speaker presiding.

The invocation was delivered by Captain John Chamness of the Salvation Army Leeward Corps, after which the Roll was called showing all members present with the exception of Representative Menor, who was excused.

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, reading of the Journals was dispensed with and the Journals of the Seventh, Eighth, Ninth and Tenth Days were subsequently approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 136 and 137) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 136, transmitting copies of the Report on the University's Progress in Expanding Teacher Training Opportunities to Other Communities in the State, pursuant to HCR 124, HD 1, SD 1.

Gov. Msg. No. 137, transmitting copies of the Hawaii Aquaculture Advisory Council 1996 Report, prepared by the Department of Land and Natural Resources Division of Aquatic Resources, pursuant to Section 189G-3, Hawaii Revised Statutes.

SENATE COMMUNICATION

Sen. Com. No. 5, transmitting Senate Bill No. 149, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," which passed Third Reading in the Senate on February 5, 1997, was received and announced by the Clerk and was placed on file.

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, S.B. No. 149 passed First Reading by title and further action was deferred.

At 12:17 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 12:33 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following House Bills were re-referred to committee by the Speaker:

**H.B.
Nos.**

Re-referred to:

248 Committee on Higher Education, then to the Committee on Finance
366 Committee on Finance

1433 Committee on Education, then to the Committee on Finance

1482 Committee on Finance

1544 Committee on Finance

1545 Committee on Finance

1555 Committee on Labor and Public Employment, then to the Committee on Finance

1691 Committee on Finance

1904 Committee on Higher Education, then to the Committee on Finance

2068 Committee on Education, then to the Committee on Finance

2069 Committee on Education, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 115) recommending that H.B. No. 701, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 701, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL SECURITY ATTENDANTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Menor being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 116) recommending that H.B. No. 849 pass Second Reading and be referred to the Committee on Judiciary.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 849 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative M. Oshiro.

Representative Arakaki rose and asked the Clerk to cast a no vote for him, stating:

"I would like to explain my no vote, Mr. Speaker.

"With all due respect to the Education Chair, the bill is well intended; however, what it does is it creates a way of finding out students who use drugs through drug testing based on suspicion, and I think this would set a dangerous precedent to have untrained people have access to this type of testing.

"And I guess, as we heard this morning in the Health Committee from students who were formerly in treatment and formerly substance abusers, that the real key is they need access to people who care for them, who are not judgmental, and who are really there to help them. Unfortunately, we don't have that kind of resources in the schools, and this is going to require that the other departments provide those resources and, as we also heard in this morning's committee hearings, those resources have greatly diminished.

"So although I like the intention, that is to provide treatment to students who abuse drugs, I think we need to find other ways to do that.

"Thank you, Mr. Speaker."

Representative Kahikina then rose in opposition to H.B. No. 849 and requested that the remarks of Representative Arakaki be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Tarnas then rose and stated:

"I am persuaded by the comments made by the former speakers and would also like to cast a no vote on this measure.

"I want to emphasize, too, that drug testing has its flaws and, in fact, some of the more harmful substances that are used and abused by some folks, not just young folks, don't show up on drug tests after a couple of days. For those substances that are also used and possibly abused that last a lot longer, those are the ones that are not quite as harmful.

"So if we're really serious about reducing harm to the individuals, then I think we need to approach it in a much more supportive manner as opposed to a manner that is much more penalizing.

"Thank you."

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

"The intention of this bill is to have those who are in close contact with students at the school level participate in attempting to correct the problem that seems to exist among some students. The suspicion would cause parents of the student who is having an apparent drug problem to be contacted, and the parents would determine whether testing for this minor would be allowed or not. In that sense, it is voluntary testing.

"The testing will be done professionally. The Department of Education explained that they did not have the funds nor the means to do the testing. But the bill calls on the Department of Human Services, the Department of Health, and the Department of Education to work together to provide the proper testing to see if a student is having a drug difficulty. And then it would call on those same three agencies or departments to work together to provide counseling and drug treatment for this young person, hopefully, before the young person is in such a state that he or she has to leave school and go to a Bobby Benson Treatment Center or somewhere else.

"The basic concept here is that we can't turn our backs on young people who are clearly having a problem, and we need to intervene with the proper skills and involving the proper professionals to correct the problem before it is too late. And for that reason, I ask the members to look at this legislation, to see if it is not an appropriate way to deal with a problem that seems to be growing day by day.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 849, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Kahikina and Tarnas voting no, and Representative Menor being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 117) recommending that H.B. No. 1430, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1430, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Menor being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 118) recommending that H.B. No. 121, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 121, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Labor and Public Employment, with Representative Menor being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 119) recommending that H.B. No. 161, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 161, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WELFARE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Menor being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 120) recommending that H.B. No. 1796 pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1796 pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

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

"I just want to bring the concern that this corporation that is operated as a special fund deals with huge amounts of money outside the scrutiny of our normal budget process, and I am just raising that concern briefly now."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1796, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representative Menor being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 121) recommending that H.B. No. 1910, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1910, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S SERVICES," passed Second Reading and was referred to the Committee on Education, with Representative Menor being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 122) recommending that H.B. No. 1498, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1498, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE BLUE WATER MARINE LABORATORY," passed Second Reading and was referred to the Committee on Higher Education, with Representative Menor being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 123) recommending that H.B. No. 1745, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1745, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Menor being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 124) recommending that H.B. No. 1495, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1495, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF SUPPLIES AND MATERIALS, AND THE INSTALLATION AND MAINTENANCE OF DAY-USE MOORING BUOY SYSTEMS STATEWIDE," passed Second Reading and was referred to the Committee on Finance, with Representative Menor being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 125) recommending that H.B. No. 1733 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1733, entitled: "A BILL FOR AN ACT RELATING TO THE BOATING SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Menor being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 126) recommending that H.B. No. 665 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 665, entitled: "A

BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Finance, with Representative Menor being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 127) recommending that H.B. No. 530 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 530, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Menor being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 128) recommending that H.B. No. 1666, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1666, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Higher Education, with Representative Menor being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 129) recommending that H.B. No. 980, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 980, HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment, seconded by Representative M. Oshiro.

Representative McDermott rose to speak against the bill, stating:

"This is an unnecessary piece of legislation that hurts the small businessmen by adding another layer of unenforceable bureaucratic red tape to the smallest of the small businesses during tough economic times.

"However, if we intend to pass this measure, then I suggest we amend it to provide funding for the cigarette police so that they can enforce it.

"Thank you."

Representative Ward then rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill with one slight reservation, that is the caveat to we practicing what we preach on this particular bill.

"On page 3, it says that 'Smoking is prohibited in all areas of state-owned or controlled work places including state-owned or leased vehicles.' I know, as we work here, sometimes long and late hours, often I would be smoking in my office not by myself, but through my air-conditioning.

"The point is, that we practice what we preach here in this Capitol, and for those who don't know, the Congress only recently stopped the exemption of passing bills for

the people to be covered by when they themselves were not covered by it.

"If we pass this, ladies and gentlemen, let's really not smoke in the building because we're telling the public, as my colleague said, the small business community, get your policies in order. And like some other things, it's the enforcement, Mr. Speaker. This is just the point, that if we preach it, let's practice it.

"Thank you, Mr. Speaker."

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

"This is just another example of government dictating to private industries what they can and cannot do in the confines of their own businesses where they have invested their capital, all their energies, and we are making it more difficult for these businesses. For these reasons, I am voting no."

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

"While I encourage the non-smoking of cigarettes, and I am a non-smoker, I would note that perhaps an unintended response to this legislation is the firing of employees who don't smoke.

"With that in mind, I would be concerned about the passage of this legislation. I am also concerned with further regulating our small businesses to the smallest degree of businesses with only five employees. I should note that again while I am sensitive to the issue of smoke, as a matter of fact, my wife can smell someone smoking a cigarette two cars in front of us while driving to work, I still think that this type of regulation is going a little too far.

"Thank you."

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

"This again, this is the smoking police as we've heard. If we believe that we can regulate every aspect of small business, then we should look around and see what's happening to business -- we're killing it.

"And this is also a way of this body to try to legislate the mores of society without taking a firm stand. The firm stand would be, if you don't like smoking, ban it. You don't take half measures. But I would remind this body they also need to ban alcohol at the same time instead of picking and choosing who to put out of business.

"For that reason, I will vote against Stand. Com. Rep. 129, House Bill 980."

Representative Takai then rose in "strong support" of the bill, stating:

"I would just like to point out that Hawaii's and the nation's number one preventable cause of death, illness, and disability is smoking, and specifically smoking in the workplace. Believe it or not, smoking contributes or accounts for 419,000 deaths and over \$65 billion in economic losses nationally.

"In addition, Mr. Speaker and members, smoking in the workplace has been considered to be a 'Class A' carcinogen, equivalent to radon, asbestos and benzene.

"In Hawaii, we see a little over a thousand residents each year dying because of tobacco-related illnesses.

"What this bill proposes to do is try to reasonably address the concerns that we have in regards to smoking in the workplace. It's an accommodation proposal and policy that allows for, in many cases in the private sector, a majority rule situation.

"In addition, Mr. Speaker, it does provide some language to prohibit smoking in all state-owned and controlled workplaces, and I believe that does include the State Capitol.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 980, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN THE WORKPLACE," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Kawanakoa, McDermott, Meyer and Moses voting no, and Representative Menor being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 130) recommending that H.B. No. 1830, as amended in HD 1, pass Second Reading and be referred to the Committees on Public Safety and Military Affairs and Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1830, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committees on Public Safety and Military Affairs and Judiciary, with Representative Menor being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 131) recommending that H.B. No. 1831, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1831, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," passed Second Reading and was referred to the Committee on Education, with Representative Menor being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 132) recommending that H.B. No. 517, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 517, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD FATALITIES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Menor being excused.

Representatives Santiago and Arakaki, for the Committees on Health and Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 133) recommending that H.B. No. 635, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 635, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representative Menor being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 134) recommending that H.B. No. 946 pass Second Reading and be referred to the Committee on Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 946, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Education, with Representative Menor being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 135) recommending that H.B. No. 1372 pass Second Reading and be referred to the Committee on Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1372, entitled: "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS TRAINING CORPS," passed Second Reading and was referred to the Committee on Education, with Representative Menor being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 136) recommending that H.B. No. 1908 pass Second Reading and be referred to the Committee on Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1908, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Education, with Representative Menor being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 137) recommending that H.B. No. 2145 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2145, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPLEMENT A PROGRAM OF REGIMENTAL DISCIPLINE," passed Second Reading and was referred to the Committee on Finance, with Representative Menor being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 138) recommending that H.B. No. 2001, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2001, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE PRESCHOOL OPEN DOORS EARLY CHILDHOOD EDUCATION AND CHILD CARE

PROGRAM," passed Second Reading and was referred to the Committee on Education, with Representative Menor being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 139) recommending that H.B. No. 258 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 258, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Finance, with Representative Menor being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 140) recommending that H.B. No. 109, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 109, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM PROMOTION AND MARKETING," passed Second Reading and was referred to the Committee on Finance, with Representative Menor being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 141) recommending that H.B. No. 668, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 668, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DEVELOP A PRECAUTIONARY CRIME VIDEO FOR INTERSTATE AND INTERNATIONAL FLIGHTS TO HAWAII," passed Second Reading and was referred to the Committee on Judiciary, with Representative Menor being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 142) recommending that H.B. No. 1703 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1703, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM MARKETING," passed Second Reading and was referred to the Committee on Finance, with Representative Menor being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 143) recommending that H.B. No. 751, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 751, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative M. Oshiro.

Representative Halford rose and requested the Clerk to register an aye with reservations for him, and the Chair "so ordered."

Representative Kawanakoa rose in opposition to the bill, stating:

"It does create another tax on our ailing economy, so at this point I would like to vote no."

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

"I would just like to let everybody know that this is not a tax bill. It is just a disclosure bill on time sharing, so I hope my colleague from Pali and Nuuanu will change his vote since this is not about tax."

"Thank you."

Representative Kawanakoa responded:

"If, in fact, there is not a new tax, then upon Third Reading I shall be happy to change my vote."

"Thank you for the clarification, my good colleague from Kalihi."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 751, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representative Kawanakoa voting no, and Representative Menor being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 144) recommending that H.B. No. 1757, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1757, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," passed Second Reading and was referred to the Committee on Finance, with Representative Menor being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 145) recommending that H.B. No. 1833 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1833, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Menor being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 146) recommending that H.B. No. 627, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 627, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representative Menor being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 147) recommending that H.B. No. 631, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 631, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DECISIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Menor being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 148) recommending that H.B. No. 879, as amended in HD 1, pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 879, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS," passed Second Reading and was referred to the Committees on Consumer Protection and Commerce and Judiciary, with Representative Menor being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 149) recommending that H.B. No. 884, as amended in HD 1, pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 884, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEGREE-GRANTING INSTITUTIONS," passed Second Reading and was referred to the Committees on Consumer Protection and Commerce and Judiciary, with Representative Menor being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 150) recommending that H.B. No. 1860, as amended in HD 1, pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1860, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEGREE-GRANTING INSTITUTIONS," passed Second Reading and was referred to the Committees on Consumer Protection and Commerce and Judiciary, with Representative Menor being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 151) recommending that H.B. No. 115, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 115, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TEEN COURT PROGRAM," passed Second Reading and was referred to the Committee on Judiciary, with Representative Menor being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 152) recommending that H.B. No. 1113, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1113, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL SAFETY," passed Second Reading and was referred to the Committee on Labor and Public Employment, with Representative Menor being excused.

Representative Morihara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 153) recommending that H.B. No. 1709 pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1709, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representative Menor being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 154) recommending that H.B. No. 1929, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1929, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representative Menor being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 155) recommending that H.B. No. 1104, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1104, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Menor being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 156) recommending that H.B. No. 1760 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1760, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," passed Second Reading and was placed on the calendar for Third Reading, with Representative Menor being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 157) recommending that H.B. No. 762, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 762, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative M. Oshiro.

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

"The bill is relating to criminal trespassing in business places. It allows a business entity to call the police and then charge a person with the offense of criminal trespassing in that business establishment.

"What made me really concerned about this bill was testimony from a business organization from the Big Island that said, and I believe I will be quoting substantially correctly. The business organization said: 'With welfare reform, we have to have some methods with which to deal with the undesirables.'

"I would hate to see that we would pass a law that could be interpreted that way.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 762, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Menor being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 158) recommending that H.B. No. 463 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 463, entitled: "A BILL FOR AN ACT RELATING TO FRIVOLOUS CHARGES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Menor being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 159) recommending that H.B. No. 248, as amended in HD 1, be recommitted to the Committee on Higher Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 248, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," was recommitted to the Committee on Higher Education, with Representative Menor being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 160) recommending that H.B. No. 1904, as amended in HD 1, be recommitted to the Committee on Higher Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1904, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was recommitted to the Committee on Higher Education, with Representative Menor being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com.

Rep. No. 161) recommending that H.B. No. 1555, as amended in HD 1, be recommitted to the Committee on Labor and Public Employment.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1555, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT ORGANIZATION," was recommitted to the Committee on Higher Education, with Representative Menor being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 162) recommending that H.B. No. 2068, as amended in HD 1, be recommitted to the Committee on Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2068, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was recommitted to the Committee on Education, with Representative Menor being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 163) recommending that H.B. No. 1433, as amended in HD 1, be recommitted to the Committee on Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1433, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was recommitted to the Committee on Education, with Representative Menor being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 164) recommending that H.B. No. 2069, as amended in HD 1, be recommitted to the Committee on Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2069, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was recommitted to the Committee on Education, with Representative Menor being excused.

SUSPENSION OF RULES

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

THIRD READING

H.B. No. 323:

On motion by Representative Tom, seconded by Representative Yamane and carried, H.B. No. 323, entitled: "A BILL FOR AN ACT RELATING TO GRAND JURY COUNSEL," passed Third Reading by a vote of 50 ayes, with Representative Menor being excused.

The Chair directed the Clerk to note that H.B. No. 323 had passed Third Reading at 12:52 o'clock p.m.

ANNOUNCEMENTS

Representative Thielen rose and stated:

"We have six days left, and yesterday, Mr. Speaker, your combined Committees of CPC, Judiciary and Finance passed automobile insurance reform. It should reach us on the floor shortly. We are still significantly behind on prison bed space -- we still have time. But other than that, we're moving ahead well.

"Thank you, Mr. Speaker."

Representative McDermott then rose and stated:

"I would like to apologize to my colleague, Representative Kawanakoa. I gave him the bad information regarding the tax before we came out here."

Representative Garcia: "At 1:00 o'clock, the members of the Small Business Caucus are invited to a forum to be hosted by the co-chairs of the Small Business Caucus, and this is on a matter of great concern to my colleagues across the aisle. It's about privatization of small boat harbors. It's in Room 309."

Representative Yonamine then rose and requested waiver of the 48-hour hearing notice requirement to hear H.B. No. 817 on February 8, 1997, and the Chair "so ordered."

Representative Stegmaier then rose and stated:

I would like to make an announcement about a meeting that will be held during the lunch period. A major issue underlining the same-sex marriage debate is a matter of whether individuals have any choice over their sexual orientation, immediately after session in Room 423. It will be a luncheon, and two individuals who have had personal experiences with this matter will share their experiences and it should be an enlightening discussion, and I welcome members to attend."

Representative Kawanakoa: "I would just note that we'll have a Minority caucus immediately following the session today."

Representative M. Oshiro: "There will be a meeting of all Committee Chairs with Leadership after session."

ADJOURNMENT

At 12:55 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 7, 1997. (Representative Menor was excused.)

SIXTEENTH DAY

Friday, February 7, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 12:13 o'clock p.m., with the Speaker presiding.

The invocation was delivered partly in song by Myra English, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Marumoto, Moses, Nakasone, Suzuki, Takumi, Whalen and Yonamine, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifteenth Day was deferred.

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 138) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 138, transmitting copies of the annual report from the Hawaii Foreign-Trade Zone No. 9 to the Foreign-Trade Zones Board in Washington, D.C. for the fiscal year ending September 30, 1996.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 6 and 7) were received and announced by the Clerk and were placed on file.

Sen. Com. No. 6, returning H.B. No. 117 (SD 1), entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO MARRIAGE," which passed Third Reading in the Senate on February 6, 1997, in an amended form.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 117 (SD 1), and naming of the conferees on the part of the House was deferred. (Representatives Case, Hiraki, Marumoto, Menor, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine were excused.)

Sen. Com. No. 7, returning House Bill No. 118, H.D. 1, (SD 1) entitled: "A BILL FOR AN ACT RELATING TO UNMARRIED COUPLES," which passed Third Reading in the Senate on February 6, 1997, in an amended form.

On motion by Representative Okamura, seconded by M. Oshiro and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 118, HD 1 (SD 1), and naming of conferees on the part of the House was deferred. (Representatives Case, Hiraki, Marumoto, Menor, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine were excused.)

Representative McDermott rose and stated:

"I'm deeply disappointed in the Senate. . ."

At this point, the Chair interrupted and said:

"You'll have to speak to the motion and not to the contents of the bill, please."

Representative McDermott responded:

"Well I strongly. . ."

The Chair then called Representative McDermott "out of order".

At 12:20 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 12:21 o'clock p.m.

Representative McDermott stated:

"I rise to speak strongly in favor of the motion."

Representative Ward then rose and stated:

"I also rise to agree to disagree. And this is good news, and I like the way you are hitting your gavel hard, because it says: let's get on with the business of getting this issue aside from us. And we commend you because you're treating it like us -- emergency legislation -- so we commend you, and we agree with you. Let's get on with it."

By unanimous consent, H.B. Nos. 117 and 118, HD 1, as amended by the Senate, were placed on the Clerk's desk.

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 12:34 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following House Bills were re-referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
101	Committee on Labor and Public Employment, then to the Committee on Finance
235	Committee on Agriculture, then to the Committee on Finance
334	Committee on Consumer Protection and Commerce
388	Committee on Health, then to the Committee on Finance
819	Committee on Energy and Environmental Protection, then to the Committee on Finance
859	Committee on Human Services and Housing, then to the Committee on Finance
1036	Committee on Hawaiian Affairs, then to the Committee on Finance
1150	Committee on Education, then to the Committee on Finance
1356	Committee on Higher Education

- 1498 Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance
- 1666 Committee on Health, then to the Committee on Finance
- 2082 Jointly to the Committee on Water and Land Use and the Committee on Transportation, then to the Committee on Finance
- 2214 Committee on Agriculture, then to the Committee on Finance
- 2217 Committee on Judiciary

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 165) recommending that H.B. No. 1101 pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1101, entitled: "A BILL FOR AN ACT RELATING TO BED AND BREAKFAST OPERATIONS," passed Second Reading and was referred to the Committee on Water and Land Use, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 166) recommending that H.B. No. 2157, as amended in HD 1 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2157, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO HUMAN SERVICES AND HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 167) recommending that H.B. No. 146 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 146, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF THE LEGISLATIVE ANALYST," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 168) recommending that H.B. No. 460 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 460, entitled: "A

BILL FOR AN ACT RELATING TO THE DISPOSITION OF FINANCIAL DISCLOSURE STATEMENTS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 169) recommending that H.B. No. 827 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 827, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE FISCAL AND BUDGET ANALYSIS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representatives Santiago and Arakaki, for the Committees on Health and Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 170) recommending that H.B. No. 1829, as amended in HD 1 pass Second Reading and be referred to the Committee on Judiciary.

Representative Okamura moved that the joint report of the Committees be adopted and H.B. No. 1829, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative M. Oshiro.

Representative Halford rose and stated:

"I'd like to express a vote with reservations on Standing Committee Report No. 170."

Representative Kawanakoa then rose and stated:

"On the same measure, Mr. Speaker, I'd like to register a no vote with regard to this increase of our fee schedules for the Department with regard to the issuance of birth certificates. I see that it roughly amounts to about a 500 percent increase. In my book, I think I've stated before that an increase in fees is somewhat akin to an increase in tax.

"And so at this time, I'd like to bring it to the attention of my fellow colleagues, and to vote no on this matter.

"Thank you."

Representative McDermott then rose and stated:

"I'd like to rise against House Bill No. 1829.

"I rise against this measure, Mr. Speaker. I believe the people of Hawaii are already over-taxed, and increasing this fee is just another tax on the people of Hawaii who can't afford it right now in these bad economic times.

"Thank you."

Representative Halford then rose and stated:

"I just wanted to clarify that my vote with reservations was on Stand. Com. Report No. 170."

Representative Arakaki then rose and stated:

"I want to speak in support of Standing Committee Report No. 170, House Bill No. 1829.

"Just a brief response. This is not a tax, it is a fee increase for certificates. I just want to point out that what it's going to be increased to, which is \$10, is not out of line in terms of what other states also charge for the certificates.

"And in this case, I think it's a really win-win-win situation because the proceeds from these fees will go towards funding spouse abuse prevention. It goes into an existing children's trust fund which is for child abuse and neglect prevention. And I think really important to this is the improvement in the vital statistics certification area.

"And this is especially important to the Native Hawaiian community. Basically, because part of the reasons why they have a hard time with determining blood quantum is because we have an antiquated system, especially in terms of records in vital statistics, and so through earmarking of these funds, I think we will improve the system, and we will make it easier for Native Hawaiians to access this information and also get a lot better and quicker results. So I hope everyone will support this measure. Thank you."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 1829, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Kawanakoa and McDermott voting no and Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 171) recommending that H.B. No. 737 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 737, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR URGENT CARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 172) recommending that H.B. No. 1840 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1840, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 173) recommending that H.B. No. 175 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 175, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed

Second Reading and was referred to the Committee on Judiciary, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 174) recommending that H.B. No. 176 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 176, entitled: "A BILL FOR AN ACT RELATING TO CRIME AGAINST TOURISTS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 175) recommending that H.B. No. 664 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 664, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NFL PRO BOWL," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 176) recommending that H.B. No. 1958, as amended in HD 1 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1958, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SPORTS TOURISM DEVELOPMENT, PROMOTION, AND MARKETING," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 177) recommending that H.B. No. 2209 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2209 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative M. Oshiro.

Representative McDermott rose to speak in opposition to this bill, stating:

"I rise to speak against the transient occupancy tax. I know a lot of folks say this is only taxing people from the Mainland, but in any event it's still another tax. The people of Hawaii -- our state -- can't afford another tax, and consistently be ranked at the bottom as a place to do business. If we pass this, we're two for two today, batting a thousand.

"Thank you, Mr. Speaker."

Representative Kawanakoa then rose and stated:

"Yes, Mr. Speaker, I'll take this opportunity to speak in opposition to the same measure.

"Yesterday, I misspoke with regard to another measure regarding transient occupancy tax. I believe this was that measure I had hoped to register a no vote, and that this does increase the tax burden on one sector of our business economy, and I so note that for the record."

Representative White then rose and stated:

"Mr. Speaker, thank you, I'd like to rise in support of this measure.

"Mr. Speaker, the purpose of this measure is not to create a new tax, but rather to extend an existing tax to a sector of our visitor industry that has, for many years, avoided taxation. And as we all know, the state has created visitors as a separate tax class by establishing the transient accommodations tax and the motor vehicle charge on rental vehicles.

"What this measure simply does is say, if you own a visitor accommodation, you're the same kind of visitor as those who stay in other visitor accommodations.

"A time share visitor, Mr. Speaker, does the same kinds of things that a hotel visitor does, or a visitor in a condominium that is being taxed with a TAT and GET. So while we have visitors doing exactly the same things, putting the same pressures on our infrastructure and services as the ones next door, we have simply allowed them to avoid taxation for many, many years. And I would point out that it's been mentioned in testimony by the time share industry that these are the more affluent of our visitors. It's the creme de la creme of our visitor industry, so I ask for a question of fairness.

"Is it correct for us to have visitors that can afford higher priced accommodations to be untaxed during their visit here while they're putting the same pressures on our services and on our economy? I would further point out that this is a sector of our visitor industry that does very little to market to the mainland as hotels and others do, and to create an unfair advantage in the hotel industry. Where the hotels are spending millions of dollars marketing, and spending millions of dollars in transient accommodations tax, the time share visitors are paying neither one. They both pay property taxes, and I think it's time for us to treat them all equally, and provide for other taxation of this sector that has been avoiding those taxes all along.

"Thank you, Mr. Speaker."

Representative Ahu Isa then rose and stated:

"I voted for this bill with reservations because I feel that as my colleague, Representative White says, they do pay property taxes -- the time share people I'm talking about."

The Chair then asked Representative Ahu Isa if she was "speaking for the bill with reservations."

Representative Ahu Isa responded, saying:

"Yes. They also contribute to our economy, the time share owners. I think, if you really look at the bill closely, you'll see that there are taxes on the owners and not on the people that are coming here in exchange to rent it. And I think -- its just my opinion -- that a lot of you do not really understand the time share business and how much they contribute to our economy, especially to

the island of Kauai, that really was helped, I think, by this industry.

"Thank you."

Representative Fox then rose and stated:

"Mr. Speaker, I rise to speak in favor of this with reservations.

"I have a deep concern that we are dealing with a special separated market. Those are people who decide where to take their time share vacations, and that the decision as to whether or not to go to Hawaii or Mexico might be affected by the realization that Hawaii becomes the only place in the world to tax time share accommodations. That is my concern.

"Thank you, Mr. Speaker."

Representative Ward then rose and stated:

"With reservations, Mr. Speaker."

Representative Kawanakoa then rose and stated:

"On the same matter, yes. I just want to note that there is another way to be fair and equitable with regard to the disparity in tax that's being placed upon our hotels, and not upon our time share units. And that might be to simply reduce the TAT, that might also level the playing field. There is another option besides bringing everyone up in taxes, bring everyone down in taxes.

"Thank you, Mr. Speaker."

Representative White then rose and stated:

"I'm compelled to ask my Republican colleague whether he is supporting the elimination of GET and TAT on hotel accommodations?"

The Chair responded, stating:

"I think you don't have to answer that. After this session, you both can get together and resolve the particular issue."

Representative Meyer then rose and stated:

"I'm rising to ask the Clerk to register a yes with reservations on that bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2209, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT OCCUPANCY TAX," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Kawanakoa and McDermott voting no and Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 178) recommending that H.B. No. 760 pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 760, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Water and Land Use, with Representatives Hiraki,

Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 179) recommending that H.B. No. 1331 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1331, entitled: "A BILL FOR AN ACT RELATING TO POST-HARVEST TREATMENT TECHNOLOGIES AND PROCEDURES FOR AGRICULTURAL PRODUCTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 180) recommending that H.B. No. 1581 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1581, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AGRICULTURAL RESOURCE MANAGEMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 181) recommending that H.B. No. 1750 pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1750, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Water and Land Use, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representatives Stegmaier and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 182) recommending that H.B. No. 1133 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1133, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representatives Stegmaier and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 183) recommending that H.B. No. 1684, as amended in HD 1 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1684, HD 1, entitled: "A BILL FOR AN ACT MAKING AN

APPROPRIATION FOR TEACHER EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 184) recommending that H.B. No. 2065, as amended in HD 1 pass Second Reading and be referred to the Committee on Judiciary.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2065, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative M. Oshiro.

Representative Kawanakoa rose and stated:

"I'm sorry I wasn't quick enough to respond on your page 5 call but I'd like to stand in strong support of Stand Com. Report No. 184.

"This is regarding Hawaiian sovereignty, and I want to bring it to the note of my fellow colleagues as this moves through on to its next referral to Finance. This particular bill forwards the movement or supports the on-going concern in the Hawaiian community with regard to furthering their self-determination.

"I think our Committee took a long look at all the testimony, and all of the various testifiers with regard to the different options. This particular bill continues the process or I should say I'd like to correct that statement from us continuing the process -- from us allowing the process to continue within the Hawaiian community.

"I think it's important for us to recognize that the State Legislature, that we neither confirm nor deny Hawaiian sovereignty upon Hawaiians. That is something of their own doing, and they are continuing that process. And so in any manner that we can facilitate, I believe it benefits not only the Hawaiian community, but the larger community of the State of Hawaii. With that, I would note that this process is continuing this weekend at Kualoa Park, in which the organization La Hawaii, and others in the Hawaiian community will be coming together to discuss their next step.

"I hope we are cognizant of the results and wish them all the best success for this weekend, and the continuation of the Hawaiian self determination process.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2065, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 185) recommending that H.B. No. 1711 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1711, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto,

Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 186) recommending that H.B. No. 1712 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1712, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 187) recommending that H.B. No. 1713, as amended in HD 1 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1713, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 188) recommending that H.B. No. 1746 pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1746, entitled: "A BILL FOR AN ACT RELATING TO DUTIES OF THE KAHOLAWE ISLAND RESERVE COMMISSION," passed Second Reading and was referred to the Committee on Water and Land Use with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 189) recommending that H.B. No. 1747 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1747, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOLAWE ISLAND RESERVE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 190) recommending that H.B. No. 1748 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1748, entitled: "A BILL FOR AN ACT RELATING TO KAHOLAWE PENALTIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives

Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 191) recommending that H.B. No. 1100, as amended in HD 1 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES FOR THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 192) recommending that H.B. No. 614 pass Second Reading and be referred to the Committee on Judiciary.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 614 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative M. Oshiro.

Representative Kahikina rose and stated:

"I stand in strong support of Standing Committee Report No. 192, House Bill No. 614. I want to thank the Chairman and his Committee members of Hawaiian Affairs for passing this measure out which brings great accountability to the primary beneficiary areas, which is the native Hawaiians.

"I want to note for my colleagues that the State Council of Hawaiian Homes Association, which encompasses almost every homestead, is in favor of this measure. Also, other Hawaiian Civic Clubs and other Hawaiian groups that we believe would bring out this set of the Hawaiian Homes in the direction towards self-determination and in compliance with the Federal Act, known as the Hawaiian Homes Commission Act, to assist native Hawaiians in rehabilitating them.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 614, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 193) recommending that H.B. No. 1150, as amended in HD 1 pass Second Reading and be referred jointly to the Committees on Human Services and Housing and Health.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1150, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN INTERGOVERNMENTAL TASK FORCE FOR YOUTH," passed Second Reading and was referred jointly to the Committees on Human Services and Housing and Health with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representatives Stegmaier and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 194) recommending that H.B. No. 865, as amended in HD 1 pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 865, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A MENTOR TEACHER PROGRAM," passed Second Reading and was referred to the Committee on Labor and Public Employment, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representatives Stegmaier and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 195) recommending that H.B. No. 1345 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1345, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 196) recommending that H.B. No. 388, as amended in HD 1, be recommitted to the Committee on Health.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 388, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was recommitted to the Committee on Health, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 197) recommending that H.B. No. 1036, as amended in HD 1, be recommitted to the Committee on Hawaiian Affairs.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1036, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," was recommitted to the Committee on Hawaiian Affairs with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine being excused.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine were excused.)

THIRD READING

H.B. No. 113, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 113, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Third Reading by a vote of 41 ayes, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane, Yonamine being excused.

H.B. No. 462, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 462, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINES FOR LATE FILERS OF FINANCIAL INTERESTS DISCLOSURES," passed Third Reading by a vote of 41 ayes, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane, Yonamine being excused.

H.B. No. 675, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 675, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRST DEGREE ROBBERY," passed Third Reading by a vote of 41 ayes, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane, Yonamine being excused.

H.B. No. 1760:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1760, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," passed Third Reading by a vote of 41 ayes, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane, Yonamine being excused.

H.B. No. 463:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 463, entitled: "A BILL FOR AN ACT RELATING TO FRIVOLOUS CHARGES," passed Third Reading by a vote of 41 ayes, with Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane, Yonamine being excused.

The Chair directed the Clerk to note that H.B. Nos. 113, 462, 675, 1760 and 463 had passed Third Reading at 12:52 o'clock p.m.

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. Five days left, Mr. Speaker. I expect that the automobile insurance reform will be before us on Monday, high-three is out there floating somewhere, going to another committee. It only has five days to go through that committee, get back down to the floor for a vote, to get over to the Senate, and there's still time to get more prison bed space. Five days, Mr. Speaker."

"Mr. Speaker, I'd like to also make an announcement that I'm hearing really good things from people out in the public. That they will stop me on the street downtown, other areas where I am, and say: 'You guys are really working hard this session.' So what we're doing is being recognized by the public; let's keep it up. Five days to go. Thanks so much."

Representative Case: "With respect to Page D of the Order of the Day, the reference to the hearing by your Committees on Higher Education, Culture and the Arts, and Hawaiian Affairs. I just want to assure the Higher Education and Culture and the Arts Committees that they're not holding this hearing with the Hawaiian Affairs Committee. They are, however, welcome to attend; we'd be happy to educate them as well as ourselves on the issue of ceded lands. Thank you."

Representative Chang: "I'd like to remind the members that lunch will be served for all members in Room 423. Joining us for lunch is Mayor Gordon Busch of East St. Louis; Mr. Ken Murphy, City Administrator for Kenneka, Mississippi; and Mr. Jeremy Margolis, former Director of the Illinois State Ethics Commission, Assistant United States Attorney, and Illinois Inspector General. They'll be speaking on the economic effects and social effects of gaming in their communities."

Representative Thielen: "Thank you, Mr. Speaker. We don't mean for you to fast track gambling."

ADJOURNMENT

At 12:55 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon on Monday, February 10, 1997. (Representatives Hiraki, Marumoto, Morihara, Moses, Nakasone, Suzuki, Takumi, Whalen, Yamane and Yonamine were excused.)

SEVENTEENTH DAY

Monday, February 10, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Richard Reed of the Waiialae Baptist Church, after which the Roll was called showing all members present with the exception of Representatives Meyer and Okamura, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Sixteenth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 139 and 140) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 139, submitting Administrative Proposal H.B. 1646, Making an Emergency Appropriation for an Automated Tax Systems Acquisition by the Department of Taxation, for consideration, in accordance with Section 9, Article VII, of the Constitution of the State of Hawaii.

Gov. Msg. No. 140, transmitting copies of the 1996 Annual Report prepared by the Department of Labor and Industrial Relations, pursuant to Section 371-7, Hawaii Revised Statutes, as amended.

At this time, Representative Say introduced to the members of the House legislators from the Fukuoka Prefectural government in Japan, saying:

"Mr. Speaker, they are in Hawaii to meet with members of the Association of Fukuoka descendants, the organization commonly known as the Fukuoka Kenjinkai.

"The World Fukuoka Kenjinkai Conference will be held in Honolulu in September of 1998, and the Fukuoka government will financially support this conference as it did the World Conference in Brazil in 1991 and in Los Angeles in 1994.

"They are here today in the State Capitol to reaffirm the Fukuoka-Hawaii Sister/Legislature relationship, which is now in its 16th year. Last September, Fukuoka Governor Wataru Aso came to Hawaii and met with Governor Cayetano to commemorate the 15th anniversary of the Fukuoka-Hawaii Sister/State program. Today, Speaker Mito and the Fukuoka legislators met with the Hawaii legislative leaders to continue our Sister/Legislature relationship, and tomorrow they go on to meet with the Fukuoka Kenjinkai on the neighbor islands."

Representative Say then introduced and asked the following honorees to stand to be recognized: Senator Sakaki Mito, Speaker of the Fukuoka Legislature; Senator Matsuhiko Shingu, Senator Yoshitake Kondo, Senator Masaaki Toyoshima, Senator Eichi Noda, Senator Hisaya Tanaka and Senator Kazuo Toyozawa.

Accompanying the Senators were staff members of the Fukuoka Legislature: Mr. Yasumaro Ishibashi, Mr. Kazuo Okubo, and Mr. Eiji Katayama; and former Senator Joe Kuroda.

Representative Ward then rose and stated:

"Mr. Speaker, I have a debt of gratitude to these gentlemen, particularly Governor Aso, having been a member of the APAC team in the December meetings, when we had a tour of Fukuoka city. And I would only say that these are probably the most internationally-minded gentlemen in the world in that Fukuoka city is the taking-off point between Asia and so many parts of the Pacific.

"Gentlemen, you are here in the middle of the Pacific. We certainly welcome you, and we hope some of your international-mindedness rubs off on us. Arigato gozaimashita.

Representative Chang then rose and stated:

"Mr. Speaker and members of the House, I, too, would like to welcome our visitors from Fukuoka. We have a sister/state relationship with Fukuoka, if the members didn't know.

"I had the extreme opportunity and pleasure in representing the State of Hawaii, along with former Senator Joe Kuroda in 1989, as a delegate to represent the State of Hawaii in the closing of the Fukuoka Expo. I was well received, and the hospitality was just tremendous from our friends from Fukuoka, so Aloha and Mahalo."

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following House Bills were re-referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
249	Committee on Higher Education, then to the Committee on Finance
388	Committee on Finance
973	Committee on Culture and the Arts, then to the Committee on Finance
1727	Committee on Human Services and Housing, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 198) recommending that H.B. No. 1577, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1577, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER PROJECTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 199) recommending that H.B. No. 1579 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1579, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Meyer and Okamura being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 200) recommending that H.B. No. 386, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 386, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A MULTI-SERVICE OUTREACH HOMELESS CENTER," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 201) recommending that H.B. No. 1102 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1102, entitled: "A BILL FOR AN ACT RELATING TO YOUTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 202) recommending that H.B. No. 1488, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1488, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE HOMES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Meyer and Okamura being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 203) recommending that H.B. No. 105, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 105, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRISONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representatives Garcia and Tom, for the Committees on Public Safety and Military Affairs and Judiciary, presented a joint report (Stand. Com. Rep. No. 204) recommending that H.B. No. 342, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

Representative M. Oshiro moved that the joint report of the Committees be adopted and H.B. No. 342, HD 1,

pass Second Reading and be referred to the Committee on Labor and Public Employment, seconded by Representative Garcia.

Representative Kawanakoa rose and requested the Clerk to note an aye with reservations for him (the Chair "so ordered"), stating:

"My concern that I would like to share with my colleagues is with regard to the commission on privatization, out-sourcing, and development of correctional facilities as the title of the bill states -- a meritorious effort. We had heard a more positive bill with regard to the establishment of a private sector prison within our state jurisdiction; however, the joint committees saw fit to pass out a commission in its place.

"My concerns and my reservations with regard to this commission is with regard to the members that will make up the commission. If we take a look at page 3 of House Bill 342, HD 1, we will note that there is to be a person drawn from each of the twelve enumerated, I guess, sectors of the public, starting with the Department of Public Safety; the Department of Budget and Finance; the Department of Accounting and General Services; DBEDT; Department of Human Resources Development; the Judiciary; law enforcement; the Department of the Attorney General; organized labor; advocate organizations -- I guess that is the ACLU or others; the House of Representatives, and the Senate.

"My concern is that this commission is looking towards implementing the private sector use of prisons and nowhere in the bill do we have the private sector represented on this commission. And I am sure they have a wealth of knowledge and understanding that they can contribute to this commission, and I would hope that as this bill moves on to the Labor and Public Employment Committee, that they consider adding in other possible proponents of the private sector or at least people with information regarding the private sector prison industries. That is my major concern on this particular commission.

"However, I will also note that apparently it does not take effect, or the report will not be due back to the Legislature until the year 1998 and at the end of that year, December 15, 1998, so that means, I suppose, the Legislature won't be looking at the use of the private sector prisons until this commission has time to do a lengthy report on the benefits or the non-benefits of this particular process by which we can implement new prison space in the islands.

"So I hope we are able to move the date up, I hope we will be able to incorporate others on this commission that will be helpful to the discussion.

"Thank you, Mr. Speaker."

Representative Pendleton then rose and stated:

"Mr. Speaker, I voted in favor and in support of this bill, however, I speak separately to note my reservations.

"This bill would have required the Department of Public Safety to develop a request for proposals for competitive sealed proposals to design, construct and to maintain a privately run prison in the County of Hawaii.

"My distinguished colleague has already spoken about a number of concerns, but my concern is the habit of failing to act and instead turning a bill which would have called for action into another study.

"This bill will cost \$85,000, and presumably this commission is going to study and tell us whether or not

we have a prison overcrowding problem, and whether or not the private sector can do anything to help alleviate the overcrowding problem. I've heard from my constituents and the people there that testified -- there is no question that we have an overcrowding problem. And from the people who testified, there is no question that they can help us significantly alleviate the problem of bed space. This study is going to again put further into the future the creation of more prison bed space.

"I believe it was Booker T. Washington who said that people don't care what a man or woman knows; they care about what a man or a woman does. And I think that we should have moved quickly; we should have passed House Bill 342 in its original form to move more quickly on this issue. It's a question of life and death and how many people have to wait before we can move on this issue.

"Thank you."

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

"Mr. Speaker and fellow colleagues, I don't think this Chairman of Public Safety has to be reminded about the prison overcrowding situation. I know the numbers as well as you do. Just to elaborate however, we have a system here that, at its present capacity, holds some 3,200 inmates and the facilities were designed for 2,600. And as I understand it, by the year 2000 the inmate population is to rise to 4,300.

"Mr. Speaker, I take umbrage to the reference that we are not moving to address the prison overcrowding situation. The bill is not before you, Mr. Speaker, but I can assure you and my fellow colleagues that a bill that would speak to that is going to be coming to the floor for Second Reading, and that would deal with the administration's request for prison beds. They have some 300 in the pipeline to be developed and they are coming before this Legislature for some 700 more, so we have some one thousand beds on the way. I know, Mr. Speaker, that is not going to be quite enough to deal with the situation but that was for those who believe that we can deal with the inmate overcrowding and our crime problem in general by locking people up. It is not the committee on incarceration alone, Mr. Speaker, your Chairman is also aware of and is pursuing other measures by which we can deal with the inmate overcrowding situation. And if you read Standing Committee Report No. 204 more carefully, your commission will be put into measures such as privatization of current state assets within the present system to see what we can do to help ease the overcrowding situation, not just overcrowding but the cost of housing an inmate which, as you know, runs to about \$74 per day per inmate.

"Mr. Speaker, the Director of Public Safety testified before your Committee on Public Safety and repeatedly told us that he can go ahead and already privatize. You see, the issue, Mr. Speaker, is not whether or not to privatize; we already do that. We already send inmates to Texas, to the Bobby Ross managed facilities there -- some 300 inmates. We are already privatizing. The question is: To what extent do we privatize? And so your Chairman is exploring options, making sure that we have alternatives, and he is concerned and aware of the fact that private prisons in and of themselves do not solve the problems. If you read the GAO report that was issued last August, you will find that the jury is still out with regard to whether or not private prisons can actually realize savings and quality programs that concerns this Chairman.

"Mr. Speaker, members of the joint committees are also aware that, with respect to the original bill, no one from

the Big Island, notwithstanding the fine representation they have from Representatives Herkes and Chang, but no resident from the Big Island testified on the bill. Your Chairman of Public Safety wants to, during the interim, conduct public hearings on the Big Island or any other community that might be interested. I dare say I don't think there will be any other community because this issue has already gone statewide, and it appears that only the Big Island did not come up with resistance to the idea of a prison in its backyard. I understand what it's like to have something put into your backyard without you knowing about it until it's too late. I think the Vice Speaker can be concerned with the medical waste incinerator some years ago -- how that was planted into our backyards without the benefit of our knowledge. And I would like to think the people of Ka'u, or any other community in the state, would like to know what their lawmakers are doing with respect to putting a private prison or any other facility, that they would at least like to have some knowledge of and be willing to comment on before we unilaterally do that.

"This Chairman would like to go to the mainland and review the private prison facilities there so that he can gather all the knowledge, the facts, before we proceed down this road. The Virginia State Assembly in 1990 authorized the Governor to go ahead and issue RFP's for private prisons. That was in 1990. It is only this year that the Governor. . .

The Chair interrupted and advised Representative Garcia that his time was up whereupon Representative P. Oshiro rose and yielded his time to Representative Garcia.

Representative Garcia thanked the Chair and continued, saying:

"But it was only this year that Governor Allen issued an RFP and awarded a contract to a private prison. It takes some time.

"I don't want to take that much time because it would appear, Mr. Speaker, that with the state's financial picture as it is, I don't really think that we can rely on state prisons to house our inmates. The monies involved, construction and staffing. I can see down the road that we would have to seriously take a look at expanding our privatization options. And as I said earlier, the Director of Public Safety says he already has that authority. He can do it tomorrow if he wanted to. It's just that, with respect to this bill, he did not want to be handcuffed only to the Big Island. Now I could have amended the bill to say that he could do it in any jurisdiction in this state and I can bet you dollars to doughnuts, Mr. Speaker, I would have had more than a few colleagues come to my office and say, please don't put a prison in my backyard, put it in Ka'u. I already have representatives telling me: don't expand the facilities in my backyard, probably amend this bill to have Keith take a look at all the State of Hawaii. I think we are going to run into some roadblocks.

"So, Mr. Speaker, I ask my colleagues to support the measure and I assure my colleagues that I will do all I can to move with all deliberate speed, but to make sure that we have all the facts at our fingertips to make a reasonable and prudent judgment whether we go down this road further. We are already on this road, we are already privatizing, and I want to make sure that this is in the best interest of the state and of the people.

"Thank you very much, Mr. Speaker."

Representative Kawanakoa then rose and stated:

"I rise with the same concerns. Just a note for the record that I believe there was testimony in support from

the Big Island. Although there weren't testifiers, there was written testimony. I will have to double-check with my committee reports or with my committee file.

"However, I would like to note one remark with regard to 'the jury is still out' with regard to private prisons. You know, a study goes on and on as to whether or not their cost savings are in effect actual and real, but I think we know that 'the jury is in' with regard to the public sector waste in our prisons and the inefficiencies. That is clear.

"Thank you, Mr. Speaker."

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

"My concern is with the crime that's on the streets, the crime in our neighborhoods, cars being stolen, houses being broken into, people being assaulted, and much worse. I don't really consider this moving with all due deliberate speed when the results of the report won't be in to us for 21 months. And then you have to add in the legislative session to even act upon those results. I don't think we are doing much to help improve the safety of our public.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Labor and Public Employment, with Representatives Meyer and Okamura being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 205) recommending that H.B. No. 461 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 461, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Meyer and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 206) recommending that H.B. No. 229 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 229, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Meyer and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 207) recommending that H.B. No. 1085, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1085, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was

referred to the Committee on Consumer Protection and Commerce, with Representatives Meyer and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 208) recommending that H.B. No. 1255, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1255, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF VEHICLES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Meyer and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 209) recommending that H.B. No. 1756, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1756, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS OF ADMINISTRATIVE RULES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Meyer and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 210) recommending that H.B. No. 2115, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 2115, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ON-STREET PARKING STALLS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Meyer and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 211) recommending that H.B. No. 2144, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 2144, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A DEVELOPMENT PLAN FOR FARRINGTON HIGHWAY," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 212) recommending that H.B. No. 393, as amended in HD 1, pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committees on Consumer Protection and

Commerce and Judiciary, with Representatives Meyer and Okamura being excused.

Representatives Hiraki and Cachola, for the Committees on Transportation and Tourism, presented a joint report (Stand. Com. Rep. No. 213) recommending that H.B. No. 667, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representatives Santiago and Arakaki, for the Committees on Health and Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 214) recommending that H.B. No. 645 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 645, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representatives Santiago and Arakaki, for the Committees on Health and Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 215) recommending that H.B. No. 646, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 646, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 216) recommending that H.B. No. 978 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 978, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRIBUTION OF SAMPLE TOBACCO PRODUCTS AND TOBACCO PROMOTIONAL MATERIALS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Meyer and Okamura being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 217) recommending that H.B. No. 1984 pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1984 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Garcia.

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

"House Bill No. 1984 is a very important bill, a measure that can help teens who are dependent on drugs.

It does help them reform their lives in a family-oriented atmosphere like the Bobby Benson Center.

"I was informed by the Alcohol and Drug Abuse Division of the Department of Health, which monitors the program, that there is a minimum of 11,000 students attending school who identify themselves as serious substance abusers. Current funding can only treat 1,053 students.

"Many crimes committed by our youth are drug related. We don't have to spend so much money if we only realize the importance of the involvement of family and parents, especially at the early stage of the lives of our children.

"Mr. Speaker, I do fully recognize that prevention is the most effective way of addressing the problems of our youth. However, Mr. Speaker, prevention does not work with teens who are serious substance users or abusers. They need treatment and they need it now! I was moved by the students who were formerly drug users that testified on this bill at the hearing of the Committee on Health. They openly shared their bad experiences using drugs. Some were hooked to drugs at an early age of 13. Fortunately, these students were able to get treatment and are now drug free and more focused with their lives. In fact, one of them is now a counselor on drug treatment. Mr. Speaker, their testimonies are evidence that treatment of drug dependent teens works and could be a major solution to our juvenile crime problem. We need to expand this program. The passage of House Bill No. 1984 with adequate funding will do just that.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1984, entitled: "A BILL FOR AN ACT RELATING TO DRUG ABUSE," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 218) recommending that H.B. No. 1188 pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1188 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Garcia.

Representative Yoshinaga rose and requested that her remarks, in support of the bill, be entered into the Journal, and the Chair "so ordered."

Representative Yoshinaga's remarks are as follows:

"Mr. Speaker, I rise to speak in support of House Bill No. 1188, Standing Committee Report No. 218.

"Mr. Speaker, I am pleased and proud to be the sponsor of this bill. Once again, it seems that our State has come to the crossroads with an issue that has long plagued us. As you and my colleagues know, rampant crime activities have produced a fear among our citizens. Such a fear has crippled our own neighborhoods and communities. Crime has surged to a disturbing level that has rendered many citizens powerless and helpless; they have been rendered as hostages in their own homes.

"According to the Uniform Crime Reporting (UCR) Program, the crime index on violent crime incidents (murder, forcible rape, robbery, and aggravated assault) for the City and County of Honolulu shows an increase

over a 10-year span, from 1,801 incidents in 1985 to 2,528 incidents in 1994. The same crime index shows an increase in property crimes (burglary, larceny-theft, motor vehicle theft) for the City and County of Honolulu committed over the same period, from 40,247 incidents in 1985 to 58,297 incidents in 1994. In its Crime Trend Series published earlier this year (January 1997 issue), the state Department of the Attorney General reported that 'motor vehicle thefts in the City and County of Honolulu have increased steadily since 1991 and have more than doubled in the three years since 1992.' That same report disclosed that 'although Hawaii's motor vehicle theft rate was half of the national rate in 1991, by 1995 its rate exceeded the national rate.' A study on domestic violence conducted by the Hawaii State Commission on the Status of Women, in collaboration with the League of Women Voters, makes some startling findings as follows: 'from 1985 through 1994, nearly 30% of all homicides in the state were the result of domestic violence. Nationwide the percentage was 15% in 1994. . . Firearms were the most common weapon used to kill another person in these domestic violence incidents.'

"Crime is lurking and waiting in the shadows just beyond our doors. Given the present situation, there is no one in our community whose life and/or property has not yet been touched by the heinous acts of crime at work in our streets. In one way or another, just about every other person that we can think of has been affected by crime. There is much concern that some of our neighborhoods and communities are unsafe environs for our children. Instead, they have become havens and spawning grounds for more insidious crime, even among our young. Many have experienced firsthand the accounts of crime either as a victim or as a witness; many have suffered either the loss of life, property, or both. It wasn't too long ago that I lost one of my dear uncles to an act of brutal crime. Who would ever think that it would happen to a member of my family! Today, my family and I are grieving over this loss; our lives will never be the same because of that incident.

"Mr. Speaker, the safety and well-being of our citizens is of utmost concern to me and my constituency. Further, it is my belief that our government should provide the safeguards for our citizenry, or the means thereof. As leaders, we must set the example and do everything in our power to facilitate and ensure the safety and well-being of our citizens. This is a primary and core function of our government. In a word, we must protect our citizens!

"The war against crime in our communities is an ongoing battle. We must continue to wage war against it. We must go to task with the villains and perpetrators of crime! We must reclaim our communities and our neighborhoods; we must take back our streets! We must serve notice to villains, drug lords, and gangs alike that we will not tolerate their activities any more! And we must do so, if not for our own livelihood, then for our children, and for the next generation. How then shall we as leaders act upon this matter which is before us this day? We must sound the battle cry! We must rally the troops; we must rally the forces!

"House Bill No. 1188 provides the means for our law enforcement community to pool its resources together. Under this bill, the beginnings of a statewide strategy to combat crime in Hawaii, as well as a plan to implement those strategies, could be drawn up. Assembling also the various law enforcement agencies and community organizations into a symposium can lead to a successful and efficient network of programs and strategies, whose end is to deal effectively in deterring crime activities and to curb the crime rate altogether. House Bill No. 1188 can serve as the catalyst for building a coalition and bond among our law enforcement sector in the ongoing battle

against crime in our State. The information gained through the symposium will be an invaluable resource for law enforcement officials, lawmakers, and community leaders alike. Dissemination of this information would empower the public at large. As citizens become enlightened about the problems of crime, they can in turn propose (or bring) change for the communities for good. They, in turn, will have at least the means for controlling or shaping their communities. House Bill No. 1188 enables us as a crime-fighting community to move ahead in a constructive manner, and to address the problems of crime facing us today.

"Mr. Speaker, I believe that a united front among our law enforcement and crime-fighting sector presents itself as a formidable component in the face of surging crime rates. I also believe that a healthy neighborhood is a safe one. We have the prime opportunity to define our course of action regarding crime plaguing our communities. If we can devise the means to reclaim and return our communities to the people, if we can reclaim our communities and make our streets safe once again for our children, who then can deter us from this noble calling? Let us then take up this task with courage, and let us do so with boldness while the opportunity persists, for we owe it to our own citizens; we owe it to our children and our children's children. If there's hardly a matter we can agree on this session, then let us agree on this one thing: let us go on to make safe neighborhoods and safe communities, for in doing so we set an example for many to follow.

"I would urge all of my colleagues to support this bill. House Bill No. 1188 is, in my opinion, a step forward in the right direction.

"Thank you, Mr. Speaker, for allowing me to speak favorably on behalf of House Bill No. 1188."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1188, entitled: "A BILL FOR AN ACT RELATING TO A SYMPOSIUM ON CRIME IN HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 219) recommending that H.B. No. 1378, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1378, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS FOR THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 220) recommending that H.B. No. 138 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 138, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 221) recommending that H.B. No. 340, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 340, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII-HILO," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 222) recommending that H.B. No. 1655 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1655, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 223) recommending that H.B. No. 1656 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1656, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 224) recommending that H.B. No. 1663 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1663, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 225) recommending that H.B. No. 1664 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1664, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN GOVERNORS UNIVERSITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 226) recommending that H.B. No. 1578, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1578, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO LIVESTOCK OWNERSHIP AND MOVEMENT CERTIFICATION AND ENFORCEMENT OF CITATION AND SUMMONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Meyer and Okamura being excused.

Representatives Morihara and Stegmaier, for the Committees on Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 227) recommending that H.B. No. 1654 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 1654, entitled: "A BILL FOR AN ACT RELATING TO SUPERVISION OF ACCOUNTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 228) recommending that H.B. No. 1318, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1318, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT EXISTING NATIONALLY AND INTERNATIONALLY TELEVISED GOLF EVENTS IN HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 229) recommending that H.B. No. 673, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 673, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SPORTS PROMOTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 230) recommending that H.B. No. 662, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 662, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ALOHA FESTIVALS," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 231) recommending that H.B. No. 236, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 236, HD 1,

entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSIST DESTINATION HILO IN ITS EFFORTS TO STIMULATE TOURISM ACTIVITY IN EAST HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 232) recommending that H.B. No. 1932, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1932, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE VISITOR INDUSTRY EDUCATION COUNCIL," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 233) recommending that H.B. No. 1393, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES IN THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 234) recommending that H.B. No. 1381, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEAL COURT FEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 235) recommending that H.B. No. 1388, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1388, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Okamura being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 236) recommending that H.B. No. 1824, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1824, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on

Labor and Public Employment with Representatives Meyer and Okamura being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 237) recommending that H.B. No. 1841, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1841, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Meyer and Okamura being excused.

Representatives Stegmaier and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 238) recommending that H.B. No. 618, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF PHYSICAL AND SEXUAL VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Meyer and Okamura being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 239) recommending that H.B. No. 1905, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1905, HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment, seconded by Representative Garcia.

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

"This bill allows us to hire back the retired teachers that have retired early. My concern here is we should not be penalizing an employee because of a prior service.

"There was some discussion in committee that we would pay less to these retired teachers because they are already drawing retired pay. What we should be looking at is that we do not approve policy which will allow us to retire people early and then say there is a critical need and we must bring them back. Instead, what we should be doing is looking at the retention and recruitment and pay these teachers enough at the beginning where they could be fireman, policeman, whatever, so that we keep a ready pool of people in the pipeline.

"So I think we have created a critical shortage. Now, we have to do something about it and in order to do something about it, we want to bring them back and pay them less for prior service, and I think that's patently unfair. We should not pay our most experienced teachers less than those less experienced and we have to address the problem, as I said at the beginning, at the bottom where people come into the program and where they move up through the ranks through the years. And we have to remember, these are the people most directly affecting our young other than our parents. And I think it would be very demoralizing to bring them back and pay them less. And I am not sure what the solution is, Mr. Speaker. It

is going on to other committees, and I just think we should address the problem and try to come up with an equitable solution for these teachers.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1905, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Labor and Public Employment, with Representatives Meyer and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 240) recommending that H.B. No. 249, as amended in HD 1, be recommitted to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 249, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," was recommitted to the Committee on Higher Education, with Representatives Meyer and Okamura being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 241) recommending that H.B. No. 973, as amended in HD 1, be recommitted to the Committee on Culture and the Arts.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 973, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," was recommitted to the Committee on Culture and the Arts, with Representatives Meyer and Okamura being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 242) recommending that H.B. No. 173 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 173, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Meyer and Okamura being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 243) recommending that H.B. No. 364, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 364, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Meyer and Okamura being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 244) recommending that H.B. No. 1641 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the

Committee was adopted and H.B. No. 1641, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Meyer and Okamura being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 245) recommending that H.B. No. 1642 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1642, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTRONIC FILING OF TAX RETURNS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Meyer and Okamura being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 246) recommending that H.B. No. 1646 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1646, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AN AUTOMATED TAX SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Meyer and Okamura being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 247) recommending that H.B. No. 1648 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1648, entitled: "A BILL FOR AN ACT RELATING TO REMITTANCES TO THE DEPARTMENT OF TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Meyer and Okamura being excused.

Representatives Garcia and Tom, for the Committees on Public Safety and Military Affairs and Judiciary, presented a joint report (Stand. Com. Rep. No. 248) recommending that H.B. No. 1635 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 1635, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Meyer and Okamura being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 249) recommending that H.B. No. 1580 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1580, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Meyer and Okamura being excused.

Representatives Menor, Tom and Say, for the Committees on Consumer Protection and Commerce; Judiciary; and Finance, presented a joint report (Stand. Com. Rep. No. 250) recommending that H.B. No. 100, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 100, 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, with Representative Kanoho voting no, and Representatives Meyer and Okamura being excused.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, 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, with Representatives Meyer and Okamura being excused.

THIRD READING

H.B. No. 1104, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, H.B. No. 1104, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Okamura being excused.

H.B. No. 762, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, H.B. No. 762, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Okamura being excused.

The Chair directed the Clerk to note that H.B. Nos. 1104 and 762 had passed Third Reading at 12:45 o'clock p.m.

INTRODUCTION OF RESOLUTION

By unanimous consent, the following concurrent resolution (H.C.R. No. 25) was referred to Printing and further action was deferred:

H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MEDICALLY NECESSARY EARLY INTERVENTION OF CHILDREN UP TO THREE YEARS OF AGE," was jointly offered by Representatives Arakaki, Kahikina, Pendleton, Santiago and Stegmaier.

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 Conferees on the part of the House at such conference:

H.B. No. 117, SD 1:

Representatives Tom, Chair; Cachola, Herkes, Yamane and Whalen.

H.B. No. 118, HD 1, SD 1:

Representatives Tom, Chair; Cachola, Herkes, Yamane and Thielen.

ANNOUNCEMENTS

Representative Thielen was permitted a late introduction and she introduced to the members of the House her son, Peter Thielen, "a resident of Kauai. He lives within Bertha Kawakami's district, and is the owner of a struggling small business called Island Hemp Wear."

Representative Thielen continued, saying:

"Mr. Speaker, four days left. . . I didn't have time to change my button. We're doing great on everything except for more prison bed space. Let's try to get that rolling.

"Thank you."

The Chair answered:

"That is coming around."

Representative Cachola then rose and requested waiver of the 48-hour hearing notice requirement for decision-making on four bills relating to crime (video conferencing); tomorrow, Tuesday, February 11th, at 9:00 a.m. in Conference Room 423, and the Chair "so ordered."

Representative Yoshinaga then rose and requested waiver of the 48-hour hearing notice requirement for the joint committees on Energy and Environmental Protection and Water and Land Use to hear House Bills 1234, 453, 443, 1217, 452 and 677, on Wednesday, February 12th, at 8:30 a.m. in Conference Room 312, and the Chair "so ordered."

ADJOURNMENT

At 12:47 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 11, 1997. (Representatives Meyer and Okamura were excused.)

EIGHTEENTH DAY**Tuesday, February 11, 1997**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 12:16 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Larry S. Smedley from the Hawaii Conference of Seventh Day Adventist Church, after which the Roll was called showing all members present.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Seventeenth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 141 and 142) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 141, requesting immediate consideration and passage of Administrative Proposal HTH-30(97), introduced as H.B. No. 1839, which appropriates a designated sum to the Department of Health for the provision of the child and adolescent mental health programs, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii.

Gov. Msg. No. 142, transmitting copies of the 1996 Annual Report prepared by the Department of Hawaiian Home Lands, pursuant to Section 222, Hawaiian Homes Commission Act, 1920, as amended.

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

Representative Herkes introduced Lorraine Reid, "a native daughter of Hawaii who has been living in California, and who came to visit her flower shop in Representative White's district to see how much money she could make on Valentine's Day, and I wish her well;" her daughter, Jo-Anna Herkes; Big Island delegate and friend from the Operating Engineers, Jesse Manlapit; and the President of the Kona/Kohala Chamber of Commerce, Marni Herkes.

Representative Moses introduced the Junior and Senior classes of the Lanakila Baptist High School. They were accompanied by their teachers, Mr. Sam Schwab and Mr. Allen Cutting.

Representative Say introduced a group of young men from Kalaepohaku Heights, which is known as Saint Louis Heights.

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 25 and 26) were announced by the Clerk and the following actions were taken:

H.R. No. 25, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING THE SUPERB ACCOMPLISHMENTS OF THE 1996 UNIVERSITY OF HAWAII AT MANOA MEN'S VOLLEYBALL TEAM," was jointly offered by Representatives Morihara, Takai, Yoshinaga, Goodenow, Yamane, Aiona, Chang, Halford, Lee, Morita, Moses, Stegmaier, Takumi and White.

Representative Morihara moved that H.R. No. 25 be adopted, seconded by Representative Takai.

Representative Morihara then rose and proceeded to introduce the honorees, stating:

"Thank you, Mr. Speaker. It's certainly an honor to have these gentlemen and these ladies in the room tonight.

"The Legislature is proud to recognize the select individuals who manifest their God-given talents based on the tradition of tireless work ethics, athletic competition, and a greater determination to exemplify the sportsmanship, grace and goodwill of the State of Hawaii.

"The University of Hawaii, Manoa Wahine Volleyball Team certainly deserves some of the greatest recognition by this state and the nation, finishing in 1996 with a 31 and 2 record; and the men also, with a 27 and 3 record. Certainly, 1996 was a banner year for UH athletics.

"The University of Hawaii Women's Team has always set the standard for many years of competition, and that competition has been winning the national championship; that's a high standard for all of us. And we recognize them for their continued efforts and their continued excellence. And we also realize that the men's team is on the road to their first national championship, as we support them through this season.

"I would like to take the time now to introduce these members of the team that are visiting us today: Mike Wilton, head coach; Matt Johnson, assistant coach; Erik Pichel, senior setter; Kai Kahele, Junior swing hitter; Gavin Cook, junior middle blocker; Kahinu Lee, sophomore setter; Rick Tune, sophomore middle blocker; and Mike Kantor, senior outside hitter.

"I would like to defer to my Vice Chair for a few remarks and introduction of the ladies team. And please give them a large hand.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.R. No. 25 was adopted with Representatives Hamakawa and Takamine being excused.

H.R. No. 26, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING THE ACHIEVEMENTS AND ACCOMPLISHMENTS OF THE 1996 UNIVERSITY OF HAWAII AT MANOA WAHINE VOLLEYBALL TEAM," was jointly offered by Representatives Morihara, Takai, Yoshinaga, Goodenow, Yamane, Lee, Case, Aiona, Chang, Halford, Menor, Morita, Moses, Nakasone, Stegmaier, Takamine, Takumi and White.

Representative Morihara moved that H.R. No. 26 be adopted, seconded by Representative Takai.

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

"Today I'm particularly proud, along with my colleagues of this distinguished body, to honor the accomplishments of both the 1996 UH Wahine and 1996 UH Men's Volleyball Teams. These teams, in achieving NCAA runner-up titles, truly captured the imagination and hearts of people across our State. Cheering could be heard throughout our neighborhoods by the numerous

people who watch the games on TV, and also in the confines of the Stan Sheriff Arena.

"Hawaii is truly the volleyball capitol of the world. The Men's Team capped a stellar 1996 season with an all time NCAA attendance record for volleyball at 154,811 fans for 20 home game matches. This included five sellouts of more than 10,000 in attendance.

"The Wahine was no different. For the third straight season, the team set a national attendance record. In 1996, the Women drew a whopping 184,314 people for 22 home dates. Not surprising, Mr. Speaker, is that Nebraska with the second largest total attendance at 61,000 was dwarfed by Hawaii's 183,000. That's 122,000 more people attending Wahine games in just one season.

"With the UH Athletic Program under a tremendous burden to absorb significant cuts in state funding and the lackluster performance of some of our other teams, gate receipts for the volleyball teams played an important role in keeping the athletic program in the black. Revenues generated by ticket sales for both teams were staggering. Ticket sales amounted to nearly one million dollars for both teams combined.

"Mr. Speaker, I'd also like to add: It was because of your support a few years ago, that we did get the UH Special Events Arena, and we thank you for that. As a four-year letterman for UH swimming, I'm particularly proud to celebrate the accomplishments of these two teams. Mr. Speaker, I had the opportunity to attend the NCAA Tournament in L.A. and the WAC Championship in Las Vegas. Although the teams fell short of their ultimate goals, if the attendance at UCLA and at Las Vegas is any indication, we're truly blessed with fine ambassadors of Aloha.

"Mr. Speaker, the accolades can go on and on, however, I wish to congratulate and commend all the players and coaches for the excitement and pride that they have conferred upon all of us through their outstanding playing. You have honored not only yourselves, but your parents, your school and, of course, the people of Hawaii.

"Mr. Speaker, at this time I'd like to introduce the members of the Wahine Volleyball Team. First we have David Shoji, head coach; we have Howard Wallace, associate coach; Lori Higashida, sophomore defensive specialist; Nikki Hubbert, sophomore reserve setter; Aven Lee, freshman reserve left-side hitter; Jennifer Roberts, freshman reserve middle blocker; and Heidi Ilustre, freshman outside hitter.

"Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.R. No. 26 was adopted with Representatives Hamakawa and Takamine being excused.

At this time, Certificates of Recognition and floral leis were presented to the honorees.

At 12:33 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:04 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REFERRAL

The following Senate Bill was referred to committee by the Speaker:

<u>S.B.</u>	<u>Referred to:</u>
<u>Nos.</u>	
149	Committee on Finance

COMMITTEE REASSIGNMENTS

The following House Bills were re-referred to committee by the Speaker:

<u>H.B.</u>	<u>Re-referred to:</u>
<u>Nos.</u>	
121	Committee on Human Services and Housing, then to the Committee on Finance
342	Jointly to the Committee on Public Safety and Military Affairs and Judiciary, then to the Committee on Finance
1803	Committee on Finance
1857	Committee on Hawaiian Affairs, then jointly to the Committee on Judiciary and the Committee on Finance

STANDING COMMITTEE REPORTS

Representatives Stegmaier and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 251) recommending that H.B. No. 136 pass Second Reading and be referred to the Committee on Judiciary.

Representative Okamura moved that the joint report of the Committees be adopted and H.B. No. 136 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative M. Oshiro.

Representative Halford rose and stated:

"From the corner of the floor, I would like to speak against Standing Committee Report No. 251.

"This bill and the bill following require that Drs. Aizawa and Mortimer attend each others board meetings. While we would all hope that there's a cross-fertilization of ideas between the leaders of our departments of education, I think this is in the province of the Executive and micro-management on the part of the Legislature.

"Thank you, and I vote no."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 136, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary with Representative Halford voting no, and Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representatives Stegmaier and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 252) recommending that H.B. No. 135 pass Second Reading and be referred to the Committee on Judiciary.

Representative Okamura moved that the joint report of the Committees be adopted and H.B. No. 135 pass

Second Reading and be referred to the Committee on Judiciary, seconded by Representative M. Oshiro.

Representative Halford rose and stated:

"I would like to vote no also on Standing Committee Report No. 252.

"Thank you."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 135, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE X, SECTIONS 2 AND 6, OF THE HAWAII CONSTITUTION, RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary with Representative Halford voting no, and Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representatives Stegmaier and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 253) recommending that H.B. No. 294 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 294, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representatives Stegmaier and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 254) recommending that H.B. No. 596 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 596, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH A MASTER'S DEGREE PROGRAM IN EDUCATION AT THE UNIVERSITY OF HAWAII AT HILO," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representatives Stegmaier and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 255) recommending that H.B. No. 1007, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1007, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

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

256) recommending that H.B. No. 1115 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1115, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ASSESSMENT AND ACCOUNTABILITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 257) recommending that H.B. No. 128 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 128, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SCHOOL/COMMUNITY-BASED MANAGEMENT PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 258) recommending that H.B. No. 1023 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1023, entitled: "A BILL FOR AN ACT RELATING TO THE SECONDARY SCHOOL STUDENTS CONFERENCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 259) recommending that H.B. No. 1474, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1474, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 260) recommending that H.B. No. 1839 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1839, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH, CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 261) recommending that H.B. No. 2242, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2242, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO REIMBURSE HAWAII QUALIFIED HEALTH CENTERS FOR MEDICAL CARE PROVIDED TO THE UNINSURED," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 262) recommending that H.B. No. 427 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 427, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 263) recommending that H.B. No. 1864, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1864, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 264) recommending that H.B. No. 979, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 979, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative McDermott rose to speak against the bill, stating:

"Mr. Speaker, when I got elected, I promised my constituents I wouldn't vote for any new taxes or tax increases, and I'm keeping my word.

"Thank you."

Representative Halford then rose and stated:

"I'd like to vote no on this tax increase bill. Thank you."

Representative Moses then rose in opposition to the bill, stating:

"I oppose taxation in any form or an increase in taxation, that is, and taxation should not be used to set social policy, but rather to generate revenue. If we find that smoking is so onerous that we cannot tolerate it, we should ban it. Make tobacco illegal, but not take a half measure by taxing it.

"Thank you, Mr. Speaker."

Representative Kawanakoa then rose and stated:

"I'd just ask the Clerk to register a no vote in the Journal for me today.

"Thank you, Mr. Speaker."

Representative Stegmaier then rose and stated:

"Mr. Speaker, I would like a no vote to be registered for me as well."

Representative Ward then rose and stated:

"Also a no vote, Mr. Speaker.

"This bill will drive smoking underground, and I hope the Finance Committee will pay attention to what Rick Hale said a couple of years ago: when you increase the taxes so extensively, particularly this one -- 66 percent -- a black market is generated. And by a black market, we're going to create more chaos rather than what we intend to gain by this.

"Thank you."

Representative Meyer then rose and stated:

"I'm rising to ask the Clerk to register a no vote for me as this is an increase in taxes and I, too, took an oath not to raise taxes."

Representative Aiona then rose and stated:

"I'd like to also register a no vote. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 979, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTES AND TOBACCO TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Aiona, Halford, Kawanakoa, McDermott, Meyer, Moses, Stegmaier and Ward voting no, and Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 265) recommending that H.B. No. 661, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 661, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Cachola rose and stated:

"Mr. Speaker, I rise to speak in support of Standing Committee Report No. 265, and House Bill No. 661 HD

1, relating to World War II Filipino Veterans Burial Assistance.

"As the introducer of the bill together with our Filipino caucus, as well as other members of this House, let me say this, Mr. Speaker: Section 1 of the bill sums up the historical contributions and events, relating to the Filipino veterans.

"One thing that I can stress, Mr. Speaker, is that the Filipino veterans fought side by side with Americans for the sake of peace and for the sake of freedom. I'm certain though, Mr. Speaker, that most Filipino veterans are not entitled to the same benefits afforded to U.S. veterans, especially a lot of them are not even entitled to be buried in any national or state veteran cemeteries.

"The bill before you calls for funding. The \$25,000, particularly for fiscal year 1997-1998, will be used to pay families of veterans who already died, but have not collected any burial assistance. I just want to remind this body that we provided for fiscal year 1995 -- 1994 to 1996 -- a \$50,000 burial assistance. But I think because of the age factor, a lot of the veterans are dying faster, and we are short \$25,000 to assist them.

"Mr. Speaker, the least we can do is to provide financial assistance for the proper burial of these Filipino veterans. The least we can do is to give these unsung Filipino veterans a journey which is peaceful to their final resting place.

"With that, Mr. Speaker, I urge all the members to please vote aye on this measure."

Representative Pendleton then rose and stated:

"I rise in support of Standing Committee Report 265, House Bill No. 661, House Draft 1. As a member of the Filipino caucus, it's a delight for me to see an injustice righted and I strongly support this bill."

Representative Abinsay then rose and stated:

"Mr. Speaker. I also rise to speak in support of the same measure.

"Mr. Speaker, after 50 long years, the Filipino veterans of World War II were permitted to become U.S. citizens through the U.S. Immigration Act of 1990, but at first they must receive their naturalization on American soil. Hundreds came to America, which is the land of opportunity to many of us, via Hawaii. And the influx of veterans to Hawaii caught the community unaware.

"I was one of several community leaders to assist in finding housing and food for these veterans. A great majority of them came without monies and families to stay with. These veterans thought that food and lodging awaited them as they arrived. Because of their ages, ranging from 72 and above, employment is difficult, if not impossible, and their benefits as U.S. citizens and veterans are very meager.

"Right now, these veterans are dying at the average of two every month. Mr. Speaker, because burial in Hawaii is very costly, friends in the community help by raising funds, as much as needed; however, it is not enough.

"The families in the Philippines want their bodies back in the Philippines for them to be buried there, but because of our culture this is not good for us, especially when we are not cremating these bodies.

"So, Mr. Speaker, the Filipino veterans who have fought side by side with their American comrades really

need our help. So with that, I ask this honorable body to please support this bill.

"Thank you, Mr. Speaker."

Representative Moses then rose in support of the bill and stated:

"I'd just like to say, on behalf of all veterans -- those of Filipino ancestry and those not -- we support you very much in your endeavors and believe that we need to right this wrong."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 661, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BURIAL ASSISTANCE FOR FILIPINO VETERANS OF WORLD WAR II," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 266) recommending that H.B. No. 1667, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEAD PAINT HAZARDS PROGRAM," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 267) recommending that H.B. No. 1863, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1863, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER AND BUSINESS EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 268) recommending that H.B. No. 2328, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2328, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPEAL OF THE SUNSET DATE FOR ENERGY CONSERVATION INCOME TAX CREDITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 269) recommending that H.B. No. 1675,

as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1675, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOISTING MACHINE OPERATORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 270) recommending that H.B. No. 1732, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1732, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 271) recommending that H.B. No. 790, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 790, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 272) recommending that H.B. No. 1878, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1878, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 273) recommending that H.B. No. 1855, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1855, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPLIANCE RESOLUTION FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 274) recommending that H.B. No. 1900, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1900, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE LICENSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 275) recommending that H.B. No. 1895, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1895, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPOINTMENT OF ADVISORY COMMITTEES FOR REGULATORY PROGRAMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 276) recommending that H.B. No. 1901, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1901, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 277) recommending that H.B. No. 1854, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1854, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND BONDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 278) recommending that H.B. No. 1866, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the joint report of the Committees be adopted and H.B. No. 1866, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Halford rose and stated:

"I'd like to register a no vote please, on another tax increase bill -- Standing Committee Report No. 278."

Representative Thielen then rose and stated:

"Thank you, Mr. Speaker. I would also like to register a no vote on House Bill No. 1866, the insurance premium taxes."

Representative McDermott then rose and stated:

"Mr. Speaker, I'd also like to register another no vote on another tax increase."

Representative Kawanakoa then rose and stated:

"Another no, Mr. Speaker."

Representative Moses then rose and stated:

"Thank you, Mr. Speaker. I also rise in opposition and wish that a no vote would be recorded."

Representative Pendleton then rose and stated:

"Mr. Speaker, I also rise in opposition to this tax."

Representative Marumoto then rose and stated:

"Have the Clerk please record a no vote for me."

Representative Fox then rose and stated:

"I'd like to register a no vote on this bill as well."

Representative Meyer then rose and stated:

"Thank you, Mr. Speaker. I, too, would like a no vote registered for me."

Representative Stegmaier then rose and stated:

"Thank you. A yes with reservations on this one, please."

Representative Ward then rose and stated:

"Mr. Speaker, to make it a full dozen, a no vote for me."

Representative Aiona then rose and stated:

"Mr. Speaker, I'd like to also register a no vote."

Representative Whalen then rose and stated:

"To make it unanimous in this corner of the room, I also register a no vote. Thank you."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 1866, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," passed Second Reading and was referred to the Committee on Finance with Representatives Aiona, Fox, Halford, Kawanakoa, Marumoto, McDermott, Meyer, Moses, Pendleton, Thielen, Ward and Whalen voting no, and Representatives Arakaki, Chang, Goodenow, Hamakawa,

Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 279) recommending that H.B. No. 1324, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1324, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 280) recommending that H.B. No. 1572 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1572, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 281) recommending that H.B. No. 1573 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1573, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 282) recommending that H.B. No. 1574 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1574, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 283) recommending that H.B. No. 1575 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1575, entitled: "A BILL FOR AN ACT RELATING TO MILK," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives

Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 284) recommending that H.B. No. 1509, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1509, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 285) recommending that H.B. No. 2215, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2215, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROMOTION OF TOURISM ON THE SOUTH SHORE OF KAUAI," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 286) recommending that H.B. No. 183, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 183, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPORTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 287) recommending that H.B. No. 257 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 257, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 288) recommending that H.B. No. 663, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 663, HD 1,

entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII INTERNATIONAL FILM FESTIVAL," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 289) recommending that H.B. No. 1585, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1585, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 290) recommending that H.B. No. 1587 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1587, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 291) recommending that H.B. No. 1724 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1724, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 292) recommending that H.B. No. 360, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 360, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Thielen rose and stated:

"Thank you, Mr. Speaker. I'm rising to cast a no vote, Mr. Speaker, on House Bill No. 360, the tax snitch bill. And I have some comments, Mr. Speaker.

"Mr. Speaker, the bill establishes a procedure to allow the Director of Taxation to reward individuals for reporting State tax evaders. This means your neighbor, your local business establishment, your friend, your

volleyball colleague. And Mr. Speaker, I frankly think it is in conflict with an existing law.

"Hawaii Revised Statutes, Section 5-7.5 sets forth the Aloha Spirit which includes the charm, warmth, and sincerity of Hawaii's people. Aloha means mutual regard and affection, and extends warmth and caring with no obligation in return.

"This bill before us doesn't carry an obligation. It carries a 20 percent tax snitch rebate to the person who goes through his or her neighbors garbage, or maybe just in informal conversation, elicits information that the friend is late in turning in taxes. I think it's very divisive.

"I think instead of the aloha spirit, it's: be a snitch spirit. And the Department of Taxation does not need this to be able to perform its own function of collecting taxes.

"I don't support people not paying taxes but even more, I don't support setting up sort of an island neighbor-to-neighbor gestapo net that is trying to entrap people into saying: gee, I didn't pay my taxes yet, I didn't have the money to do it. Then that person gets to turn that neighbor in to the IRS, and collect 20 percent. So it's really a 'be a snitch bill,' and I just can't support it, Mr. Speaker."

Representative Herkes then rose in support of the bill and stated:

"This is a well-established practice within our society. Crime Stoppers does it on a weekly basis. Not paying your taxes or being fraudulent in your taxes is a crime. Crime Stoppers gives rewards for those who turn people in that have broken the law; the FBI does it regularly; Konawaena High School on the Big Island does this. They give cash rewards to students that ferret out criminal activity within the school.

"I'd also remind you that some of the nation's most notorious criminals have been brought to justice because they cheated on their taxes. I'd urge support of the bill."

Representative Moses then rose and stated:

"I also wish to speak in opposition to this bill, and wish my vote to be recorded.

"I am opposed to any kind of tax evasion; I'm all for voluntary compliance with the tax rules. However, I have the same problems that my colleague expressed earlier, that we're going to pay people to go out and find those who, for whatever reason they believe, are not paying their taxes, or they can use it as a vengeful means of causing problems for people that they know.

"And yes, other people do pay for crime information, violators information, and that's fine. That doesn't mean that we need to add to a possible wrong by doing the same. And if those people out there know about these violations of law and wish to report them today, they are free to do so. And in fact, if they do not, they themselves are violating the law. We don't need to reward them with cash to make them law abiding citizens.

"Thank you, Mr. Speaker."

Representative Pendleton then rose and stated:

"Mr. Speaker, I rise to cast a no vote on this measure.

"I believe that we do need to insure the taxes and tax laws are complied with; however, I'm concerned about

the incentives that this law will provide to those who may already bear grudges against business partners, former employers, etc. I don't think that we should be rewarding people for turning in others at this kind of level, at a 20 percent level.

"I know in some countries -- Banana Republic, South American countries, totalitarian countries -- the state endorses and engages in this kind of behavior. I don't think that's something we ought to imitate."

Representative Tom then rose and stated:

"First of all, Mr. Speaker, I'd like to speak in support of this bill, very briefly.

"Mr. Speaker, the federal government has been practicing this practice for over 10 years. I don't see anything in this bill about neighbors snitching on neighbors. I think there's a lot of talk put into this bill that isn't there.

"I don't see anything in this bill about digging in garbage cans; I don't see anything in this bill about many of the scare things that people would like to say is in the bill. What this bill does do is provide just one more innovative way to get at people who cheat on their taxes, who do not pay what they're supposed to pay. This is just another innovative way.

"Mr. Speaker, I'd just like to add that the Feds have been doing it. I'd like to echo the words of Representative Herkes, and I think that what we're trying to do is get at those who cheat on their taxes, and this is just another way.

"Thank you, Mr. Speaker."

Representative Yamane then rose in support of the bill, stating:

"I'd like to mention to those people who are the naysayers on this particular bill that the Tax Department did request for it, and to use it as an incentive. The so-called reward for snitching is from the money that would be returned to the Tax Department for which it's due. And most of all, we should remember there would be no reason for this law if people were responsible enough to pay their taxes.

"Thank you, Mr. Speaker."

Representative Ward then rose and stated:

"I wish to register a no with a couple of comments.

"Mr. Speaker, following the phrase of the last speaker, there would be no reason for this bill if it wasn't for the glut in government spending or let's say the avariceness of this government searching high and low for more money.

"Let's call a spade a spade. This bill has been discovered as another way to get blood out of a turnip, and that's by using these kinds of tactics. I would remind my colleagues that the Berlin Wall, the Balkanization of Europe, the whole thing is that we used to despise the Communists about brothers and sisters turning in the family. This is inviting that same kind of spirit into Hawaii."

At 1:24 o'clock p.m., Representative M. Oshiro asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:25 o'clock p.m., the Chair recognized Representative Ward, saying:

"Representative Ward, would you please continue and, of course, stay in the context of the bill. Please proceed."

Representative Ward continued, stating:

"Mr. Speaker, there are two things you've got to do in America: die, and pay taxes.

"This one makes sure that if you don't pay your taxes, your neighbor or your distraught friends who want to get a harassment against you, particularly I cite the Civil Rights Commission, which is very good for discrimination and other things that occur. However, people are using the civil rights in the work place as a way of getting back in soured relationships or animosities between employees and employers. This is no way to sort out when this is going to be misused and when it's going to be used for what I said initially, is to get more blood out of a turnip, which otherwise normal states with the civil law don't have to revert to.

"So when I say the Soviet Union and the others used to have this as a way of running their society, we don't want that same spirit to be injected into our tax-raising system here because we've got a system that works, we've just got an economy that's not going anywhere. We've got a stalled disincentive with government, the way that we carry on in this floor, Mr. Speaker.

"Thank you."

Representative Thielen then rose and stated:

"Second time. I just have two comments to make in response to the Judiciary Chair and the Vice Chair's comments.

"This is not an administration bill; the Department of Taxation did not propose this bill. They were, frankly, a little bit surprised about it coming about but said: hey, well, why not guys? They did let us know, however, that the IRS provision which is highlighted here is much more narrow than what we're putting in our state law. We don't need to open up the door to this kind of neighbor-spy-on-neighbor activity.

"Thank you."

Representative Yamane then rose in support of the bill, stating:

"Mr. Speaker, contrary to some sanctimonious preaching around here, the Tax Department did say that it would be a benefit to them, number 1; and number 2, for this so-called snitching or getting blood out of a turnip, I mean, the taxes are due. It's not something that's illegal, it's something they're supposed to pay, something all of us are supposed to pay. So some of us are subsidizing the people that don't pay. And this is a tool to get more people more responsible.

"Thank you, Mr. Speaker."

Representative Tom then rose and stated:

"Mr. Speaker, I just want to set the record straight, that the Taxation Department was not surprised, they were happy. I saw it in their faces.

"Mr. Speaker, let's get one thing clear for those who vote against it. You mean to say it's okay to cheat if someone doesn't report you but it's not okay to cheat if

you get caught by taxation? Come on, let's call a spade a spade."

Representative Thielen then rose on a point of personal privilege, stating:

"My point of personal privilege is, Mr. Speaker, none of us stood up here in opposition saying it's okay for. . .

At this point, the Chair interrupted and called Representative Thielen "out of order".

Representative Thielen continued, saying:

"Mr. Speaker, my point of personal privilege is, I resent being called by the words that the Chair of Judiciary said, and no one here is. . .

The Chair again interrupted and called Representative Thielen "out of order".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 360, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Moses, Pendleton, Thielen and Ward voting no, and Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 293) recommending that H.B. No. 1649, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1649, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERJURY," passed Second Reading and was referred to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 294) recommending that H.B. No. 385, as amended in HD 1, pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 385, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," passed Second Reading and was referred to the Committees on Consumer Protection and Commerce and Judiciary, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 295) recommending that H.B. No. 515, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 515, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

YOUTH SERVICES," passed Second Reading and was referred to the Committee on Education, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 296) recommending that H.B. No. 1504, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1504, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FILM INDUSTRY," passed Second Reading and was referred to the Committee on Labor and Public Employment, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 297) recommending that H.B. No. 1681, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1681, HD 1, pass Second Reading and be referred to the Committee on Transportation, seconded by Representative M. Oshiro.

Representative Meyer rose and stated:

"Mr. Speaker, I rise to speak in opposition to House Bill No. 1681, House Draft 1.

"This is a bill that would give special privileges to people driving electric cars, of which there are only about 40 on this island. The electric vehicle industry has been highly subsidized by the federal government and the state government.

"This bill would allow electric cars to park anywhere and not get a ticket; they would not pay the same licensing fees. My feeling is, electric cars drive on the road just like combustion engine cars. They may need city parking because of the limited number of miles they can go before they have to get a recharge, but I think this is kind of wrong-headed. And I'd like to have the Clerk register a no vote for me."

Representative Yoshinaga then rose to speak in support of Standing Committee Report No. 297, House Bill No. 1681, HD 1.

"The energy policy of the state is to look at diversification off of petroleum, of which our state is very vulnerable; that we are 90 percent dependent currently on petroleum-based products for our energy needs. In light of that, one of the major uses of petroleum products is for transportation, i.e., cars and automobiles which we all take for granted in our daily lives.

"I believe, and the Committee supported the Chair's decision, to move on this measure as really a promotion, not to subsidize a particular possible, to promote electric vehicles as an alternative. As there are only 40 vehicles which the previous speaker alluded to, this is really not going to impact a major segment of the community, but it really is worthy of, I think, research and development as alternate energy is being expanded for our state energy policy.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1681, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed Second Reading and was referred to the Committee on Transportation with Representative Meyer voting no, and Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 298) recommending that H.B. No. 1621 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1621, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INJURIES COVERED," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Nakasone, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 299) recommending that H.B. No. 1639, as amended in HD 1, be recommitted to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1639, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," was recommitted to the Committee on Finance, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 300) recommending that H.B. No. 728, as amended in HD 1, pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 728, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 301) recommending that H.B. No. 1593, as amended in HD 1, pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1593, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 302) recommending that H.B. No. 1262, as amended in HD 1, pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1262, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STUDY OF THREE TAX PROPOSALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 303) recommending that H.B. No. 1640, as amended in HD 1, pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1640, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 304) recommending that H.B. No. 1643, as amended in HD 1, pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1643, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO THE STATE BY ELECTRONIC FUNDS TRANSFER," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 305) recommending that H.B. No. 1645, as amended in HD 1, pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1645, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMING TAX PROVISIONS TO THE UNIFORM LIMITED LIABILITY COMPANY ACT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 306) recommending that H.B. No. 1647, as amended in HD 1, pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1647, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

LICENSING OF CERTAIN SELLERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 307) recommending that H.B. No. 1687 pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1687, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC FUNDS TRANSFERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 308) recommending that H.B. No. 1700 pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1700, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 309) recommending that H.B. No. 1710 pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1710, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 310) recommending that H.B. No. 1768, as amended in HD 1, pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1768, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF LAND TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 311) recommending that H.B. No. 1799, as amended in HD 1, pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the

COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 332) recommending that H.B. No. 1789 pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1789, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 333) recommending that H.B. No. 1790 pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1790, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 334) recommending that H.B. No. 1791 pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1791, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 335) recommending that H.B. No. 1792 pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1792, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 336) recommending that H.B. No. 1793 pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1793, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed

Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Say, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 337) recommending that H.B. No. 1576 pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1576, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 338) recommending that H.B. No. 455 pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 455, 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 FROM THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OR REPEALING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 339) recommending that H.B. No. 141 pass Second Reading be placed on the calendar for Third Reading.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 141 pass Second Reading be placed on the calendar for Third Reading, seconded by Representative M. Oshiro.

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

"Mr. Speaker, I stand in support of this bill but want to note my reservations regarding this bill. This bill would extend immunity to volunteers. That is a good and noble goal, and I agree with the intent.

"We had a concern about individuals serving voluntarily on Neighborhood Boards, and this is an important goal. However, the breadth of this bill in the particular language concerns me because it extends to all volunteers. For example, you might have one volunteer who's driving a car, delivering drinks to a race, runs over someone, and that person is immune even if that person -- the volunteer -- engaged in negligence.

"Now this bill, unlike, I believe, a superior bill -- H.B. 1028 -- which was introduced by our distinguished colleague, Representative Ed Case, this particular bill -- H.B. 141 -- does not have the requirement for insurance as Representative Ed Case's superior bill would have.

"And so I just want to speak to this point and note my reservations. I wish that that other bill had gone forward.

"Thank you."

Representative Case then rose and stated:

"I rise in support of Stand. Com. Report 339, House Bill No. 141.

"Just in brief response to the remarks of my colleague. I do agree with him that the bill to which he made reference was superior; however, I do believe that this particular bill, which I also introduced, is even more superior than the bill that he referred to.

"Thank you."

Representative Herkes then rose and stated:

"May I please have the Clerk cast a no vote for me on this bill?"

Representative Halford then rose in favor of the bill, stating:

"I am happily surprised at the progress of this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 141, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER SERVICE," passed Second Reading and was placed on the calendar for Third Reading with Representative Herkes voting no, and Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 340) recommending that H.B. No. 1377 pass Second Reading be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1377, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF JUDICIARY RECORDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White were excused.)

THIRD READING

H.B. No. 173:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 173, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Third Reading by a vote of 41 ayes, with Representatives Arakaki, Chang, Goodenow,

Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

H.B. No. 1641:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1641, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," passed Third Reading by a vote of 41 ayes, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

H.B. No. 1642:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1642, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTRONIC FILING OF TAX RETURNS," passed Third Reading by a vote of 41 ayes, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

H.B. No. 1646:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1646, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AN AUTOMATED TAX SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," passed Third Reading by a vote of 41 ayes, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

H.B. No. 1648:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1648, entitled: "A BILL FOR AN ACT RELATING TO REMITTANCES TO THE DEPARTMENT OF TAXATION," passed Third Reading by a vote of 41 ayes, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

H.B. No. 1635:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1635, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Third Reading by a vote of 41 ayes, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

H.B. No. 1580:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1580, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed Third Reading by a vote of 41 ayes, with Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine and White being excused.

The Chair directed the Clerk to note that H.B. Nos. 173, 1641, 1642, 1646, 1648, 1635 and 1580 had passed Third Reading at 1:37 o'clock p.m.

ANNOUNCEMENTS

Representative Thielen: "Mr. Speaker, three days left, and I understand that high three is going to be heard in Finance tomorrow. That's wonderful.

"And tomorrow, we'll all be able to vote in favor of reforming automobile insurance. So we're still moving ahead with three out of the four. Let's hope that we can do a full sweep. Thank you."

Representative Yonamine: "Mr. Speaker, I would like to snitch on my committee members. We have decision making right after this session in Room 309. Thank you very much."

Representative Takai: "Mr. Speaker, I'd like to announce and invite the members of the House to our Keiki Caucus meeting which is now in progress in Room 423, and announce that lunch will be provided."

Representative Ward: "Mr. Speaker, there will be a brief Minority caucus immediately following session today."

Representative Yoshinaga then rose and requested waiver of the 48-hour hearing notice requirement to hear House Bill 1367 tomorrow morning, and the Chair "so ordered."

ADJOURNMENT

At 1:39 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, February 12, 1997. (Representatives Arakaki, Chang, Goodenow, Hamakawa, Hiraki, Kanoho, Santiago, Suzuki, Takamine, White and Yamane were excused.)

NINETEENTH DAY

Wednesday, February 12, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 12:13 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Deacon Ernest Uno of St. Mary's Episcopal Church, after which the Roll was called showing all members present.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Eighteenth Day was deferred.

GOVERNOR'S MESSAGE

Gov. Msg. No. 143, submitting Administration Proposals of H.B. 1714, HMS-1(96) - Making an Emergency Appropriation for an Electronic Benefit Transfer System; H.B. 1717, HMS-5(97) - Making an Emergency Appropriation for the State Medical Assistance Program; and H.B. 1719 HMS-8(97) - Making Emergency Appropriations for the Randolph-Sheppard Revolving Account and for the Blind Shop Revolving and Handicraft Fund, requesting immediate passage of these measures in order for the Department of Human Services to provide financial and medical assistance to needy individuals and families, in accordance with Section 9, Article VII, of the Constitution of the State of Hawaii, was received and announced by the Clerk and was placed on file.

SENATE COMMUNICATION

Sen. Com. No. 8, transmitting Senate Bill No. 175, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," which passed Third Reading in the Senate on February 11, 1997, was received and announced by the Clerk and was placed on file.

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, S.B. No. 175 passed First Reading by title and further action was deferred.

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

Representative Takumi introduced a group of people representing four different groups: Healthy Mothers Healthy Babies Coalition; Keiki Injury Prevention Coalition; Parents and Children Together; and Hawaii Stand Hanaliki.

Representative Kanoho introduced some friends from Kauai: Annabelle Pa Kam, Marco Kam, Elizabeth Pa Martin, Nickie Hinds, and Mr. and Mrs. Ted Segares visiting from New York.

Representative Aiona introduced a group of people from the Hawaiian Language Immersion Program from the Big Island (Waimea, Kona, Keaau and Hilo), as follows: Myrna Aiona, Ka'e'e Victor, Kalaokahaku Akima, Keomailani Case, Iana Fujimori-Godden, and Maunahina Conrandt.

At 12:21 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:53 o'clock p.m.

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 341) recommending that H.B. No. 1989, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1989, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OUTREACH WORKERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 342) recommending that H.B. No. 1718 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1718, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF PAYMENTS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 343) recommending that H.B. No. 1719 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1719, entitled: "A BILL FOR AN ACT RELATING TO MAKING EMERGENCY APPROPRIATIONS FOR THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT AND FOR THE BLIND SHOP REVOLVING AND HANDICRAFT FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 344) recommending that H.B. No. 1716 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1716, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF UNCLAIMED FINANCIAL ASSISTANCE BENEFITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 345) recommending that H.B. No. 1714, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1714, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AN ELECTRONIC BENEFIT TRANSFER SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 346) recommending that H.B. No. 1715 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1715, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARDS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 347) recommending that H.B. No. 2156 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2156, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS FOR AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 348) recommending that H.B. No. 1346 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1346, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 349) recommending that H.B. No. 129, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 129, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 350) recommending that H.B. No. 130, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the

Committee was adopted and H.B. No. 130, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE INCENTIVE AND INNOVATION GRANT TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 351) recommending that H.B. No. 1698, as amended in HD 1, pass Second Reading and be referred to the Committee on Ocean Recreation and Marine Resources.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FILM PERMITTING," passed Second Reading and was referred to the Committee on Ocean Recreation and Marine Resources, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 352) recommending that H.B. No. 1699, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1699, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 353) recommending that H.B. No. 1930, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1930, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 354) recommending that H.B. No. 2211, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2211, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING AND DESIGN OF A COMMERCIAL CENTER AND LIGHT INDUSTRIAL USE AREA ON LANAI," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 355) recommending that H.B. No. 2222, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2222, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 356) recommending that H.B. No. 1707 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1707, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF VETERANS' SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representatives Yoshinaga and Takamine, for the Committees on Energy and Environmental Protection and Water and Land Use, presented a joint report (Stand. Com. Rep. No. 357) recommending that H.B. No. 1562, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1562, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE SPECIES LICENSE PLATES," passed Second Reading and was referred to the Committee on Transportation, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 358) recommending that H.B. No. 666, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 666, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 359) recommending that H.B. No. 672 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 672, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 360) recommending that H.B. No. 2155, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2155, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH MARKETING," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 361) recommending that H.B. No. 1896 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1896, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT OF PROFESSIONAL AND VOCATIONAL LICENSE FEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 362) recommending that H.B. No. 264 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 264, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR THE WILCOX HEALTH SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 363) recommending that H.B. No. 1369 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1369, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AUTOMATIC EXTERNAL DEFIBRILLATORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 364) recommending that H.B. No. 1817 pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1817, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC PRESCRIPTIONS," passed Second Reading and was referred to the Committees on Consumer Protection and Commerce and Judiciary, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 365) recommending that H.B. No. 1886 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the

Committee was adopted and H.B. No. 1886, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 366) recommending that H.B. No. 1620, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1620, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 367) recommending that H.B. No. 1842, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1842, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY RESIDENTIAL TREATMENT SYSTEM," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 368) recommending that H.B. No. 1951, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1951, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT PESTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 369) recommending that H.B. No. 2214 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2214, entitled: "A BILL FOR AN ACT RELATING TO COFFEE CERTIFICATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 370) recommending that H.B. No. 248, H.D. 1 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the

Committee was adopted and H.B. No. 248, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 371) recommending that H.B. No. 1470 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1470, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE INTERNSHIP PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 372) recommending that H.B. No. 1660, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1660, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 373) recommending that H.B. No. 1904, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1904, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 374) recommending that H.B. No. 1993, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1993, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE DEVELOPMENT OF VARIOUS PROGRAMS AT HONOLULU COMMUNITY COLLEGE," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 375) recommending that H.B. No. 2003, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2003, HD 1,

entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF FAMILY PRACTICE AND COMMUNITY HEALTH AT THE JOHN A. BURNS SCHOOL MEDICINE, UNIVERSITY OF HAWAII AT MANOA," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representatives Morihara and Takai, for the Committees on Higher Education and Culture and the Arts, presented a joint report (Stand. Com. Rep. No. 376) recommending that H.B. No. 2016, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 2016, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE UNIVERSITY OF HAWAII-HILO THEATRE REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representatives Stegmaier and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 377) recommending that H.B. No. 440, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 440, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONTINUE FUNDING FOR PLANNING AND PROGRAMMING OF CONTINUING EDUCATION PROGRAMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 378) recommending that H.B. No. 954, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 954, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MEMBERSHIP IN THE STATE COURT INTERPRETER CERTIFICATION CONSORTIUM," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 379) recommending that H.B. No. 108, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 108, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 380) recommending that H.B. No. 1379, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1379, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 381) recommending that H.B. No. 1828, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1828, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 382) recommending that H.B. No. 1529 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1529, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 383) recommending that H.B. No. 2037, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2037, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 384) recommending that H.B. No. 74, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 74, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER SOFTWARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 385) recommending that H.B. No. 1652, as amended in

HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1652, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN INCOME TAX DEDUCTION FOR TUITION EXPENSES," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 386) recommending that H.B. No. 899, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 899, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MAIN STREET PROGRAM," was referred to the Committee on Finance.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 387) recommending that H.B. No. 1506 be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1506, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL-BASED CLINICS IN KAHUKU, MILILANI, AND KAPAA HIGH SCHOOLS," was referred to the Committee on Finance, with Representatives Fox, Morihara and Yoshinaga being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 388) recommending that H.B. No. 2174, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2174, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC-PRIVATE INFRASTRUCTURE PARTNERSHIPS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Fox and Yoshinaga being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 389) recommending that H.B. No. 1690, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1690, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE MAXIMIZATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Fox and Yoshinaga being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 390) recommending that H.B. No. 1804, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1804, HD 1, pass

Second Reading and be placed on the calendar for Third Reading, seconded by Representative M. Oshiro.

Representative Halford rose to speak against the bill, stating:

"Over the past few years, funding for culture and the arts has been declining. This one percent of funds that goes to purchase art is one of the best in the nation, one of the few things that Hawaii's government does that is regarded as excellent nationally. We are looked at as a model state in this regard.

"The way we presently use this money supports our island art, our island art community, and our culture. I think, especially since we have eroded our support for culture and the arts, that we should not go after this one portion and take half the money for another purpose.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1804, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPAIRS AND MAINTENANCE," passed Second Reading and was placed on the calendar for Third Reading with Representative Halford voting no, and Representatives Fox and Yoshinaga being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 391) recommending that H.B. No. 617, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 617, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN BORN TO PARENTS NOT MARRIED TO EACH OTHER," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Fox and Yoshinaga being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 392) recommending that H.B. No. 107, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 107, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Fox and Yoshinaga being excused.

At 12:57 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, 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, with Representatives Arakaki, Fox and Yoshinaga being excused.

THIRD READING

H.B. No. 364, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 364, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 100, HD 1:

Representative Okamura moved that H.B. No. 100, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

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

"Mr. Speaker, I rise with the hat as one of the four co-chairs of the Small Business Caucus and report to this body, as I was having said to me from the Small Business Coalition representing the small business community, that this is a good bill, **but**, and they talked about the cost shifting. And the cost shifting for what will otherwise hurt the small business community.

"They were very concerned that if 26 percent out of the 33 percent of the money that is to be saved by this bill, if it goes on to their taps, means twenty-five to ninety more dollars per month per employee. They are very concerned that this is something that this body should know about, and I think it is something that we have to say.

"We've got a good bill as a start, but I think we can do better, Mr. Speaker.

"Thank you."

Representative McDermott then rose and requested the Clerk to register an aye with reservations, and the Chair "so ordered."

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

"Mr. Speaker, the purpose of this bill is to provide necessary and much needed relief to Hawaii's consumers from the unacceptably high motor vehicle insurance premiums. Mr. Speaker, we have heard loud and clear from our constituents that the Legislature must take immediate action to make automobile insurance more affordable for the people of Hawaii. I believe that this bill will accomplish that goal by attacking the major cost drivers that contribute to the high cost of motor vehicle insurance in Hawaii while ensuring that those who are injured in automobile accidents will be adequately compensated.

"Let me briefly highlight the key provisions of this bill that will result in substantial, meaningful, and immediate relief for Hawaii's consumers. This bill has a provision that would require insurance carriers to implement a twenty-five to thirty-five percent rate reduction commencing on January 1, 1998. This rate reduction would apply to basic coverages for bodily injury liability, medical coverage, property damage, uninsured motorist coverage, and underinsured motorist coverage. The enactment of this provision into law will ensure that Hawaii's consumers will now have the option of being able to purchase less expensive automobile insurance and will no longer be required to purchase motor vehicle insurance that they cannot afford.

"Other provisions of this bill will also strengthen laws relating to motor vehicle theft and use of stolen parts to reduce automobile insurance losses; eliminate the medical rehabilitative threshold which serves as a major cost driver for both medical expenses and bodily injury liability coverage; and repeal the Peer Review Organization System, which has become expensive and time consuming.

"Furthermore, Mr. Speaker, this bill will require a reduction of tort liability awards by \$5,000 for a claim to reduce costs generated by lawsuits and to discourage minor and frivolous tort claims. It will also strengthen the Insurance Commissioner's authority to regulate and reduce rates; require insurance fraud investigation and prosecution; make medical payments coverage of at least \$3,000 per person mandatory; eliminate mandatory medical coverage for remedial non-medical care and treatment; and place a cap on minimum liability coverage at \$30,000 per accident.

"Now I recognize that there are those who have expressed a number of concerns about this bill, one of which has been expressed by my colleague, the previous speaker. For example, critics have alleged that this bill will achieve rate reductions solely by shifting medical costs to pre-paid health insurance and thereby increase costs for employers. I have several responses to this criticism. First of all, your committee selected the medical coverage amount because we believe that it will be sufficient to cover medical expenses in many cases thereby minimizing or eliminating the cost shift to pre-paid health insurance. Moreover, it should also be pointed out that the State Actuary did not include -- I repeat, did not include -- any cost shifting percentages in arriving at the 30 percent savings off a base policy that will result with the implementation of the provisions of this bill that I have discussed. Additionally, because pre-paid health insurance already covers the estimated twenty-five percent of uninsured motorists and all motorcycles and motor scooters that are not currently required to carry no-fault insurance under current law, it is anticipated that the lowering of motor vehicle insurance premiums will allow many who are currently uninsured to purchase insurance. This in turn will help businesses by shifting health care costs of uninsured motorists from pre-paid health insurance back to motor vehicle insurance. In this regard, I believe that the contention that this bill will increase private health insurance costs and increase employer costs is highly debatable. In fact, this measure could generate substantial savings for businesses that own commercial vehicles and whose automobile insurance premiums will go down as a result of this bill. In this regard, House Bill 100, HD 1, is not only a pro-consumer bill, but also, I believe, a pro-business measure as well.

"Nevertheless, I recognize the concerns on the part of my colleagues about the possibility of cost shifts, and I would like to assure my colleagues that this issue will be taken up for further consideration when this bill reaches conference committee for further evaluation and deliberation.

"In addition to the concerns about the cost shift, critics of this measure -- primarily those from within the insurance industry -- have stated that people who choose to purchase higher or optional coverages will pay the same or even higher premiums than they are paying now under the current no-fault insurance system. In response, let me state that the Insurance Commissioner's office has projected that many consumers will, in fact, be paying less for optional or higher coverages, because the implementation of the cost saving provisions of this bill that I discussed earlier will reduce costs within the system and make this optional or higher coverages more affordable. . .

At this point, Representative Halford interrupted and yielded his time to Representative Menor.

Representative Menor thanked the Chair and continued his remarks, saying:

"It should also be emphasized that the rates that insurance carriers will be able to charge for optional coverages will be subject to review and prior approval of the Insurance Commissioner. I am confident that the Insurance Commissioner will carefully review rate filings to insure that insurance companies will not be able to charge exorbitantly high rates for optional coverages in an attempt to offset the mandatory rate reductions that these companies will be required to implement.

"In closing, Mr. Speaker, I believe that House Bill 100, HD 1, will implement meaningful and effective automobile insurance reform. Given the numerous failed attempts by this Legislature to fix and tinker with a no-fault insurance system that continues to produce the highest automobile insurance rates in the nation, I believe that it is time for this body to undertake bold action in addressing our motor vehicle insurance problem. As I stated during the committee's deliberation and decision-making on this bill, the automobile insurance system that this bill would implement cannot be worse than the system that we now have in place and, in fact, will be a vast improvement over our current no-fault insurance law.

"I say, let's give this bill a try, let's give it a chance. What have we got to lose? I respectfully ask all of my colleagues to vote in favor of House Bill 100, HD 1.

"Thank you."

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

"Mr. Speaker, I am certain that the Chairman of the Consumer Protection Committee will be negotiating on all the concerns that he had mentioned.

"I would like to register my concern for the Mr. and Ms. public such as the 33,000 that was cut off of Quest and do not have the pre-paid medical health plans, and I am hoping to see that we can address those people in negotiations.

"Thank you."

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

"It is the best thing we have on the table right now; that is why I support it with reservations. But I believe a much simpler way to do it was to simply repeal no-fault -- plain and simple.

"Another concern I have is the \$5,000 basically double-dip for the insurance company. Their 25 to 35 percent reduction in premiums comes out of a change from driving around in a Cadillac down to a subcompact. Our benefits are reduced by more than half. When we get paid, the coverages -- everything else -- is cut dramatically. We should get at least a 25 to 35 percent reduction without any other change so our reduction in premiums covers their risk. The \$5,000 for those of you who might not have the opportunity to go through it is something that insurance companies get as a bonus. They may pay out benefits, they are still entitled to recover that from the insured and they get \$5,000. It comes out of the insured's pocket and I don't believe that's fair, and I am concerned that the insurance companies we are creating a situation like we have in the

home insurance industry where we have created such a comfortable bed to lie on that they would kick and scream if we ever tried to remove those pillows from the back of their heads and the comfortable feather down bed that they are sleeping in. We are going to be faced with the same struggle where we are now. We're trying to get rid of the Hawaii Hurricane Relief Fund, trying to get home insurance back into the market and I am afraid that we are creating a bigger monster than we are actually solving.

"Thank you."

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

"I just want to note that I would like to commend the Chair of the Consumer Protection and Commerce Committee for taking on this difficult problem that has faced our public for over four years now.

"I would also like to just note that I am concerned about the cost shifting aspect of this bill. However, I am encouraged by the Chair's assurances that he would look towards mitigating ways by which to reduce the cost shifting aspect that is couched in this bill. I look forward to that in conference committee.

"Thank you, Mr. Speaker."

Representative Menor then rose and stated:

"I just wanted to make a brief clarification in response to comments made by my colleague from Kona.

"I appreciate his vote in support of this bill, however, I think a point that needs to be clarified is the fact that the \$5,000 reduction in award that I discussed earlier is not a deductible that would apply to the basic benefits that the insured will be able to collect from his or her own policy for the basic coverages, in other words. So, their out-of-pocket expenditure is going to have to be made by any insured who is involved in an automobile accident who wants to collect benefits under his or her own automobile insurance policy. Someone who becomes injured in an automobile accident incurs medical expenses; those medical expenses will be paid automatically and immediately by that person's automobile insurance carrier without any deductible being applicable where the person has to pay \$5,000 out of his pocket before the benefits can be paid. The qualification of the \$5,000 is not a deductible, it is a reduction that applies in cases where someone is injured and decides to file a lawsuit against another driver and seeks to collect compensation, say for bodily injury and pain and suffering, from the other driver's insurance company. If the award is made to the injured driver who has filed a lawsuit, that insurance company would be able to reduce the amount that is going to be paid by \$5,000. And again, the intent behind this is to reduce bodily injury liability costs where all of these tort claims and lawsuits that are being filed by attorneys are driving the costs within the system. We've got to bring that under control and, secondly, we've got to find ways to discourage minor and frivolous claims that are clearly contributing to the cost. So this \$5,000 deductible is needed as a cost saving measure, but I think what we need to clarify is the fact that this bill will not require any out-of-pocket expenditure by a consumer in order to collect benefits to which he or she is entitled to under the automobile insurance policy that that individual purchases.

"Thank you."

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

"Mr. Speaker, I would like to commend the Chair of the Consumer Protection and Commerce Committee for the difficult task that he has taken on and the hard work that this committee and this body has expended on this issue. Repealing no-fault is the right thing to do. We are moving in the right direction. This is a substantial significant step.

"However, I do have one concern and that concern, Mr. Speaker, has to do with addressing the uninsured motorists that are out there. There are statistics banded about but it seems to be one out of six cars on the freeways is uninsured. And this measure, other than reducing what the premium would be, does not directly address that issue. The Chairman, I know, has wrestled with this issue and is optimistic that the reduction in premiums will permit or allow individuals to have insurance, and I am also hopeful that he is correct. However, I am concerned that we do not directly address the question of uninsured motor vehicles and that is my only reservation.

"Thank you."

Representative Morihara then rose in support of the measure with some reservations and "would like to have the Clerk note them in the Journal," and the Chair "so ordered."

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

"I want to commend my colleagues for moving forward so swiftly on this piece of emergency legislation, and I also have reservations that we could make it a little better. I also agree that we move away from no-fault and to tort is the right move, but we need to keep working on it, tighten it up a little bit, and I am sure we can do that.

"Thank you, Mr. Speaker."

Representative Yamane then rose and requested that his remarks be entered into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Yamane's remarks are as follows:

"Mr. Speaker, I would like to thank the chairman for providing this bill as a House vehicle to address the issue of motor vehicle insurance. I do have a few concerns.

"We should recognize that we are moving toward a tort system of being able to sue from dollar one, and we should be realistic about the deficiencies of that system. The reasoning behind having a no-fault system of insurance was that issues of blame are often hazy, especially where smaller claims are concerned. Instead of trying to settle every claim for blame in court, this Legislature adopted the policy that for smaller claims, blame would be left out of the equation and would instead adopt an 'accidents do happen' attitude and give everyone similar minimum coverage. Obviously, the system instituted had unintended consequences which make our semi-no-fault system undesirable, but a system that relies mainly on lawsuits has its drawbacks too (i.e. people who can't afford to pay the damages awarded in a lawsuit; frivolous lawsuits; judicial backlog, etc.). We should at least keep our eye on the effects of these features of the tort system.

"If we're serious about reducing rates for the public, we should be aware of who's going to see a rate reduction and who won't. People purchasing only basic coverage will probably see a significant drop in their rates because they will be purchasing less coverage than they had to

before, but drivers who make the extra effort to purchase coverage of \$100,000 or more may see little drop in their premiums.

"While I do have some reservations, I'm looking forward to seeing this bill move forward and evolve as it passes through our decision-making process. Ultimately, I remain optimistic.

"Thank you."

Representative Kanoho then rose and requested that his remarks, against the bill, be entered into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Kanoho continued, saying:

"First of all, thanks to the CPC Chair for his hard work in preparing this bill.

"There are many features which will prove to be very beneficial to the people of Hawaii. However, as already expressed on the floor, I am concerned about the cost shifting. It has been estimated at 3.2 percent. That seems to be a reasonable figure based on the five to six percent that we used last year. The 3.2 percent figure increases the premiums to health care plans is calculated and can be attributed to the minimum of \$3,000 required for medical coverage. When asked the leading insured to explain that at 3.2 percent in increased premiums translates into a monthly increase per person to \$3.65. There are approximately a million people covered by the medical plans so that we are looking at 3.65 million per month multiplied by 12, we're looking at an increased amount of premiums of \$43.8 million and because the amount of contribution on the part of employees into benefit plans, that there is a cap imposed by the federal government of 2.5 percent. That increase will need to be absorbed, for the most part, by businesses so I am very concerned about that.

"The part about this bill that I cannot accept, however, was expressed previously is that we will be using a pure tort in trying to provide the remedy that we are seeking, and I think the legal expenses have always been a contributing factor to the high cost of automobile insurance, and this is not something that I can support.

"Thank you very much, Mr. Speaker."

Representative Kanoho's remarks are as follows:

"Mr. Speaker and members of the House: With all due respect to the CPC Chair and with much appreciation for his efforts on this measure, I regrettably find it necessary to express opposition to House Bill 100, HD 1.

"There are several beneficial aspects to this bill which will reduce auto insurance costs. This includes the following: preferred repair providers; like kind and quality auto parts; fraud violations and penalties; unfair or deceptive acts; granting authority to the Insurance Commissioner to adjust rates; and allowing group insurance plans at lower premiums.

"However, there are two unacceptable provisions which warrant the rejection of House Bill 100, HD 1. The first is that there is a cost shifting of medical costs to employers through prepaid health care plans. The second and most serious mistake is the proposed adoption of a pure tort policy.

"The State's largest health care insurer estimates that the 3.2 percent increase in prepaid health care premiums translates to \$3.65 per insured per month. Multiplied by

the one million persons covered by prepaid health plans amounts to \$3.65 million per month or \$43.8 million per year! Since employee contributions to employee benefit plans are at or near federally-imposed ceilings, most if not all of this cost shifting must be absorbed by Hawaii's overly burdened employers.

"The 'pure tort' approach will simply add to the legal costs, already one of the largest auto insurance cost driver. Early entry of attorneys into the process will add substantially to litigation costs. Although the medical rehabilitative threshold would be repealed, 'padding' of medical costs and time off the job will still continue so as to strengthen tort recovery actions.

"The provisions to reduce awards by \$5,000 is noble in intent but a sympathetic jury, judge or arbitrator will factor in this reduction so that a harmed victim will receive a deserved and intended judgment. It is my humble opinion that pure no-fault with \$250,000 PCP coverage, as approved in 1995 by the Hawaii State Legislature (but vetoed by the Governor) is the best policy for the people of Hawaii in terms of both coverage and lower cost (by 35-40 percent).

"By comparison, House Bill 100, HD 1, to effect needed insurance premium reductions, offers minimum and in many cases inadequate coverage. Under this proposal, the cost of options to afford desired coverage and protection of assets will not result in savings but may, in fact, produce an increase in premiums.

"As a compromise, a 'choice system' of 'tort, pure no-fault, or bare' as originally proposed by the House in 1995 should be reconsidered. Under this arrangement, any uninsured driver (or vehicle) forfeits any tort recovery action.

"In conclusion, there must be the realization that the real problem in our present 'no-fault tort' hybrid system lies not in the 'no-fault' segment, but in the tort element as victims in collaboration with attorneys and medical providers inflate charges to ascend into the promised land of tort recovery.

"For those reasons, I must vote no at this time but in the hope that a solution in concert with suggestions herein given will be subsequently adopted.

"Thank you very much, Mr. Speaker, for the opportunity to comment."

Representative Stegmaier then rose and stated:

"I, too, would like to register a vote in support but with reservations, specifically concerning the matter of additional burden on small business, and I look forward to any further recommendations of the CPC Chair as this measure comes to a conclusion at the end of the session that would lessen the burden on small business.

"Thank you."

Representative Kawanakoa then rose and stated:

"I certainly don't want to hinder the momentum that is behind this bill in passing over to the Senate; however, I felt that I needed to speak with regard to the concerns with the out-of-pocket cost of the deductible of \$5,000 as I seem to have brought that terminology to the committee hearing. I agree that it is not necessarily coming out of any particular drivers or injured person's pocket, however, with regard to, I think it was Mr. and Ms. taxpayer that was the concern raised by my colleague from Waianae with regard to people who don't have health insurance to pick up what would otherwise be

covered as a secondary insurer, will fall upon the injured person. So in instances where someone has \$8,000 worth of medical cost and does not have other health insurance, they will receive the first \$3,000 from their insurance company but when they go to sue for the other \$5,000 of the injury cost, medical cost or otherwise, or perhaps wage loss, they will not be compensated and that while this money will not come out of their pocket, certainly it will not be coming back into their pocket, and I just wanted to raise that distinction.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Kanoho voting no, and Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1593:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1593, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1687:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1687, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC FUNDS TRANSFERS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1700:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1700, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1710:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1710, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1800:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1800, entitled: "A BILL FOR AN ACT RELATING TO CASH MANAGEMENT OF STATE FUNDS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1770:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1770, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1787, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1788:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1788, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1789:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1789, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1790:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1790, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1791:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1791, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1792:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1792, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1793:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1793, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1576:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1576, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 455:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 455, 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," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 141:

Representative Okamura moved that H.B. No. 141 pass Third Reading, seconded by Representative M. Oshiro.

Representative Pendleton rose in support of the bill with reservations and requested that his remarks be entered into the Journal, and the Chair "so ordered."

Representative Pendleton's remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 141, relating to immunity for volunteers. I am supportive of the good and noble intent of this measure. However, I wish to state a few reservations.

"There is no question that government should encourage volunteers and volunteer programs. I personally spend countless hours on volunteer efforts to improve my community and to uplift those who are in sorrowful plights.

"This measure is in direct response to concerns raised by volunteer members of Hawaii's community boards. They dedicate many hours to improving our local communities and do not wish to be protected from frivolous lawsuits. This is a very real concern, as the recent episode in Manoa Valley, where I attend church, attests.

"However, it does not appear that providing the form of immunity described in H.B. No. 141 is necessary to encourage volunteers. I am concerned not with the intent of the bill, but with the scope of the bill. I am concerned that there may be unintended consequences.

"The findings of the 1996 Legislative Reference Bureau study, 'Volunteerism--A Risky Business,' do not support the claim that the willingness of volunteers to come forward has been significantly deterred by perceived risks associated with their volunteer activities.

"I wonder whether we are fully cognizant of the practical application of H.B. No. 141 and the potential negative and adverse effects it might have on the rights of the individual citizen to be protected from the unreasonable conduct of others. To put it another way, should we not hold unreasonable people accountable for their unreasonable deeds, regardless of their status as volunteers?

"To immunize volunteers from tort actions is to give the government's imprimatur to conduct which falls below what would be deemed reasonable under the circumstances. There is no deterrent factor to provide assurance that the volunteer's conduct would be at least reasonable. An extreme example of the negation of deterrence through immunity is that of the incident involving the diplomat from Georgia involved in the fatal

car crash who cloaked himself in diplomatic immunity in refusing to submit to any blood alcohol testing.

"The people of Hawaii would be up in arms if we were to let that diplomat get away with the injuries and damages he caused if he caused those injuries and damages here in Hawaii against a local keiki. In fact, the people would ask: What's wrong with the Legislature? Don't they know that people should be held accountable for their negligence?"

"But now we may be permitting volunteers to be completely immune for their negligence. Note that I use negligence in contradistinction to gross negligence or recklessness or intentional conduct.

"Imagine if we have two individuals performing services for a charitable, nonprofit group. One is a volunteer. The other is paid minimum wage. They both are operating motor vehicles to deliver Gatorade to an aide station in a charitable run or jogathon. Both negligently run over children. There is no question as to causation and damages. Now imagine that the families bring lawsuits because they require compensation to pay for the traumatic injuries to their keiki. The one family will not be able to sue the volunteer, but the other will be able to sue the person earning minimum wage. Is such an asymmetry logical, commonsensical? Why treat the families differently. Same injuries, same charitable work.

"Although victims of tortious acts of volunteers appear to have some recourse through the organization benefiting from the volunteers' services, recourse to the entity may be illusory if the organization is not insured or otherwise unable to meet the needs of the victim. A better means of meeting the victim's needs may come through consideration of the statutory schemes of Kansas, Maryland, Utah, or California. In those jurisdictions, immunity is afforded to volunteers only if the non-profit organization has an insurance policy in effect that covers the activities of the volunteers. In California, the amount of coverage through a general liability policy necessary for the immunity to apply is dependent on the size of the corporation. In Utah, volunteers are not given immunity unless the non-profit organization provides a financially secure source of recovery for citizens who are injured through the tortious acts of volunteers.

"A requirement that the non-profit organization obtain general liability insurance of a specified amount in order for its volunteers to enjoy immunity should not pose a significant problem to the non-profit organization. The surveys referenced in the LRB report support the fact that insurance coverage is available to non-profit organizations.

"Additionally, the LRB's survey of insurance carriers lends further support to the fact that insurance would be available to non-profit corporations for coverage of volunteer activities.

"Let me close by reiterating my position of support with reservation for this measure. The intent is good, but the language of the bill is too far-reaching. I would have preferred, as I mentioned the other day, that another bill had passed. That bill, H.B. 1028, authored by The Honorable Ed Case, is a superior bill. The other day Representative Case said, in tongue and cheek fashion, that this bill, H.B. 141, of which he is also the author, was superior. But I beg to differ. The other bill, H.B. 1028, would have required that the nonprofit or corporation or hospital for which the negligent individual was volunteering have reasonable and appropriate insurance. Perhaps in the future we may revisit this issue and make necessary improvements. We should all be supportive of requiring people to be insured.

Accountability is at the heart of volunteerism and is not antithetical to volunteerism.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 141, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER SERVICE," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Herkes voting no, and Representatives Arakaki, Fox and Yoshinaga being excused.

H.B. No. 1377:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1377, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF JUDICIARY RECORDS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Fox and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 364, 100, 1593, 1687, 1700, 1710, 1800, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1576, 455, 141 and 1377 had passed Third Reading at 1:21 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 27) and concurrent resolution (H.C.R. No. 26) were announced by the Clerk and the following actions taken:

H.R. No. 27, entitled: "HOUSE RESOLUTION RECOGNIZING FEBRUARY 1997, AS DRUG-FREE HAWAII AWARENESS MONTH," was offered by Representative Souki.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.R. No. 27 was adopted, with Representatives Arakaki, Fox and Yoshinaga being excused.

H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING LEIMOMI MO'OKINI LUM AS A 'LIVING TREASURE' OF THE STATE OF HAWAII," was offered by Representative Souki.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.C.R. No. 26 was adopted, with Representatives Arakaki, Fox and Yoshinaga being excused.

ANNOUNCEMENTS

Representative Thielen rose and stated:

"This is really an exciting day, members! The second emergency measure has just passed the entire House of Representatives and it is going to be winging its way over to the Senate. So we have succeeded by 50 percent. I now understand that the high-three reform is going to be heard tomorrow and we should, I hope, know. . .but we won't know by session. . .but let's really carry a good thought and believe that high-three reform will pass in Finance and come to the floor so we can pass it on. We're still looking for prison bed space, and I know our communities are, too.

"Thank you."

Representative Moses then rose and stated:

"I ask my colleagues to join me in remembering the birthday of a great American President -- Abraham Lincoln. I wish to say, this morning I had the great honor of being a guest at Ewa Elementary School where they celebrated Abraham Lincoln Day - the 53rd anniversary. And it was quite a moving experience to see the honor and respect that those children pay the great American President.

"Thank you, Mr. Speaker."

ADJOURNMENT

At 1:25 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 13, 1997. (Representatives Arakaki, Fox and Yoshinaga were excused.)

TWENTIETH DAY

Thursday, February 13, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 12:16 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Father Dean W. Kouldukis of St. Constantine and Helen Greek Orthodox Church, after which the Roll was called showing all members present with the exception of Representatives Meyer and Nakasone, who were excused.

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, reading of the Journals was dispensed with and the Journals of the Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Days were subsequently approved. (Representatives Cachola, Meyer, Nakasone and White were excused.)

DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 6) was received by the Clerk and was placed on file.

Dept. Com. No. 6 from Yukio Naito, Chairman, Public Utilities Commission, Department of Budget and Finance, submitting copies of its report on the progress taken in response to Act 174, enacted by the 1996 Legislature.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 9 through 12) were announced by the Clerk and were placed on file:

Sen. Com. No. 9, transmitting S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND THE MAYORS OF THE SEVERAL COUNTIES TO DESIGNATE FEBRUARY 9 TO 15, 1997 AS 'NATIONAL CHILD PASSENGER SAFETY AWARENESS WEEK'," which was adopted by the Senate on February 5, 1997.

By unanimous consent, further action on S.C.R. No. 18 was deferred.

Sen. Com. No. 10, transmitting S.B. No. 1304, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on February 12, 1997.

Sen. Com. No. 11, transmitting S.B. No. 1578, entitled: "A BILL FOR AN ACT RELATING TO GLASS RECYCLING," which passed Third Reading in the Senate on February 12, 1997.

Sen. Com. No. 12, transmitting S.B. No. 1557, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," which passed Third Reading in the Senate on February 12, 1997.

On motion by M. Oshiro, seconded by Representative Thielen and carried, S.B. Nos. 1304, 1578 and 1557, SD 1, passed First Reading by title and further action was deferred. (Representatives Cachola, Meyer, Nakasone, Tom and White were excused.)

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. "They're here to learn about the legislative process, and to participate in this afternoon's hearing before your Committee on Education, on legislation dealing with concerns such as teen pregnancy, substance abuse, and violence on campus." They were accompanied by their advisors: Dennis Matsuda, Fern Yamane and Carol Yurth.

Representative Kawakami introduced friends of the Kawakami family, all the way from Tokyo, Japan: Mrs. Tokiko Kamiyama and Mr. Hiroshi Kamiyama, accompanied by Mrs. Ruth Seto and Kathleen Lyons.

At 12:23 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:07 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were referred to committee by the Speaker:

<u>S.B. Nos.</u>	<u>Referred to:</u>
175	Committee on Energy and Environmental Protection
1304	Committee on Transportation, then to the Committee on Consumer Protection and Commerce
1557	Committee on Human Services and Housing, then to the Committee on Consumer Protection and Commerce
1578	Committee on Energy and Environmental Protection, then to the Committee on Transportation

COMMITTEE REASSIGNMENTS

The following House Bills were re-referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
125	Jointly to the Committee on Agriculture and the Committee on Water and Land Use
356	Committee on Agriculture, then to the Committee on Finance
867	Committee on Higher Education, then to the Committee on Finance
905	Committee on Economic Development and Business Concerns, then to the Committee on Finance
1473	Committee on Judiciary
1561	Committee on Finance
1824	Committee on Health, then to the Committee on Finance

2202 Committee on Consumer Protection and Commerce, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Stegmaier, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 393) recommending that H.B. No. 867 pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 867, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Labor and Public Employment, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representatives Yonamine and Menor, for the Committees on Labor and Public Employment and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 394) recommending that H.B. No. 102, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the joint report of the Committees be adopted and H.B. No. 102, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Takamine rose and stated:

"Just on one item, Mr. Speaker.

"On House Bill No. 102, House Draft 1, Standing Committee Report No. 394, could you have the Clerk cast a no vote for me on this measure?"

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 102, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COORDINATED CARE ORGANIZATIONS," passed Second Reading and was referred to the Committee on Finance with Representative Takamine voting no, and Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 395) recommending that H.B. No. 1044, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1044, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WHISTLEBLOWER PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 396) recommending that H.B. No. 1605, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1605, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO MISCONDUCT BY PUBLIC OFFICERS OR EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 397) recommending that H.B. No. 1870 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1870, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 398) recommending that H.B. No. 1812 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1812, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 399) recommending that H.B. No. 1815 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1815, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 400) recommending that H.B. No. 1810 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1810, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 401) recommending that H.B. No. 1798 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1798, entitled: "A

BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 402) recommending that H.B. No. 1622 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1622, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION SANCTIONS AGAINST NON-PHYSICIANS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 403) recommending that H.B. No. 1615 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1615, entitled: "A BILL FOR AN ACT RELATING TO VACATION ALLOWANCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 404) recommending that H.B. No. 817 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 817, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 405) recommending that H.B. No. 225, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 225, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 406) recommending that H.B. No. 447, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 447, HD 2,

entitled: "A BILL FOR AN ACT RELATING TO ROADSIDE HERBICIDE USE," was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 407) recommending that H.B. No. 497, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 497, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 408) recommending that H.B. No. 761, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 761, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY INSPECTIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 409) recommending that H.B. No. 1329, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1329, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSIST THE OPERATION OF A MOLOKAI TO MAUI BOAT SERVICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 410) recommending that H.B. No. 1136, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1136, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPEEDING IN SCHOOL ZONES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 411) recommending that H.B. No. 1677, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1677, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 412) recommending that H.B. No. 1525 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1525, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 413) recommending that H.B. No. 2123 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2123, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND DRUG AND SEX OFFENDER PROGRAMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representatives Garcia and Tom, for the Committees on Public Safety and Military Affairs and Judiciary, presented a joint report (Stand. Com. Rep. No. 414) recommending that H.B. No. 1830, HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1830, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 415) recommending that H.B. No. 953, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 953, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A COURT INTERPRETER COORDINATOR," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 416) recommending that H.B. No. 1631, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1631, HD 1, entitled: "A BILL FOR AN ACT MAKING AN

APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 417) recommending that H.B. No. 119, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 119, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Ward rose and stated:

"Mr. Speaker, I rise to speak in favor of Stand. Com. 417 with amended remarks that are very brief, to the point, and to say that this bill is a bill for the people of Hawaii.

"It's a grass roots movement to look at the Constitution every ten years. It's a chance for the people of Hawaii, not their elected officials, to speak out closely. We obviously would like to see the Finance Committee look at it a little bit closer, particularly in the number of delegates.

"As we reviewed the data, Mr. Speaker, we found that if there was only 51 delegates, that you, the Speaker of the House of Representatives in 1997, would have never been in the 1978 Con-Con which then jettisoned your political career. Others like John Waihee, John Penebacker, David Stegmaier, Mr. Speaker, there's been some real careers that were made at these, so we would like to have the Soukis of the world recreated by 102, rather than 51.

"We'd also like to save the people some money by saying let's have a mail-in and save \$700,000. In addition, we'd certainly like to see that there's no plunking, and that the people use their mind rather than a box that says: hey, this is a no-brainer, let's just go with it. For those -- to bridge reasons, Mr. Speaker, I think this is probably a very good bill."

Representative Thielen then rose and stated:

"Mr. Speaker, I'm also rising to speak in favor of the bill, but with one comment.

"I would like to see the bill be amended in the Finance Committee to prohibit any existing legislators from running for Con-Con. I think that this is an opportunity for the community to participate in government, and I don't think that legislators should run for those seats and take up the spaces.

"And, Mr. Speaker, I'm glad that there were 102 delegates elected at the '78 Convention, and that your career began. I hope that everyone will also look at that. If we want to encourage such statesmen to have a career in politics, we'd better broaden the field so they can have an opportunity, too."

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

"Mr. Speaker, one of the big concerns that was raised about having a Constitutional Convention in Hawaii was the cost of having a Constitutional Convention. If we mail order the ballot, we can reduce the cost substantially and also bring in a wider selection of voters. Mail order

ballots have worked very effectively in Neighborhood Board elections and were used in the recent sovereignty poll, and they're an effective tool to deal with the modern voter and reach the person that way.

"Thank you."

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

"Mr. Speaker, just an observation that the greatest document in the world -- the United States Constitution -- I think there were less than 40 members that put this document together. So I feel that 51 members should be adequate to do a real good job.

"Thank you."

Representative Kawanakoa then rose in support of the bill, stating:

"Mr. Speaker, I would just note that the founders of our Nation were truly great minds, and their gathering to draft the Constitution took quite a time and may not be an appropriate analogy.

"I think one that may be closer to home is that if we look at our prior Constitutional Convention, we had representation of the people -- grass roots. There were 102 Representatives elected to the Constitutional Convention. And now our population has grown tremendously. I think cutting back to 51 Representatives to attend the Constitutional Convention will otherwise shut the door on many people or many voices that would not have an opportunity to reach those 51 Representatives.

"Thank you, Mr. Speaker."

Representative Moses then rose in support of the bill, stating:

"Mr. Speaker, I also wish to add the words that my colleague just spoke, that we have increased the population significantly and I can see absolutely no reason to reduce the citizen participation. We should broaden participation to at least 102 as we had in the '78 Convention.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I think this a good bill generally, and I'm happy to see it move forward. However, my reservation has to do with the number of delegates elected. We want this to be a grass roots Con-Con. No compelling argument has been put forward why we should change from the 102 that we had at the previous Con-Con.

"In fact, with the increase of the population, as we've just heard, it seems as if the evidence shows that we should at least hold at 102."

Representative M. Oshiro then rose to speak in support of the bill, stating:

"Mr. Speaker, as this body already knows or should well know, we are facing a very drastic fiscal situation. We'll be having to make tremendous and hard decisions regarding where we'll be expending our limited funds. I applaud the work of the Chairman and Judiciary members for looking at this Act regarding the Convention very realistically.

"We have to find the money to fund the conventioners and that's a decision for the Finance Committee, Mr. Speaker. I think that the body has acted responsibly by not putting forth a bill that might raise the false expectations and hopes of the community out there regarding the membership.

"This is not the time to be voting on measures with the mind set that 'the more the merrier.' We have to look at this bill very carefully, and the fiscal restraints imposed upon us, whether or not we would want to have 102 members or 435 members, or what have you.

"I'd just like to close, Mr. Speaker, and remind the body that this is Second Reading. The proper committee to consider the financial implications of this bill is the Finance Committee. It is my hope, Mr. Speaker, that the monies can be found to have 102 members, to have more participation, and to generate community involvement in this process. But, Mr. Speaker, I would ask that the Finance Committee members be responsible on where we spend our limited funds.

"Thank you, Mr. Speaker."

Representative Tom then rose and stated:

"Mr. Speaker, just very briefly, in support of this bill.

"Mr. Speaker, thanks to the Judiciary Committee, thanks to Leadership, we have put this bill on a fast track. We've put this bill on a fast track for 1998 because the Legislature, as you have said and we have said, is responsible to do the people's business.

"The people have told us what the people's business is, and I think this Constitutional Convention is on a fast track, and may I emphasize on a fast track represents people power. So with us doing the people's business to have people power, the people have spoken, and we have responded affirmatively, and I want to take this opportunity, as Chair of the Judiciary, to congratulate Leadership, to congratulate each and every member of this House for putting the people's business first with this bill.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I'd like to agree with the elements of the previous two speakers' speeches. In regards to proceeding ahead quickly, I wholeheartedly agree with that. And thank you, House of Representatives, for moving.

"In regards to a comment by the Majority Floor Leader, I agree with him that 102 is better. I would like to say that the difference in cost of 51 to 102 is less than 1/10th of 1% of our budget, and for that small amount, I don't think we should compromise the quality of how we conduct democracy in the State of Hawaii.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 119, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

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

Com. Rep. No. 418) recommending that H.B. No. 1869, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1869, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 419) recommending that H.B. No. 1852, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1852, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 420) recommending that H.B. No. 634, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 634, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 421) recommending that H.B. No. 629 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 629, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 422) recommending that H.B. No. 1818, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1818, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

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

423) recommending that H.B. No. 1000 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1000, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 424) recommending that H.B. No. 1017, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1017, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 425) recommending that H.B. No. 1116 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1116, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 426) recommending that H.B. No. 2032, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2032, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK OPPORTUNITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 427) recommending that H.B. No. 1738 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1738, entitled: "A BILL FOR AN ACT RELATING TO A COMMERCIAL MARINE DEALER LICENSE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 428) recommending that H.B.

No. 1736 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1736, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES PENALTIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 429) recommending that H.B. No. 1963, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1963, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 430) recommending that H.B. No. 1547, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1547, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 431) recommending that H.B. No. 2177, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2177, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEA GRANT PROGRAM," passed Second Reading and was referred to the Committee on Education with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 432) recommending that H.B. No. 659, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 659, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HALE KOKUA PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 433) recommending that H.B. No. 660, as

amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 660, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII HOUSING AUTHORITY FOR SECURITY GUARD SERVICES AT KALANIHUIA SENIOR CITIZENS' HOME," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representatives Cachola and Morihara, for the Committees on Tourism and Higher Education, presented a joint report (Stand. Com. Rep. No. 434) recommending that H.B. No. 1571, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1571, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representatives Cachola and Morihara, for the Committees on Tourism and Higher Education, presented a joint report (Stand. Com. Rep. No. 435) recommending that H.B. No. 254 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 254, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 436) recommending that H.B. No. 803, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 803, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD, DRUGS, AND COSMETICS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 437) recommending that H.B. No. 808 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 808, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 438)

recommending that H.B. No. 1099, as amended in HD 1, pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1099, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," passed Second Reading and was referred to the Committees on Consumer Protection and Commerce and Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 439) recommending that H.B. No. 2008, as amended in HD 1, pass Second Reading and be referred to the Committee on Water and Land Use.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2008, HD 1 pass Second Reading and be referred to the Committee on Water and Land Use, seconded by Representative M. Oshiro.

Representative Goodenow rose in support of the bill and asked that his comments be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Goodenow's comments are as follows:

"Mr Speaker, I am very happy that this bill is moving forward to the Finance Committee. I would like to commend the Waimanalo residents supporting this measure who have done an excellent job researching, lobbying and testifying. I am proud to be associated with this bill and the fine people behind it.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2008, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Water and Land Use, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 440) recommending that H.B. No. 1750, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1750, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 441) recommending that H.B. No. 6, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 6, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 442) recommending that H.B. No. 739 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 739, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 443) recommending that H.B. No. 1752 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1752, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 444) recommending that H.B. No. 2238, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2238, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 445) recommending that H.B. No. 1739, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1739, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 446) recommending that H.B. No. 1741, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1741, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER RESOURCE MANAGEMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No.

447) recommending that H.B. No. 1749 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1749, entitled: "A BILL FOR AN ACT RELATING TO THE REVIEW OF PROPOSED GOVERNMENT PROJECTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 448) recommending that H.B. No. 1751, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1751, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL LAND AND DEVELOPMENT FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 449) recommending that H.B. No. 451, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 451, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 450) recommending that H.B. No. 296, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 296, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY RIGHTS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 451) recommending that H.B. No. 363 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 363, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 452) recommending that H.B. No. 381, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 453) recommending that H.B. No. 143, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 143, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 454) recommending that H.B. No. 163, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 163, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NEEDS HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 455) recommending that H.B. No. 2025, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2025, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 456) recommending that H.B. No. 1819 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1819, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 457) recommending that H.B. No. 1505, as amended in HD 1, pass Second Reading and be referred to the Committees on Judiciary and Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DONATION OF PHARMACEUTICALS AND HEALTH CARE SUPPLIES," passed Second Reading and was referred to the Committees on Judiciary and Consumer Protection and Commerce, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 458) recommending that H.B. No. 1105, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1105, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," passed Second Reading and was referred to the Committee on Education, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 459) recommending that H.B. No. 494 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 494 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative M. Oshiro.

Representative Case rose and stated:

"On Stand. Com. 459, House Bill No. 494, would the Clerk please register a no vote."

Representative McDermott then rose and stated:

"Mr. Speaker, on 459, I'd like to register a no vote."

Representative Thielen then rose and stated:

"Mr. Speaker, I also would like to have a no vote registered for me on House Bill No. 494, Standing Committee Report 459."

Representative Pendleton then rose and stated:

"Mr. Speaker, please have the Clerk register a no vote for me on Stand. Com. 459, House Bill No. 494."

Representative Stegmaier then rose and stated:

"Mr. Speaker, a yes vote with reservations on that measure, please -- on 494."

Representative Ward then rose and stated:

"Yes, with reservations."

Representative Kawanakoa then rose and stated:

"I'd like to register a yes vote with reservations, seeing as I'll hear the bill at the Consumer Protection Committee, I'll have the time to make up my mind."

Representative Halford then rose and stated:

"Yes, with reservations, same bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 494, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Case, McDermott, Pendleton and Thielen voting no and Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 460) recommending that H.B. No. 519, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 519, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine being excused.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Chang, Menor, Meyer, Morihara, Nakasone and Yonamine were excused.)

THIRD READING

H.B. No. 728, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 728, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Menor, Meyer, Morihara, Nakasone, and Yonamine being excused.

H.B. No. 1262, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1262, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STUDY OF THREE TAX PROPOSALS," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Menor, Meyer, Morihara, Nakasone, and Yonamine being excused.

H.B. No. 1640, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1640, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Menor, Meyer, Morihara, Nakasone, and Yonamine being excused.

H.B. No. 1643, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1643, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO THE STATE BY ELECTRONIC FUNDS TRANSFER," passed Third Reading by a vote of

45 ayes, with Representatives Chang, Menor, Meyer, Morihara, Nakasone, and Yonamine being excused.

H.B. No. 1645, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1645, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMING TAX PROVISIONS TO THE UNIFORM LIMITED LIABILITY COMPANY ACT," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Menor, Meyer, Morihara, Nakasone, and Yonamine being excused.

H.B. No. 1647, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1647, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF CERTAIN SELLERS," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Menor, Meyer, Morihara, Nakasone, and Yonamine being excused.

H.B. No. 1768, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1768, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF LAND TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Menor, Meyer, Morihara, Nakasone, and Yonamine being excused.

H.B. No. 1799, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1799, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FUNDS," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Menor, Meyer, Morihara, Nakasone, and Yonamine being excused.

H.B. No. 1778, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1778, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Menor, Meyer, Morihara, Nakasone, and Yonamine being excused.

The Chair directed the Clerk to note that H.B. Nos. 728, 1262, 1640, 1643, 1645, 1647, 1768, 1799 and 1778 had passed Third Reading at 1:22 o'clock p.m.

INTRODUCTION OF RESOLUTION

By unanimous consent, the following resolution (H.C.R. No. 27) was referred to Printing and further action was deferred:

H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF YOUTH SERVICES TO DEVELOP A PROGRAM THAT PAIRS COLLEGE STUDENTS WITH DELINQUENT YOUTHS TO TRACK THEIR PROGRESS AND SERVE AS MENTORS AND ROLE MODELS," was jointly offered by Representatives Goodenow, Arakaki, Saiki and Santiago.

ANNOUNCEMENTS

Representative Thielen rose and stated:

"One day left, and at 2 o'clock today, in the Finance Committee, they're going to be hearing the end of high-three, so I look forward to that coming to us to vote on the floor very shortly.

"We're still looking for emergency prison bed space and House Bill No. 105 is somewhere lost out there in the process. But that's batting three out of four, Mr. Speaker. That's really good. I think we've all done a great job.

"Congratulations, colleagues."

Representative Santiago: "I'd just like to announce that House Bill No. 772, which had been deferred for decision making, will be taken up by the Health Committee tomorrow morning at 8:30 during the hearing on Human Services."

Representative Case: "Your Committee on Hawaiian Affairs will reconvene for further decision making in Room 309 at 1:30."

Representative M. Oshiro then rose and stated:

"Mr. Speaker, I need to make two announcements. My first announcement is that we have a colleague here in our Chambers who is celebrating a birthday today, and I'd like all of us to wish him 'Happy Birthday.' This is our Majority Whip, Representative Nestor Garcia.

"Mr. Speaker, also to remind the members that we will be convening at 12:00 noon tomorrow, and then doing our business and coming back tomorrow evening at 8 o'clock p.m."

Representative Okamura: "Mr. Speaker, there will be a Majority caucus immediately following session in the Majority Caucus Room."

ADJOURNMENT

At 1:25 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 14, 1997. (Representatives Chang, Menor, Meyer, Morihara, Nakasone, and Yonamine were excused.)

TWENTY-FIRST DAY

Friday, February 14, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 12:18 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Jerry Rauckhorst, Director, Catholic Charities, after which the Roll was called showing all members present.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twentieth Day was deferred.

GOVERNOR'S MESSAGE

Gov. Msg. No. 144, transmitting copies of the 1996 Annual Report prepared by the Governor's Agriculture Coordinating Committee in accordance with Act 166, Session Laws of Hawaii 1996, was received and announced by the Clerk and was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 13 through 16) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 13, transmitting Senate Bill No. 958, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," which passed Third Reading in the Senate on February 13, 1997.

Sen. Com. No. 14, transmitting Senate Bill No. 1715, entitled: "A BILL FOR AN ACT RELATING TO SECURED TRANSACTIONS," which passed Third Reading in the Senate on February 13, 1997.

Sen. Com. No. 15, transmitting Senate Bill No. 1714, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING," which passed Third Reading in the Senate on February 13, 1997.

Sen. Com. No. 16, transmitting Senate Bill No. 959, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PRUDENT INVESTOR ACT," which passed Third Reading in the Senate on February 13, 1997.

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, S.B. Nos. 958, 1715, 1714 and 959 passed First Reading by title and further action was deferred.

At this time, Representative Thielen introduced to the members of the House "my Kauai family," as follows: Peter Thielen, her son; Shannon Congdon; Travis Thielen; Mrs. Congdon, Shannon's mother; and Zac Thielen, "the new teenager of the family who just made 13."

At 12:24 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following House Bills were re-referred by the Speaker:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
80	Committee on Finance
701	Committee on Education, then to the Committee on Finance
1113	Committee on Education, then to the Committee on Finance
1621	Committee on Labor and Public Employment, then to the Committee on Consumer Protection and Commerce
1766	Committee on Finance
1767	Committee on Finance
2177	Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 461) recommending that H.B. No. 2069, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2069, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 462) recommending that H.B. No. 1118 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1118, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HUMAN RESOURCES SYSTEM IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 463) recommending that H.B. No. 1008, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1008, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 464) recommending that H.B. No. 1625 pass

Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1625, entitled: "A BILL FOR AN ACT RELATING TO CONSOLIDATING EMPLOYMENT AND TRAINING ADVISORY BODIES INTO A WORKFORCE DEVELOPMENT COUNCIL," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 465) recommending that H.B. No. 1806 pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1806 pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Moses rose to speak against the bill, stating:

"This is a raid on the pension fund. It takes money out of the Employees' Retirement System, returns it to the general fund because of our deficit at the current time, and I don't believe it's the right thing to do to raid the pension fund. So I wish that my no vote will be recorded on this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1806, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed Second Reading and was referred to the Committee on Finance, with Representative Moses voting no, and Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 466) recommending that H.B. No. 1906, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1906, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 467) recommending that H.B. No. 1619, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1619, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CREATION OF TRUSTS FOR THE DEFERRED COMPENSATION PLANS," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 468) recommending that H.B. No. 124, HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 124, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR YOUTH GANG PREVENTION," was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 469) recommending that H.B. No. 1594 pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1594 pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Thielen rose to speak against the bill, stating:

"Mr. Speaker, the reason for my no vote on this bill is, I think it could open the door to misuse. When the State of Hawaii contracts out for attorney services to be provided by law firms, it must go through the bidding process that we've set up to make sure that this is done fairly.

"What this bill does is exempt attorneys' law firms that are out of state that are providing these services to help the state, maybe in Washington, D.C., or other places. If we're under this sort of scenario, this would mean that the former governor's Washington, D.C. law firm could be exempt from our competitive bidding process. I think we should not take this step, Mr. Speaker, because it will give an appearance of unfairness, and certainly it would be unfair if we were to contract directly with that former governor's law firm in Washington, D.C.

"Thank you."

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

"Mr. Speaker, may I remind the members again that this bill does go to Finance so they can fix up whatever concerns that may have been expressed. But there really are no concerns here.

"There are cases that occur outside of Hawaii, in another state, and this has occurred several times. It doesn't occur all the time, but it does. When we had to go to the procurement law, we cannot go and respond right away, and many times we have to hire a law firm from outside of the State because we lawyers in Hawaii cannot practice in other states. So this was not done to help the former governor or his firm - that's not his firm - and I would like to remind the former speaker that Jared Jossem is also with that firm.

"But I think that the intent of this bill is to ensure that Hawaii can respond whenever it is named as a defendant in another state, so it doesn't have to wait and maybe run out of time to do its appropriate responses.

"And that was the only intent of this bill -- to get the best firms necessary to do the work when it's not in Hawaii. And I don't appreciate the innuendos and the kinds of mistruths that are stated by former persons in a bill that isn't even there.

"Thank you, Mr. Speaker."

Representative Thielen then rose and stated:

"Yes, Mr. Speaker, I agree completely. Mr. Speaker, notwithstanding Jared Jossem, the former Republican Party Chair, I think the bill could be corrected in Finance if it were just to have a provision inserted saying that that firm with whom the contract is made may not have a branch or a portion of its business in Hawaii. And this would mean that we would avoid that conflict of interest."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1594, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance with Representative Thielen voting no, and Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 470) recommending that H.B. No. 115, HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 115, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TEEN COURT PROGRAM," was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 471) recommending that H.B. No. 668, HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 668, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DEVELOP A PRECAUTIONARY CRIME VIDEO FOR INTERSTATE AND INTERNATIONAL FLIGHTS TO HAWAII," was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 472) recommending that H.B. No. 1454, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1454, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU FOR THE 'NO HOPE IN DOPE' PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 473) recommending that H.B. No. 540, HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 540, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES," was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 474) recommending that H.B. No. 1591, as amended in HD 1,

pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1591, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE CLEARINGHOUSE FOR MISSING CHILDREN," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 475) recommending that H.B. No. 1610, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1610, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF THE UNITED STATES," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 476) recommending that H.B. No. 2117, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2117, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE THE TELECOMMUNICATIONS SYSTEM OF THE HONOLULU POLICE DEPARTMENT," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 477) recommending that H.B. No. 417, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 417, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAIL AND ACCESS PROGRAM," was referred to the Committee on Finance with Representative Cachola being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 478) recommending that H.B. No. 1399, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1399, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PASSENGER VEHICLE REGULATION," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representative Cachola being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 479) recommending that H.B. No. 1912, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1912, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 480) recommending that H.B. No. 1634, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1634, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 481) recommending that H.B. No. 2151, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2151, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

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

"Mr. Speaker, any measure that we take to remember the sacrifice of our war veterans here in the State of Hawaii, I think is a good measure, and I fully support it.

"Thank you."

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

"The natatorium is a disgrace to the State and to the Waikiki area in its present state and should be restored in the grandeur and beauty that it once had, and to honor those veterans that gave their lives for us all.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2151, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIKIKI WAR MEMORIAL NATATORIUM," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 482) recommending that H.B. No. 1207, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1207, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 483) recommending that H.B. No. 1986, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1986, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CITIZENSHIP," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 484) recommending that H.B. No. 1814 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1814, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 485) recommending that H.B. No. 1630 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1630, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 486) recommending that H.B. No. 1629 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1629, entitled: "A BILL FOR AN ACT RELATING TO BOILER AND ELEVATOR SAFETY LAW," passed Second Reading and was referred to the Committee on Judiciary with Representative Cachola being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 487) recommending that H.B. No. 137, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 137, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EAST-WEST CENTER," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 488) recommending that H.B. No. 886, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 886, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EXPANSION OF THE HIGHER EDUCATION OUTREACH PROGRAM ON THE NEIGHBOR ISLANDS," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 489) recommending that H.B. No. 906, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 906, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 490) recommending that H.B. No. 2260, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2260, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII IN ORDER TO ATTRACT RESEARCH GRANTS," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 491) recommending that H.B. No. 112, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 112, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary with Representative Cachola being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 492) recommending that H.B. No. 1342, as amended in HD 1, pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Water and Land Use with Representative Cachola being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 493) recommending that H.B. No. 166, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the

Committee was adopted and H.B. No. 166, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OLD KAIMUKI PUBLIC LIBRARY," was referred to the Committee on Finance with Representative Cachola being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 494) recommending that H.B. No. 1463, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1463, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 495) recommending that H.B. No. 1740, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1740, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Judiciary with Representative Cachola being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 496) recommending that H.B. No. 1737 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1737, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Judiciary with Representative Cachola being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 497) recommending that H.B. No. 1735, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1735, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Judiciary with Representative Cachola being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 498) recommending that H.B. No. 1965, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1965, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARMFUL AQUATIC LIFE," passed Second Reading and was referred to the Committee on Judiciary with Representative Cachola being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 499) recommending that H.B. No. 1548, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1548, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative M. Oshiro.

Representative Kawanakoa rose to speak against the bill, stating:

"Currently, I guess they are hoping to implement a fee of \$500 on commercial aquarium fish dealers. I'm not sure how far the ramifications of that would incur on people who are currently practicing within this industry or this business. And once again, if we need to fund this licensing department, I think it is more applicable for us to implement laws that would otherwise safeguard our reefs and our fisheries as opposed to simply licensing and funding this particular division where this licensing process might charge him \$500 per year for a licensing fee."

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

"Just to inform my colleagues that the actual dollar amounts that are included in this bill, which is actually a dramatic increase in the license fees, are numbers that were suggested to me by the Hawaii Tropical Fish Association representing all of the industry. So this is really an industry-sponsored and supported measure."

"Thank you very much."

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

"Although there was a fairly high profile member of this industry that recommended that, the testimony in our committee -- Ocean Recreation and Marine Resources -- was predominantly very strongly against it because the permit is \$25, and going up to \$500 is an astronomical increase."

"Many of the people that did collect these aquarium fish do it part-time, but even as part-timers they must get a permit, and they are small business people who will be hurt dramatically if this bill goes through. So for that reason, I cannot support it."

"Thank you."

Representative Kawanakoa then rose and stated:

"Just a few more comments."

"If an industry were to come in and make it prohibitory for others to enter into that industry, it may be in their best interest to advocate for large and high fees, especially if they are well established and they already have a current section of the market. Seen as this may impinge upon competition in allowing others to enter the market, I'd still be concerned about the high fee that is set at \$500."

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1548, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Second Reading and was referred to the Committee on Judiciary with

Representatives Kawanakoa and Meyer voting no, and Representative Cachola being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 500) recommending that H.B. No. 858, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 858, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL ADMINISTRATION OF THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 647 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 647, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 502) recommending that H.B. No. 626 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 626, entitled: "A BILL FOR AN ACT RELATING TO DETERMINATION OF DEATH," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representative Cachola being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 503) recommending that H.B. No. 628 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 628, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 504) recommending that H.B. No. 387 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 387, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representative Cachola being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 505) recommending that H.B. No. 167, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 167, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMATIC BRAIN INJURY," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 506) recommending that H.B. No. 284, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 284, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative M. Oshiro.

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

"I want to commend the Chair of the Agriculture Committee for his fine leadership in this measure. This is truly a controversial measure and I am very pleased with his objective thinking in this matter.

"This measure allows Hawaii to take a positive step forward and taking part of a \$1.5 billion industry worldwide, and I think as we look toward improving our economy, we need to take every step possible. We're not alone among the United States. The states in the U.S. that are doing this -- North Dakota and Colorado -- are moving forward bills on this very same measure and many other states are doing the same as well.

"I want to note that the Agriculture Committee Chairman was very wise in his amendments on this measure in that he challenged those advocates of hemp and those industries in industrial hemp to fund this research themselves rather than put in state funds. We have very many agricultural issues that we need to support with state funds; this one is clearly one that if the industry thinks it's a good idea, they should support it, and I think that's very good. By having the University involved in this, it ensures that this is truly an objective, scientific research to get data to determine that this is in fact a useful crop for us to grow, following all the federal permits that do exist for permitting the cultivation of industrial hemp.

"So I do appreciate the leadership of the Ag Committee Chair and certainly your support in this measure as well.

"Thank you very much, Mr. Speaker."

Representative Thielen then rose and stated:

"Mr. Speaker, I would ask that the words of the former speaker be entered into the Journal as if they were my own," and the Chair "so ordered."

"I, too, give a great deal of thanks to the wisdom of the Agriculture Chair and to the committee members that voted unanimously with the Chair to pass on this amended version of the industrial hemp bill.

"Nice shirt, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 284, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP," passed Second Reading and was referred to the Committee on Judiciary with Representative Cachola being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 507) recommending that H.B. No. 1086, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1086, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL WORK OPPORTUNITIES," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 2244 pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2244, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL DISTRICTS," passed Second Reading and was referred to the Committee on Water and Land Use with Representative Cachola being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 1755, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1755, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representatives Takamine and Yoshinaga, for the Committees on Water and Land Use and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 510) recommending that H.B. No. 1370, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1370, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FOREST RESERVES," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 511) recommending that H.B. No. 1753, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1753, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 1036, HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1036, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 1688, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1688, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KING KAMEHAMEHA CELEBRATION COMMISSION," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 1632 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1632, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 515) recommending that H.B. No. 956 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 956, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SPECIAL PROSECUTION UNITS AND VICTIM WITNESS PROGRAMS FOR THE COUNTIES," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 516) recommending that H.B. No. 140, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 140, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

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

"Mr. Speaker, under your able leadership and direction, this House of Representatives, in the past and today, continues to recognize the importance of establishing fair campaign spending laws to ensure the integrity of the election process as well as to preserve the public trust. We further believe that clarifying the campaign spending laws will equalize the resources of candidates and minimize any ethical challenges, thereby allowing all citizens the opportunity to participate in the democratic process.

"These are fine words, I know, and they are noble sentiments and they are expressed in the preface of this bill. But too often they become empty promises, especially when the public reads about gubernatorial and mayoral candidates receiving hundreds of thousands of dollars in campaign loans. And to add insult to injury, these loans remain on the books, unpaid for years on end. Probably never to be repaid.

"House Bill 140, HD 1, Mr. Speaker, provides that if any loan is not repaid within five years, the candidate accepting the loan shall be prohibited from accepting any other loans and all subsequent contributions made and any surplus retained shall only be expended towards the repayment of the outstanding loan, until the loan is repaid in full.

"This provision serves three important purposes, Mr. Speaker.

"First, legitimate loans in excess of campaign contribution limits, which a candidate may need to carry on a viable campaign are not prohibited.

"Second, these loans, however, by their very nature are subject to timely repayment.

"And finally, Mr. Speaker, if a candidate desires to continue his or her political career and campaign fund-raising, a candidate must first repay the outstanding loan. Ultimately, Mr. Speaker, the candidate must be responsible for any and all loans received and accepted.

"There are some who would say that this does not go far enough. Some would have us accept the provision contained in the original draft wherein a loan would be deemed and treated as a contribution on the last day of the election period. In effect, some would have us limit loans to two thousand dollars to House of Representatives members. I contend, Mr. Speaker, that those who make contributions to a candidate in the House make it because they want to, but it should be subject to the two thousand limit. But those who make loans, they make loans with the expectation of being repaid by the representative or the candidate running and should not be treated as a contribution with a ceiling of two thousand dollars.

"But I must emphasize, candidates sometimes need legitimate loans. They need legitimate loans in excess of contribution limits to fund such things as start-up costs, to cover unexpected advertising expenses, or to make up for fund-raising shortfalls. If you needed a loan for a legitimate purpose, would you want to be limited to two thousand dollars as a House member? And remember, we are talking about legitimate loans -- loans that must be repaid within five years.

"Another significant part of this bill, Mr. Speaker, is the inclusion of provisions patterned after the practice of the Ethics Commission wherein the Campaign Spending Commission may render advisory opinions upon the request of a candidate, candidate's committee, or other person or entity affected by the campaign spending laws to provide guidance to candidates on the position of the Commission. This provision is particularly important because ethics and campaign spending laws are inextricably intertwined. One cannot have effective campaign spending laws without ethical politicians.

"Mr. Speaker, this bill is an essential measure if public trust in the political process is to be preserved. I urge the members of this House to vote up on this measure.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 140, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 517) recommending that H.B. No. 1582, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1582, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 518) recommending that H.B. No. 1471, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1471, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

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

"I feel whatever will help economically the plight of our employees in the state. . . this is the minimum wage bill. However, raising the minimum wage only helps a small number of employees -- those at the minimum wage level, at the entry level. Much better is to help all residents of Hawaii.

"The way to do that is with a tax cut, and I urge this House to fully consider the economic advantage of cutting taxes and helping all employees, even those earning minimum wage.

"Thank you, Mr. Speaker."

Representative Herkes then rose and asked the Clerk to register a no vote for him, saying:

"The timing couldn't be worse on this bill, Mr. Speaker. We are trying to seek job creation, and we're sending the wrong message to potential companies that want to do business in Hawaii. On the Big Island, employers are saying to me: 'Give us some relief; how can we hire more people?' Especially small farmers that are just starting out in business, we're making it very, very difficult for them to hire people to work on their farms.

"Another fact on the Big Island in the last few years with the economic decline is, we're sending more businesses underground. The underground economy is the only section of the economy that is growing on the Big Island, and a bill like this will add stimulus to the underground economy, and I just needed to speak against it."

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

"I agree with Representative Herkes -- the time couldn't be worse to add another burden to small business.

"We must remember that the minimum wage is not meant to be a living wage, rather, a training wage and entry level wage. I dare say that everyone in this chamber has, at one time or another, worked at the minimum wage. I certainly have. It affects business all the way around, and it has a rippling effect. Certainly this is going to affect me in a detrimental fashion because I won't be able to get those 99 cents whoppers anymore."

The Chair remarked: "It might do you some good, Representative."

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

"I think this is exactly what the bill calls for and is very sensitive to the business community. And while we're on the downswing, we know that within three years we're going to be on an upswing, and this is what we're taking into account. For example, we're talking about 23,000 workers on minimum wage, not a living wage. If you don't have a living wage, we must have a minimum wage. Twenty-three thousand constitute about less than five percent of the total workforce in Hawaii, and in addition to the 23,000, you have about 10,000 part-time workers on minimum wage who are students, the elderly, and those small percentage who are moonlighting.

"What we're trying to do is we put the bill into effect on January 1 of 1999 -- fifty cents increase -- and on January 1, 2000, another forty cents increase to keep in touch with the COLA differential with the federal minimum. What it means is simply this: If an employer cannot factor in with a fifty cents increase; in other words, a full-time worker would get an increase of \$480 gross and the employee's benefits would be approximately \$120. So we're talking about a basic unit increase of \$600 per employee for his workplace.

"Now if an employer cannot match \$600 three years from now to make that adjustment, I think there are other problems with the business other than the minimum wage. So I think we're very sensitive to the fact that we ought to take care of the employers.

"We do need a minimum wage, and I think this is a fair one to both the business community and to those who are working.

"Thank you."

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

"The prior speaker's discussion with the optimism of our economy, I hold that optimism. But with the current policies that we are implementing here at the State Legislature, I am concerned that we may not be able to be as optimistic in the ensuing years.

"With regard to the problem of our small business and whether it will be here, and whether it will be able to incorporate another \$600 per employee, and to blame it on the business, I disagree. Maybe the only problem with that business is us -- the government.

"Thank you, Mr. Speaker."

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

"Our economy is at the very bottom of the nation, and our small business people have been asking for our help

ever since I have been in office, which is the third year. Our economy has not improved since 1990, and this is the very worst thing that we could possibly be doing is to raise the minimum wage. As others have said, minimum wage is the entry level. These employers are training people, many of them who have never had a job. It's on the job training and getting paid for it.

"The small business people add so much to our economy. One of my constituents who owns two McDonalds called and said she would have to probably let go one-third of her help if this bill were to go through. I know it has been amended. They've extended the date out from what the original bill was.

"Our economy does not look like it's turning around, and we are doing no favors for small business to even consider this at this time. For that reason, I must vote no.

"Thank you."

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

"I think it makes a lot of good political sense, but in terms of what the economist would say about it, after having lost 25,000 jobs, this is not the way to stimulate the economy. In fact, if we want anything to put a freeze on hiring or to spook the business community, this is certainly the one that would do it.

"And as I said a couple of days ago on this floor, Mr. Speaker: 'The small business community can't afford cost shifting and no-fault.' They certainly can't afford this one until there's at least a little bit of light at the end of the tunnel, a little bit of turnaround on the horizon, a little bit of fixing the economy by lowering taxes, job creation, making government smaller.

"This is part of the macroview that I think we tend to put our heads in the sand and refuse to look at so when we say minimum wage is the fix, it's a quick fix. It's got more political spin than economic reality, and these are the things that we have to face down the line, one by one -- one reality by one reality, and this is not one of those realities.

"Thank you."

Representative Stegmaier then rose and stated:

"For all of the reasons and concerns that were mentioned by members of the Majority and the Minority about this minimum wage increase, I would like the Clerk to register a no vote for me."

The Chair "so ordered."

Representative Yonamine then rose and stated:

"I think this bill was crafted because we had heard from the fast-food industry, the restaurant industries, because they were concerned about the employees. And I think we need to understand first that minimum wage will not be the cause. . . it's not the single cause for businesses folding or for the business curtailing its operations. I think there are other factors and variables that you've all mentioned so I don't need to go into them,

"We have to remember that we passed the workers' compensation reform -- you remember? And we are saving the employers up to \$140 million that goes back into the employers' pockets. That we need to remember. If we do our job with no-fault auto insurance, we're putting money up to \$140 million, depending on the

reductions of your premiums, back to the consumers -- up to \$140 million! So, understand the situation, but to place it on minimum wage as a cause or to make that as a correlation between causing a business to fold, I think is erroneous at this point. I think we need to remember, too, that we have over 33,000 businesses who employ one hundred employees or less.

"Now, what we are doing is, we are targeting in to those who are most concerned about minimum wage - the fast-food industry. Not only McDonalds, the big corporations, but the Mama-san and Papa-san coffee shop, the counter people. We are concerned about them getting their minimum wage while we're also taking into account the tip employee. If you look at the bill, we have taken care of the tip employees in your restaurants, your hotel industries, and restaurants where I think the biggest concern has been raised.

"So I think, overall, this is a real fair bill. It is something we should move along and we should consider."

Representative Halford then rose and asked the Clerk to record an aye with reservations, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1471, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MINIMUM WAGE," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Kawanakoa, McDermott, Meyer, Stegmaier and Ward voting no, with Representative Cachola being excused. (Representatives Halford and Moses voted aye with reservations.)

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 519) recommending that H.B. No. 1811, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1811, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 520) recommending that H.B. No. 1706, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, Stand. Com. Rep. No. 520 and H.B. No. 1706, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT AND TRAINING FUND," were recommitted to the Committee on Labor and Public Employment with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 521) recommending that H.B. No. 1709 be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1709, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," was referred to the

Committee on Finance with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 522) recommending that H.B. No. 1670, HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," was referred to the Committee on Finance with Representative Cachola being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 523) recommending that H.B. No. 1809 pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1809 pass Second Reading and be referred to the Committee on Finance.

Representative Moses rose to speak against the bill, stating:

"This bill is a public employees health fund raid. It will take the excess rate -- whatever excess means -- credits and reimbursements from the health fund and return them to the general fund. And again, as in the case with the ERS, this is a raid on a fund in which we should leave the money where it is so that we don't have to repay it in the future. The money should stay in the health fund, and I record a no vote if the Clerk so pleases.

"Thank you, Mr. Speaker."

Representative Halford then rose and requested a no vote be recorded for him, and the Chair "so ordered."

Representative Pendleton then rose and asked the Clerk to record a no vote for him, and requested that his written remarks be entered into the Journal, and the Chair "so ordered."

Representative Pendleton's remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.B. 1809.

"Mr. Speaker, I will vote no on this measure because it will permit the use of rate credits and reimbursements from insurance carriers and interest derived therefrom to stabilize future health benefit plan costs and for other expenditures authorized through legislative appropriation. This measure will, if adopted, return excess rate credits and reimbursements from insurance carriers and interest derived therefrom to the general fund -- I repeat General Fund -- if derived from a health benefit plan for retirees or from health benefit plans for employees based on the portion financed by the State or a country on behalf of the employee.

"Mr. Speaker, I am voting no because I firmly believe in our teachers. They are working hard. They are working long hours to educate our young people. They have worked for the last two years without contracts and now are asking for fair and equitable pay. Now we are going to raid this account?

"Mr. Speaker, these are tough economic times. Our State is hurting for money. Yet we should not resort to

such tactics. It is not right. Any money returned should stay with the Health Fund to benefit the fund's members.

"I am voting no not because I am beholden to the teachers, to HSTA, or to any special interest. I am voting no because it is the right thing to do.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1809, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Moses and Pendleton voting no, and Representative Cachola being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 524) recommending that H.B. No. 918, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 918, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

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

"Mr. Speaker, five years ago, I think it was, when we passed the Hawaii Hurricane Relief Fund, we did so under extreme pressure brought about by Hurricane Iniki, and the need to bring some stabilizing influence to the Mortgage Banking Association and things of that nature.

"Since then, we have been trying to fine-tune HHRF. Last year we made some amendments and how to finance it.

"House Bill 918 is a step to bringing the best scientific knowledge to establishing risk zones for both lava and for hurricane. And this bill, in conjunction with House Bill 30 on Stand. Com. Rep. 526, is intended to bring some stabilizing influence to HHRF, and see if we can make some sense out of the fund and start to charge them reasonable rates as well as trying to bring the private sector back in and take us out of it.

"I urge your support on this bill.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 918, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 525) recommending that H.B. No. 1868, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1868, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 526) recommending that H.B. No. 30, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 30, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HURRICANE INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 527) recommending that H.B. No. 1653, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1653, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS TO FACILITATE REGULATORY OVERSIGHT BY THE INSURANCE COMMISSIONER," passed Second Reading and was referred to the Committee on Finance with Representative Cachola being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 528) recommending that H.B. No. 2229, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2229, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

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

"Mr. Speaker and members, let me clarify some of the points of this bill for those who have not had the opportunity to read the complete bill.

"House Bill 2229 requests the State Legislature to grant to the people of the Big Island the right to have a referendum. This referendum will allow the people to decide whether or not they wish to allow one stand-alone casino facility to be established on the Big Island. If approved by the people of the Big Island, the casino must be located outside of the urban area and at least one thousand feet from any resort hotel.

"This bill would also establish the Hawaii State Gaming Commission to administer, regulate, and enforce the system of casino gaming in the State of Hawaii.

"Upon license approval by the State Gaming Commission, the successful operator, who must be a publicly traded company currently involved in the gaming industry, would be required to pay a \$1-million annual gaming licensing fee.

"The licensee shall be required to post bond guaranteeing a minimum of \$200-million in new construction.

"A gaming tax of 15-1/2 percent of the adjusted gross revenue will be imposed of which the Gaming Commission shall retain 1/2 percent to cover expenses for its operations; five percent shall be retained by the County of Hawaii; and 10 percent to the State of Hawaii. All

revenues will be earmarked for educational and medical care.

"There have been many questions raised regarding the possibility that House Bill 2229 might open up Hawaii to gaming by Native Hawaiians or Native American Indians. This issue was addressed and dismissed by the Senate in the last legislative session when they were deliberating the shipboard gaming bill. In fact, Mr. Speaker, this issue was addressed and dismissed by the 9th Circuit Court of Appeals in a written decision (*Price v. State of Hawaii*), which is binding upon the federal courts here in Hawaii. Furthermore, Federal Statute 9, Section 2719 of Title 25 of the United States Code, expressly excludes the possibility that Native American tribes from the mainland might attempt to set up shop here. The rights of gaming relate only to 'tribal lands' acquired before 1988. Frankly, I am unaware of any Native American Indian tribes who can claim that they hunted buffalo or grew corn on these Pacific Islands.

"The employment opportunities established by a \$200-million construction project paid for by private funds is a kick start for our State economy, similar to Governor Cayetano's \$1-billion CIP plan. The difference is this would be \$200-million of private funds, which would not jeopardize our bond rating and increase our debt. And, once completed, the facility will provide thousands of direct and indirect jobs for our residents.

"Recently, Wall Mart opened a new store in Hilo. They advertised for 250 available positions and received 6,500 applicants. 6,250 able-bodied people willing to work were turned away.

"I share with my fellow colleagues from the Big Island the awful experience of walking downtown on the Big Island and having people come up to you and ask: 'What are you going to do about our economy? We need jobs.'

"Hawaii County leads the State in a host of social problems. People are worried and scared. Let me share with you some frightening statistics:

- * The Big Island has a suicide rate six times greater than Kauai's and 2-1/2 times more than Oahu's.
- * We have a domestic violence rate more than twice that of Oahu.
- * 48,000 persons or 35 percent of the Big Island population receives food stamp assistance.
- * Personal bankruptcy filings increased 71 percent as opposed to 50 percent statewide in 1994-1996.
- * We have the State's highest substance abuse rate.
- * We have the lowest per capita income among the State's four counties.

"In proportion to population, the Big Island has the highest percentage of Aid to Families With Dependent Children clients of 9.14 percent compared to 4.23 percent average for the three other counties.

"Mayor Stephen Yamashiro has written a letter to each House member in support of House Bill 2229. In part, he wrote, and I quote: 'I support offering the voters a choice and a voice in this decision that is debated each year at the Legislature. By authorizing a referendum, the pros and cons of gaming can be fully explored in public forums and the voters can make an informed decision on this issue.'

"Hawaii County Council Chairman James Arakaki has written a letter to Chairman Tom and his Judiciary Committee in support of this measure.

"Mr. Speaker, whether we want to admit it or not, gambling exists in Hawaii. In fact, the illegal gambling that now exists does not provide any additional revenues, benefits, or work opportunities. Currently, gambling is a criminal activity in Hawaii. Not so in Nevada, and that is why over 400,000 visits per year from Hawaii's citizens to Las Vegas are currently taking place. With a yield to Las Vegas of approximately 500 million disposable dollars (non-taxed in Hawaii) going to Las Vegas annually.

"A 24-hour 'call in' poll conducted a couple of days ago by K-BIG Radio on the Big Island indicated that the call ins were 94.4 percent in favor of a referendum on casino gaming on the Big Island.

"This bill, Mr. Speaker, is about dignity. It's about self-esteem. It's about giving the people of the Big Island the opportunity to work and provide a decent living for their family. It's about diversifying our tourism plant, and an additional entertainment activity for our visitors.

"At this point, Representative Yamane rose and yielded his time to Representative Chang.

Representative Chang thanked the Chair and continued, saying:

"It's about another revenue generator for our people as well as our state and county government.

"Mr. Speaker and members, I know we are only on Second Reading. But, it is very important that this measure be passed on to Finance for further discussion. We've introduced numerous appropriation bills, each one important and needed. The problem is, we have very, very few revenue enhancement measures. I am on my fifth term as a member on the Finance Committee, and I share the Finance Committee Chair's fears, especially with the enactment of the Welfare Reform Act.

"Mr. Speaker and members, this is only one option, an option that does not require raising taxes. An option that doesn't require state capital expenditure. An option that we cannot afford to overlook - not in these dire economic times.

"I urge all of you to pass this on to the Finance Committee, and let us continue the dialogue.

"Mahalo."

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

"I sent out an Attorney General's opinion to all of you that I had requested the Attorney General to prepare. I wanted advice on the Florida attorney's letter that the Indian Gaming Regulatory Act (IGRA) does not apply or could not apply in Hawaii. The Attorney General has confirmed that yes, Indian gaming could become a reality in Hawaii under IGRA if the Legislature were to take this first step and legalize gambling.

"The first possibility would be an amendment to IGRA, and for those of you that don't believe the law could be amended, just go look at H-3. Congress amended the law to exempt that single freeway from all environmental laws. So, yes, IGRA could be amended.

"The second is through existing provisions of IGRA that pertain to gambling lands acquired after 1988. There

is a loophole, or a method by which gambling could be legalized here for other entities.

"IGRA contains an exemption -- an exception -- whereby gambling could take place on lands acquired after 1988 if the land is part of an initial reservation of an Indian tribe which is newly acknowledged, or if the land is part of a settlement of a land claim. If you all think that we wouldn't have any such settlement of a land claim, how many of you are aware that an Indian tribe already holds and owns land next to the Barber's Point Deep Draft Harbor that it received as part of a settlement of a land claim, and that is the Native Alaskan tribe. It is called the Cook Inlet Regional Corporation. They already own land here in Hawaii. The only reason this doesn't apply to that group is that the Native Alaskans are exempt from the provisions of IGRA, but it goes to show that things do occur that we have no control over. And all of a sudden an Indian tribe will, as part of a settlement claim, end up owning land -- federal land -- in Hawaii that no longer will be federal land. It will be owned by them.

"We also have this situation that an Indian tribe, as I mentioned, can acquire land in Hawaii and then the second provision of IGRA -- the after acquire provision would come into play. And Hawaii has to have the concurrence of the Secretary of the Interior to allow gambling on that land and with the Governor's approval. But there is a District Court case, the United States District Court case, that says the Governor doesn't have a right to participate in the denial or approval of that. That's a delegation of federal authority, so it could be out of our hands totally. The Secretary of the Interior could say, yes go ahead, you can do this.

"I also have one other concern about this. I think it may be illegal to permit, by a County referendum, the voters of the County of Hawaii to override or amend our criminal laws. In other words we, as legislators, would be delegating the authority to amend our criminal statutes. I believe the Attorney General has said that also would be constitutionally defective. So we have a lot of problems with this bill.

"I understand what Representative Chang is saying and I learned from his words, but I do not think this is a good road to go down. I think we would be very remiss as legislators were we to go ahead and pass through a bill that would open the door to gambling in Hawaii. I guarantee you, were that to happen, that will not be the only gambling operation in our islands, and I think all of us here would someday regret the result of the vote here.

"Thank you."

Representative Moses rose to speak against the bill, stating:

"On the Standing Committee Report, it says the purpose of this bill is to create the legal framework for casino gaming. It does not say that this is to allow the County of Hawaii to decide. It says that we are establishing the legal precedence and we are basically saying, as legislators, that this is okay with us.

"Secondly, I am personally opposed to gambling in any form. However, I do believe in the people's right to choose, and I would support this bill if it asks all the people of this state to make the decision because it will affect all people in the state. But this bill only asks those people from the Big Island to decide for the rest of us.

"We heard a lot about dignity and self-esteem, and my heart goes out to the people on the Big Island, and I hope there is some way we can help them in their plight.

"We heard a lot about the social benefits that gambling would bring to the state, but what about the social ills that have been brought to every locale that have okayed gambling? They're far, far outweighing any social good.

"I just had to say, shame on us if we bring gambling into this great state for the money that we can collect from it. We tend to sell our future very cheaply.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, there are a number of reasons why legalizing gambling troubles me and why I believe our state should not be moving in this direction.

"First, Mr. Speaker, gambling inflicts social and economic burdens on society. While there may be some momentary increase in jobs and tax revenues, gambling has had an ultimately parasitic effect on existing local businesses. Gambling drains vitality from local retailers and restaurants by diverting consumers' dollars into non-productive sectors.

"A U.S. News and World report indicated that gambling tends to move money around the local economy rather than creating a positive economic increase in jobs and services. In short, Mr. Speaker, gambling is akin to rearranging the death chairs in the Titanic when what we should be doing is averting an imminent collision.

"There are devastating social effects from gambling and they include pathological gambling. A study done in the state of Iowa shows that during the years 1989 through 1995, the rate of addicted gamblers rose from 1.7 percent to 5.4 percent of the population, resulting in more than 80,000 people being harmed by gambling addiction. The social costs also include increased child abuse and adverse effect impact against children.

"The Maryland Attorney General in 1995 stated that expanding gambling resulted in children not being cared for by their parents, and there being less money in the home to take care of medical and health costs; parents spending less time doing homework; and spending less family time together.

"A professor at my alma mater, Loma Linda University, Dr. Durand Jacobs, demonstrated that a survey of 840 children -- children of compulsive gamblers -- are vulnerable to poor mental health including eating disorders, gambling disorders, and lower levels of scholastic achievement. Gambling also manifests itself in broken families, divorce, suicide and crime. Nevada is the leader in suicide with the rate more than double the national average, according to the U.S. Bureau of Census Statistics Abstract, 1995.

"Crime rates are also higher with gambling. The U.S. Attorney for the District of Hawaii, Steve Alm, pointed this out. Legalized gambling tends to draw organized crime, and I'm not sure that's where we want to go.

"Another problem with gambling, Mr. Speaker, is that it tends to disproportionately adversely impact those in lower economic classes. In short, it attracts the poor and harms them the most. States with lotteries confirm that more low income and poverty-stricken citizens play the lottery than those in other income brackets. In essence, lotteries are a form of regressive taxation with enormous collateral, and this impacts on children and crime rates.

"Third, Mr. Speaker, the data on gambling itself is questionable. Most of these, if not all of these studies, are created by the gambling industry and they often tend to exaggerate the economic gain and understate the social costs. It's like asking the drunkard whether nicotine is addictive.

"Fourth and finally, Mr. Speaker, gambling is merely problematic. While gambling can be viewed as a diversion, gambling is merely problematic because the message of gambling is that one may appropriately increase one's mature worth through the world of champs rather than through perseverance and industry. The day when our society endorses and embraces this concept is a day our Hawaii accelerates the slide toward more bankruptcy.

"Mr. Speaker, I believe that the State of Hawaii ought to be examining long-term ways to promote new skills, training and businesses that can have a lasting effect for Hawaii's children.

"Thank you."

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

"Mr. Speaker, I believe that Representative Chang has explained the bill very well so I will not go into that. I do want to say, however, as the Judiciary Chairman that what I have heard is that Hawaii remains, and this is a fact that Hawaii remains one of only two states which have not used gaming as a source of revenue to help fund state programs. Hawaii is also one of the few states that has not seen an upturn in the economy over the last four years. Particularly hard hit has been the economy of the Big Island as Representative Chang has so eloquently explained with the loss of the heart of its economy--the sugar industry.

"Your Judiciary Committee has determined that it would be prudent to allow this measure to remain alive because the circumstances surrounding the state revenues and the overall economy remain very troubling at this time. From the legalistic perspective, Mr. Speaker, I examined the bill. The bill contains strong enforcement provisions; the bill contains a gaming commission free of conflict of interest; the bill provides appropriate strong penalties against those who violate the law.

"Let's get back to the economy, Mr. Speaker. According to the Council on Revenues, the State's official forecasting body, between September of 1996 and December of 1996, the anticipated revenues of the State decreased by \$141 million.

"On top of this anticipated decrease, we find ourselves facing unfunded emergency appropriations of over \$94.9 million. We somehow need to find an additional \$55 million to pay for Medicaid. We have to find \$21 million in extra money to pay for our State hospitals, and we have to find another \$3 million to pay for mental health programs for children. To pay for the collective bargaining agreements with the University of Hawaii professors, HGEA, and our nurses requires that we spend \$85.6 million of money we don't have at this time. And the teachers in the elementary and secondary levels are without a contract and about ready to strike. And we all know that at some point, the State will have to reach a fair agreement with our severely underpaid teachers, but we also know that it will be a very expensive agreement for the State. In addition, an agreement with the blue collar workers in the State still needs to be made.

"This year the University of Hawaii has received a zero increase in general funds. The Department of Education

is still underfunded. Non-profit organizations that provide services to victims of domestic violence are going unfunded as we are being told that there is no money to pay for their services.

"Your Judiciary Committee feels that the Finance Committee needs to have available every reasonable option to raise revenue without raising taxes as it struggles to both balance the budget and to provide sufficient funding for the necessary services of government.

"All we are asking, Mr. Speaker, at this time is that we have viable options to give to the Finance Committee. I can't think of very many at this time and all of us in the room here know that we have pet projects, we have people who want certain things in our districts, many of which are very worthy. What are we going to tell them? What more can we tell them other than the fact that we don't have the money and that we're not innovative enough to think of other ways, and we keep saying let's keep cutting. How far do we cut, Mr. Speaker -- how far do we cut?"

"I urge all of us, at this time, to please give the Finance Committee all of the necessary options it needs to balance the budget, and ensure the best and the safe society for the people of this State.

"Thank you, Mr. Speaker."

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

"I rise as a member of the Finance Committee who, for the last two years, has heard the data, the statistics, the reminder of Economics 101, and the reminder of the Council on Revenues. Every one of the best and the brightest economists we have in the State, Mr. Speaker, have said: 'Do not fix your economy by instituting gambling. It is not a way of restructuring or fixing deficit spending.

"My heart goes out to the Representatives from the Big Island. There is a problem there but, Mr. Speaker and my fellow colleagues, we are missing the point.

"Fixing the economy is lowering taxes. It is making government smaller; it's putting a business friendly environment in place of which we do not have. This is not a mystery so if we talk about economics, we've got to look at the macro-picture, we've got to look at what we've done to our business community and why we're so now ready to run and get gambling as a quick fix. The Representative from the Big Island has all the right motivations but for the wrong reasons, Mr. Speaker. This is not an economic viable foundation on which to build this economy or the Big Island. I think we're deceiving ourselves.

"Facing the fact we've got to fix our economy by looking at our taxes, we have before the Finance Committee all the Tax Review Commission's recommendations. We have the opportunity to make government smaller, we have the opportunity to make ourselves more business friendly so we can create jobs, not try to get a quick fix of coming through some gambling backdoor.

"Lastly, the Representative from the Big Island said that never was there buffaloes roaming or corn planting but, Mr. Speaker, I think the smell of buffalo chips is all over this bill."

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

"Mr. Speaker, I stand with reservations to give the County of Hawaii people the choice to decide gaming on their island.

"Mr. Speaker, I thank you for allowing me to be a part of your Committee on Finance. The Chairman of Finance has always been open and honest in educating all members on Finance of our fiduciary responsibility to look at the total state's economic view in balancing the state's budget.

"Also, as a member of your Human Services and Housing and Health Committees, we dealt with human needs that is very emotional. The emergency needs in Medicaid, mental health, welfare reform, and also dealing with restoring general assistance, as indicated in the forum that was just outside, have given me and the committee members emotional turmoil. But nonetheless, the millions and millions of dollars that is needed to address the basic human needs for a segment of society which I believe will never go away will always be our responsibility.

"We all know that the State is in an economic emergency situation. We have explored many options to deal with the situation. It is easy to say cut government, and in the same breath expect a lean government to be proficient in its work. Mr. Speaker, this is the marketplace of ideas. Even if the idea is offensive to some of our morals and culture, this is the place to discuss them.

"Mr. Speaker, I have always been an opponent of gaming, but as an elected legislator that supports businesses and expect businesses to be responsible to the community and society that they benefit from, and given the many depressing social, educational, economical, and spiritual conditions of our whole State, I stand in support, with reservations, to allow the people of the County of Hawaii to decide their fate in gaming as a possibility to address their emergency condition.

"Finally, Mr. Speaker, it is said that the State of Hawaii is one of two states that do not allow gaming, but we are the only state that allow same-sex marriage. What are we saying? Don't gamble but you can fornicate and have sexual intercourse with an unnatural. . . .

At this point, the Chair interrupted and said:

"You're out of order. Please stick to the context of the bill."

Representative Kahikina continued, saying:

"Mr. Speaker, I gamble everyday driving Farrington Highway and the H-2 Freeway. People gamble everyday when they invest in the stock market.

"This House has always listened to the people, and the people of Hawaii want to make their choice. And for those reasons, Mr. Speaker, I stand in support with reservations."

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

"I adopt many of the objections of prior speakers to the institution of gambling in this state and any county. I want to speak to just one point, and that is the argument that we should give the Finance Committee the option of hearing this proposal. And usually on Second Reading my position, like many others, is to give the next committee the option.

"My real problem is that, with this particular measure, I think an option given is an option exercised. And what I strongly resist is the idea that this body will then be presented with an overall financial plan which will be contingent upon a component of gambling, and that I think would be a major mistake.

"Thank you."

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

"Mr. Speaker, we have talked about whether or not we should allow gaming in the State of Hawaii. I think that if anybody thinks that there isn't gambling in this State is hiding in the closet. We have a social gambling law. Nobody has brought any evidence to the table of the adverse impacts of our social gambling law. We gamble everyday on the golf course, we gamble everyday in pool halls. There are millions of dollars gambled every year on Super Bowl polls in Hawaii. Publisher's Clearinghouse is a gamble. Buy a few subscriptions, maybe I'll win ten million dollars. You can gamble on the Internet -- that's available to all of us in Hawaii. The underworld has been running this six/five football pools for years -- for years!

"We talk about the social impacts of gambling. There is no one on the Big Island that is hurt or more knowledgeable about the conditions of the elderly and the poor than George Yokoyama. George Yokoyama is strongly in support of this bill. When he talks about all of the social impacts, he says we are already there on the Big Island.

"We have heard statistics about people becoming addicted to gaming. People get addicted to tobacco, people get addicted to alcohol. Sure, there will be people who will get addicted to gaming. People get addicted to work, people get addicted to chocolate. Believe me, I know a little bit about addictions and no one in this House can teach me or advise me about addictions. As many of you know, I'm an alcoholic. I have been alcohol-free for twenty-two years and what we addicts need -- we need support. And if we legalize gaming, what we do is we bring it out of the closet, and what addicts need is they need support. People get addicted to gaming and they already are in the State. We need to help them, we need to help alcoholics, we need to help those who are addicted to tobacco, we need to help anybody who is addicted to any of those substances that harm them personally.

"Why is it okay to let the voters determine same-sex marriage and not this issue? I think the principles are the same. I look to this as an economic stimulator, job creation, and I think the voters on the Big Island should be allowed to decide it.

"Thank you."

Representative Takamine then rose and asked the Clerk to cast a no vote for him on this measure, and the Chair "so ordered."

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

"I have a lot of concerns about gambling and I have a lot of questions, but I think this is exactly why we should, at this point, send this to the Finance Committee to get an overall perspective and judge this objectively.

"In reference to colleagues' comments earlier, I cannot see how this bill could impact the biennium budget that we're working on in any way. So I see nothing wrong

with moving it forward to the Finance Committee at this point. You can always vote again on Third Reading -- any member can vote again on Third Reading if they don't like this measure.

"Thank you."

Representative Hiraki then rose and requested the Clerk to register a no vote for him, and the Chair "so ordered."

Representative Tarnas then rose and requested the Clerk to register a no vote for him, and the Chair "so ordered."

Representative M. Oshiro then rose to speak in favor of the bill with reservations, stating:

"I think one of the things that I have realized since I have come to this House two years ago is that, in making our decisions we have to balance the interest of many people in our State. In particular, Mr. Speaker, we have to balance the interest in regards to how we spend our tax moneys. I have been sitting here for the past three or four weeks and I hear a lot of comments about tax cuts and tax credits and economic generation, Mr. Speaker, but I have heard nothing concrete as far as the means and mechanisms by which we can raise some moneys to pay for the necessary services.

"Previous speakers have mentioned the fiscal constraints that have been imposed upon us, and I think members need to appreciate that we are an island state competing against all other countries, both outside of our borders, internationally as well as nationally, for the almighty dollars out there.

"We have a limited situation right now of tourism-based economy. That tourism-based economy, Mr. Speaker, affects us and we depend upon it regarding the types of tourists that come to Hawaii. It's very ironic that whenever you talk about the yen to dollar ratio, what's good for our country, as far as having a strong dollar, is bad for our local economy. That is a fact, Mr. Speaker.

"I think we also need to appreciate the fact that we have to wrestle with the current biennium budget, right now of a \$175 million shortfall. If we calculate in all the emergency appropriations requested by the Governor's Office, our cash carryover balance to end fiscal year 1998 drops to \$150 million. If we tag unto that the collective bargaining agreements for the teachers, the HSTA, and the other collective bargaining units, we can drop well below \$60 million, Mr. Speaker. There are many, many needs that have been brought to the Finance Committee from the various chairs, and we have asked the question of the chairs: Where can we cut in the budget? What programs are you willing to eliminate? What services will you go out there and cut off? Those are hard questions, Mr. Speaker, and those questions should be addressed to the Finance Committee.

"I would ask all members to support this bill so those proper questions can be raised in the proper committee -- the Finance Committee -- and have them study and make decisions.

"Thank you, Mr. Speaker."

Representative Lee then rose and asked the Clerk to record a no vote for her and to enter her remarks into the Journal, and the Chair "so ordered."

Representative Lee's remarks are as follows:

"I would like to cast a no vote on this bill which seeks to create the legal framework for casino gambling in the State of Hawaii.

"In casting this vote, I would like to note that strong testimony in opposition to this bill was received from the Police Department of the City and County of Honolulu.

"The notion that the establishment of casino gambling in the State of Hawaii will be an economic panacea is flawed. In many states where gambling is widely accepted and used as a form of revenue, the same budgetary problems we are facing have not been eliminated.

"Gambling, rather than being a boon to the poor, becomes another burden -- exploiting both young and old and encouraging debt.

"Gambling bears no relationship to the development of self-esteem and pride in the people; rather, it can have the effect of decreasing pride and self-esteem by encouraging the use of family funds that might otherwise be used for education and cultural endeavors.

"I grew up in an industrial city, twenty miles from a race track, where gambling, including betting on the horses, numbers and other forms of gaming were rampant. Many families that I knew personally were negatively impacted by gambling.

"As I make my periodic visits back to this former home, I am struck by the urban decay. One of the most vivid examples is a small shopping center not far from my mother's home. Where once was a healthy enter with shops, markets, and other small business stands a group of empty buildings. One business still exists: the off-track betting office."

Representative Arakaki moved for a roll call vote, seconded by Representative Thielen.

The motion for a roll call was put to vote by the Chair and upon a show of hands, the motion was carried.

Representative Say then rose on a point of inquiry, asking:

"Mr. Speaker, can the debate still continue on at this point on the measure on the floor?"

The Chair responded:

"The debate possibly could. The Chair would ask the member that if we could proceed with the vote. I think the members have heard enough debate."

Representative Say: "May I just say a few words on behalf of this measure, Mr. Speaker?"

Chair: "Please proceed. The Chair rules that he can speak on this issue. Please proceed."

Representative Say then stated:

"I'll keep it short, Mr. Speaker.

"First of all, I want to thank you and the members of this House for a lively, lively debate on Second Reading on this particular measure. I am in support of this measure, and I want to commend the sponsor of this particular measure in trying to address the economic needs for his respective county.

"Being here as a senior member, this, I think all of you should realize, is Second Reading -- Second Reading

where you can kill a measure or pass a measure on to the final committee. I plead to the members here on this House floor this afternoon to continue this measure on, not for the sole purpose of incorporating this particular measure into the financial plan, but in the educational process that we have in this legislative body.

"Presently, for the freshmen and sophomores who are unaware, if this bill dies on the floor here today, the Judiciary Committee had the only public hearing on this measure. I ask the freshmen and sophomores to realize this. On the Committee on Finance, Mr. Speaker, we have two or three freshmen that have never been given the opportunity of asking these questions in trying to clarify the questions posed by the previous speakers.

"I am speaking, Mr. Speaker, on behalf of this measure, in keeping it alive for the purpose of educating the other seventeen members who did not get an opportunity.

"Thank you very much."

Roll call having been requested, the motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2229, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GAMING," passed Second Reading and was referred to the Committee on Finance on the following showing of Ayes, Noes and Excused:

Ayes, 27: Representatives Abinsay (W/R), Ahu Isa, Aiona, Chang, Garcia (W/R), Goodenow, Herkes, Ito, Jones, Kahikina (W/R), Kanoho, Kawakami, Menor (W/R), Morihara (W/R), Morita (W/R), Nakasone, Okamura, M. Oshiro (W/R), P. Oshiro, Say, Suzuki, Tom, Whalen (W/R), Yamane, Yonamine (W/R), Yoshinaga (W/R) and Souki.

Noes, 24: Representatives Arakaki, Cachola, Case, Fox, Halford, Hamakawa, Hiraki, Kawanakoa, Lee, Marumoto, McDermott, Meyer, Moses, Pendleton, Saiki, Santiago, Stegmaier, Takai, Takamine, Takumi, Tarnas, Thielen, Ward and White.

Excused: None.

At 2:14 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:19 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 529) recommending that H.B. No. 1268, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, Stand. Com. Rep. No. 529 and H.B. No. 1268, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GAMING," were recommitted to the Committee on Judiciary.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 530) recommending that H.B. No. 139, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 530 on H.B. No. 139, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 139, HD 2, were made available to the members of the House.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, 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:

H.B. No. 2174, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 2174, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC-PRIVATE INFRASTRUCTURE PARTNERSHIPS," passed Third Reading by a vote of 44 ayes, with Representatives McDermott, Menor, Morihara, Pendleton, Stegmaier, Whalen and Yoshinaga being excused.

H.B. No. 1690, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1690, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE MAXIMIZATION," passed Third Reading by a vote of 44 ayes, with Representatives McDermott, Menor, Morihara, Pendleton, Stegmaier, Whalen and Yoshinaga being excused.

H.B. No. 1804, HD 1:

Representative Okamura moved that H.B. No. 1804, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Tarnas rose to speak in favor of the bill "with grave reservations," stating:

"I understand the financial straits that we are in right now and the desire to come up with money for repair and maintenance, but my heart is very sad when we have to raid funds for art in order to pay for repair and maintenance. And I would hope that when we are in negotiations with the Senate, that we can put a sunset date on this so that we can get back on track in being a leader in the nation to support art.

"Thank you very much, Mr. Speaker."

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

"As Representative Tarnas just pointed out, this is raiding the fund that the State of Hawaii has set up for culture and arts, to try to find some money to deal with the schools which is our responsibility to deal with. We should be finding funds for the schools but not doing it by raiding the culture and arts funds.

"Hawaii stands first in the nation on its support of culture and arts and it's because of the one percent fund that we have held and maintained here until now. This is certainly a historic vote that we take if we choose to cut this fund by 50 percent.

"Thank you, Mr. Speaker."

Representative Santiago then rose and stated:

"Mr. Speaker, I would like to raise some concerns on House Bill No. 1804, so I'll support it with the same reservations -- grave reservations -- that Representative Tarnas had raised.

"If I may, Mr. Speaker, recently we heard testimony in our Committee on Culture and the Arts from an individual who returned to the islands after twenty years in Europe, and he is now head of the Hawaii Opera Theater, Mr. Henry Akina. He brought a very, very interesting perspective as he explained what culture and the arts was like twenty years ago, and what he has returned to see today with the severe cutbacks because he did come after the funds have been reduced by over 75 percent.

"It was a very interesting perspective when he talked about the opportunity that we have in front of us, and my comments are simply this: We need to recognize the possibilities that exist with culture and the arts and where it can take us economically for this State. And I think when we do put that hat on, we would be much more supportive of keeping funds, and I do support the sunset provision that Representative Tarnas referred to.

"Thank you, Mr. Speaker."

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

"I concur with some of the remarks made by the previous speakers who had reservations about this bill.

"My other concern is the way the bill was referred. Because of the title, it was naturally referred to Finance, without any referral to the Committee on Culture and the Arts.

"However, I believe that on an issue like this, when you are taking away fifty percent of that fund, that the Culture and the Arts Committee should at least have an opportunity to have a public hearing on that from the arts community so that they can have a say on how that would impact and then go on to Finance, and perhaps if that were the situation, I would vote a clean yes.

"Thank you, Mr. Speaker."

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

"I won't repeat some of the reasons about the raiding of fund for art work, but in addition to that, I have some reservations about taking money from CIPs and using them for maintenance.

"Maintenance is sort of an ongoing thing. Normally you should have that money in the general fund, and to earmark CIP money for that, I don't think is in the best interest.

"Thank you."

The Chair then said:

"I don't believe it's the intent of the bill."

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

"I believe that while we cannot see the future, we can create it, and exposing our young people to the arts and culture is an important task in itself.

"I don't believe that this is a good measure, and it hasn't been properly heard as one of my colleagues has mentioned.

"Thank you."

Representative Takai then rose to speak in support of the bill "with grave reservations," stating:

"I do appreciate the concerns of this House in regards to repair and maintenance of our school buildings, including the University of Hawaii. I am well aware that the University of Hawaii currently faces more than \$30 million in repair and maintenance backlog. I am also very well aware that the Legislature appropriated nearly \$10 million to address part of the repair and maintenance concerns at the University. And further, Mr. Speaker, I am well aware that the University has used some of those moneys to balance their budget in addition to taking care of some of the Governor's restrictions.

"Repair and maintenance is very important and although it's very important, it hasn't been done not only by our departments, but also by the Legislature.

"I am concerned also because we have heard so much recently that tourism continues to be the driving force of our economy. And if you ask any tourist, they're not coming to this great State to see the pavement and the wonderful concrete. They're coming here because they appreciate our arts and our culture. Some even say that the arts and culture are our heart and soul to this great State of ours.

"In addition, Mr. Speaker, recently we have seen the State Foundation on Culture and the Arts budget, the grant's program budget, shrink from \$5.2 million in fiscal year 1995 to \$1.4 million in this fiscal year.

"In addition, Mr. Speaker, what we are talking about right now is to use part of the money that the Governor proposes in his CIP \$1 billion plan, but there is an assumption there. The assumption is that the Legislature is going to support the entire \$1 billion. And even if we do support the entire \$1 billion, that represents \$500 million in each fiscal year and about 80 percent of that is for construction, or \$400 million. What that one percent will represent is about \$4 million into the State Foundation on Culture and the Arts' Art in Public Places budget. So for CIP, if this bill is to pass, represents \$2 million.

"I have already mentioned the dire need for more repair and maintenance funds for the University of Hawaii, in excess of \$30 million. So although this bill will not do a significant amount in repairs and maintenance throughout the State, it will have devastating effects on the arts and culture budget, not to mention the community.

"I do support all the previous speakers in their concerns, and I would also like to add that if this bill does come back from the Senate, that a sunset in two years be put in.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, my alma mater, the University of Hawaii, looks more like a Third World country when it comes to repair and maintenance, so there is obviously good use of these funds.

"However, if we look at what we've done already--we've raided the pension fund, the health fund, and now we're raiding the culture and arts fund. I think we have to step back and see what we are doing by trying to take all the money out of these existing funds; going back and asking: How did we get in this mess that we've got to raid all these funds? I think it goes back to how, when other states were in a problem fix with their economy, they looked at lowering the taxes of the people; they looked at lowering the taxes in getting away from an anti-business attitude; they looked at reducing the size of government. Mr. Speaker, all roads are going to lead back to those three main themes.

"Job creation is through stimulation of the economy and through giving us a business-friendly environment by lower taxation. Until we face those, this will be a vital cycle. We're going to raid more funds. Pretty soon, they'll be funds for the A+ Program; we'll be siphoning off more funds from the highway funds. This is three strikes and we're out of money. That's the third fund that we have raided, and that's why I have reservations.

"Thank you, Mr. Speaker."

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

"We are raiding our culture and our future to pay for our past and current follies again. This doesn't fix any problems, it just creates new ones, Mr. Speaker, and I will vote no on this bill.

"Thank you."

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

"I take the criticisms of those that have spoken here this afternoon. Yes, it is, with a deep heart, that I did propose this to the Finance Committee.

"In its original draft of this particular measure, another one percent was supposed to be set aside for all major capital improvement projects for repair and maintenance. That's two percent out of the total float of whatever bonds it is. But for me, it is a sad time because, Mr. Speaker, in 1976 I was given the opportunity of being the Chair of Culture and the Arts for that particular term of office. I can recall -- yes, it was the number one program of the nation through our very distinguished colleague from Maui who was Mr. Masaru 'Pundy' Yokouchi. I can recall, Mr. Speaker, at that time the Executive Director was Mr. Alfred Price, and after Mr. Alfred Price, Mr. Richards, and after Mr. Richards, Mr. Wendell Silva.

"Mr. Speaker and members of this body, it is thanks to you that you have given me the opportunity of being the Finance Committee Chair, and with the wisdom and knowledge that I have accumulated, I tried to be very creative in not trying to earmark another one percent of your construction projects away from what it was intended for. The bill called for another one percent to be earmarked just for repair and maintenance. And I can concur with the Chair of Culture and the Arts that we have not maintained our repair and maintenance funds for the Department of Education and the Department of Accounting and General Services because of all the budget cuts that we have seen in the past five years.

"Mr. Speaker and members, I take the blame for this proposal, and I feel hurt when members speak to say that you're going to vote with reservations because now you are beginning to realize the fiscal crisis we are in. I am not afraid of making hard decisions. That is a major policy decision from the 1970s, but times have changed.

"I really appreciated the remarks of the Majority Floor Leader, that a lot of bills we have here everyone supports with some form of appropriation. But in the final analysis, when these hard decisions are made, Mr. Speaker, let me say this: I am not doing this to hurt anyone but to think about preparing all of us for the next generation.

"I have to apologize to Representative Takai if I amended the bill without your concurrence, but in the original draft it was never utilizing the one percent Art in State Buildings ... I am sorry.

"But being creative in trying to see that moneys for CIP are going to CIP projects in your particular districts, I could not see earmarking another \$10 million if there was a float of \$1 billion. If there is a float of \$1 billion during the next two years and you set aside two percent, that's \$20 million that could have gone to the Department of Education facilities, that could have gone to other facilities such as court houses, to other facilities such as the prisons, and that's why I asked and I pleaded with the members of the Finance Committee: Can we go along with this for this period of time?

"We had a very lively debate, Mr. Speaker, and I really enjoyed it but the best part about it, except for me, was that the members of the Finance Committee learned what the one percent Art in State Buildings is all about, which is in our statutes. Five million, ten million, twenty million, I don't know what is appropriate for the one percent Art in State Buildings. We had a discussion in caucus that there presently is a balance of about \$3.1 to \$3.2 million for commissions and relocatable art of works, and that is what this sole purpose is for. You add another \$10 million, would that \$10 million be utilized properly when we could utilize it for other projects that we have statewide? And that is the reason why we came out with this House Draft 1.

"Yes, I am going to be criticized by the arts, but I am not afraid of making the hard decisions at this point in time on behalf of the people of the State of Hawaii.

"Thank you."

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

"The arts community is going to be disappointed with this bill. They are also going to be disappointed that most of them were unaware that this was coming and did not have the opportunity to speak to the bill. This, in my view, should have gone to the Culture and the Arts Committee and did not. I know that many members of the arts community will be surprised when they find that this has already passed and gone.

"I also want to say that we have cut arts funding for the State of Hawaii for several years now. We keep cutting it more and more. I know that on Maui, the Maui people have been supportive of the arts and have personally given to the arts, and then have given again to the point that it hurts, giving in the face of State cuts and then even come back and giving more for the arts.

"This is a mistake. It is a corrosion of one of the best culture and arts policies in the United States of America.

"If it is appropriate at this time, I would also like to call for a division of the House on this matter."

A Division of the House being called for, the motion was put to vote by the Chair and upon a show of hands, the motion was carried.

Representative Marumoto then rose and asked if she could speak in opposition to the measure.

The Chair responded:

"By all tokens, we should go on with the vote. If you want to continue, I am aware that you can have a discussion after this, but I just want to warn the members that if you want to have a discussion, have a discussion before the division.

"Representative Marumoto, please make it brief, in respect to the rest of the members."

Representative Marumoto responded:

"Thank you, Mr. Speaker.

"In respect to the Chairman of Finance, I hate to speak in opposition to his good intentions to cover the budget with the shortfall of funds that he has, but I perceive this as a raid on the arts. I think it's a hijacking, almost an ambush. I don't think they see this coming at all. But I think that we are going to be spending, if not \$1 billion on CIP, maybe \$600- or \$800-million and to put aside one percent for the arts is not a great imposition, and I would liked to have seen this measure give an additional one-half percent to repair and maintenance because I don't think the CIP budget would have suffered that much from missing that money.

"With that large authorization, I think there is enough money for CIP for repair and maintenance and for the arts. And when it comes to arts, we are talking about small business people, really small -- one man shops and studios. I think that they are deserving of some support, so I must vote no on this measure.

"Thank you."

The Chair then said:

"Members of the Republican Party, you had an opportunity to discuss. A vote has been called for. I ask your indulgence to go along with the vote."

Representative Ward then rose on a point of personal privilege and said:

"I was aggrieved by the Chair of the Finance Committee saying that he thought it was pretty wimpy to vote with reservations, so I wanted to please him by saying I am going to vote no."

Representative Kawanakoa then rose and stated:

"I speak in opposition to this measure, but I would like to couch my remarks with regard to the ammunitions of your discussion, not allowing discussion after the call for a roll call. I might not be able to stand in time prior to any of our members requesting a division of the House. So it is very difficult for all of us to decide whether or not to continue debate, and I appreciate your indulgence of debate on this matter because it is appropriate at this time.

"I would just like to note that I had some concerns with some of the discussion earlier with regard to the reductions or the cuts and cuts, and how far do we go with the cuts. My first term at the Legislature, I noted that the 1995-1996 biennium budget called for an increased total spending of over a billion dollars. I really don't believe our problem is with the revenue inflow to our government, I think it is with the revenue outflow in our spending. And I am curious to see what our budget

will do this biennium and whether or not we will increase our overall total spending by another eleven percent and I've cautioned. . .

At this point, Representative Say rose on a point of order, stating:

"Is he addressing the bill or is he addressing the budget which is not before us at this point?"

The Chair responded:

"Representative, will you please stick to the bill. I think the members are getting tired. Stick to the item of the bill, please; otherwise, I will call you out of order."

Representative Kawanakoa continued, saying:

"Whether it was mentioned, with regard to the cuts and we have nowhere else to look for money except to raid our arts and culture funds, if that were the case, I would be more inclined to vote in favor if we truly had to raid these various other funds that are within our purview. But I don't see the cuts and the cuts. I actually see a growth in spending in our budget so, therefore, I will continue to vote no unless it can be shown to me that our budget is actually...

At this point, Representative M. Oshiro rose and asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:43 o'clock p.m., Representative Kawanakoa continued, saying:

"Thank you, Mr. Speaker. I just finished my remarks, and I appreciate the opportunity to speak on this particular measure which I did vote no for."

Roll call having been requested, the motion was put to vote by the Chair and carried, and H.B. No. 1804, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPAIRS AND MAINTENANCE," passed Third Reading on the following showing of Ayes, Noes and Excused.

Ayes, 42: Representatives Abinsay, Ahu Isa, Arakaki, Cachola, Case, Chang, Garcia, Goodenow, Hamakawa, Herkes, Hiraki, Ito, Jones, Kahikina, Kanoho, Kawakami, Lee, Menor, Meyer (W/R), Morihara, Morita, Nakasone, Okamura, M. Oshiro, P. Oshiro, Saiki, Santiago (W/R), Say, Stegmaier, Suzuki, Takai (W/R), Takamine, Takumi (W/R), Tarnas (W/R), Thielen (W/R), Tom, Whalen, White, Yamane, Yonamine, Yoshinaga and Souki.

Noes, 9: Representatives Aiona, Fox, Halford, Kawanakoa, Marumoto, McDermott, Moses, Pendleton and Ward.

Excused: None.

H.B. No. 617, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 617, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN BORN TO PARENTS NOT MARRIED TO EACH OTHER," passed Third Reading by a vote of 44 ayes, with Representatives McDermott, Menor, Morihara, Pendleton, Stegmaier, Whalen and Yoshinaga being excused.

H.B. No. 107, HD 1:

Representative Okamura moved that H.B. No. 107, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Arakaki rose to speak against the bill, stating:

"You know, Mr. Speaker, it just seems so incomprehensible that during these times of economic difficulties when families are struggling, that in response we choose to victimize and stigmatize our kids with our laws. Yes, it is politically expedient; and yes, it is a popular get-tough response to the public perception; and yes, it targets constituents who are least capable to respond or protest. The fact is, crime rates for violent crimes by youth have not significantly increased -- only 1.55 percent from 1990 to 1994. It is also significant to note that teenagers are more likely to become victims of violent crimes. Statistics show that those arrested are more than likely to be poor and disproportionately of Hawaiian, Filipino, and Pacific Islander ethnicity, and there is a reason. It should be noted that youths who are poor and those of Hawaiian, Filipino and Pacific Islander ethnicity usually lack comparable social and verbal skills as well as family resources of their Caucasian and Asian peers to extricate themselves from confrontations with law enforcement officials.

"The real question here though, Mr. Speaker, is: With this sweeping policy change, what are we trying to accomplish? What do we hope to gain? What is the socially redeeming value of this law? If it is to allow officials access to records so they can seek restitution or community service, then there are ways of doing that without throwing the baby out with the bath water. I believe another House Bill, No. 557, can accomplish that without the wholesale dismantling of our confidentiality laws for minors.

"It has always been my understanding that confidentiality laws exist to protect minors because they are not adults, who do not have all the rights that come with adulthood. And while other states may seek to do away with these important philosophical precepts, it is important to realize that in Hawaii we have always cherished our children and value their protection. It has always been a spirit of ohana that has allowed us to forgive the mistakes of our young and to teach them right from wrong. Changing the law would only serve to ostracize and alienate our way with youth from their families, their neighborhoods, and their communities.

"Yes, Mr. Speaker, it is important to correct the mistakes of our young people and to hold them accountable for their actions. But statistics also show and will bear me out, but for most youths who get into trouble as minors, age and maturity are the biggest factors in correcting behavior. I refer you to a **Midweek** article featuring Jon Yoshimura who is now an esteemed Honolulu City Council member and attorney as well as a former newscaster. His was a cause of misguided adventure and peer pressure, and are the reasons why we don't need this bill.

"And finally, Mr. Speaker, speaking of accountability, what about all accountability to the youth of Hawaii? The real problem we are trying to confront are the hard-core juveniles with multiple arrest records. This bill will not solve that problem. The truth is, we have not been accountable enough as policymakers to provide effective intervention programs for these troubled youth. If incarceration or release are the only choices we offer our Family Court judges, then it is not much of a choice because most youthful offenders don't need incarceration. The fact is, Mr. Speaker, when we reduced the Youth Correctional Facility beds from 150 to 35 seven years ago,

we also attached close to a million dollars in community-based alternative programs which were not only more effective, they were also much less costly than incarceration. Sadly, however, since then these programs have been cut to where only a third of the original budgets remain.

"But, Mr. Speaker, it is not just about money. It is a message we send our young people and the people of Hawaii. The final question is: When do we start beating down on our youth for our laws and our penalties and start raising them up with our hope?"

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

"Mr. Speaker, this year the House of Representatives has committed itself to addressing the rise in juvenile crime. One aspect of this commitment is the opening of juvenile proceedings and records.

"Some ask, why are we doing this? You heard it earlier today.

"I would like to briefly respond.

"Under current law, access to juvenile proceedings and records is extremely limited. This cloak of confidentiality is consistent with a Juvenile Justice System designed to rehabilitate and protect minors from the stigma of youthful indiscretions.

"The existing system, premised upon confidentiality, was not a problem or even an issue when youthful indiscretions were of a minor -- and I repeat, minor -- nature. However, as juvenile crime has steadily risen in seriousness in scope, community protection and the public's right to know has begun to displace confidentiality as the bedrock principle.

"We agree that introducing a measure of openness into the Juvenile Justice System will help restore public confidence in the process. This is a growing trend throughout the nation, not just in Hawaii, to hold juveniles accountable for their actions and responsible to the general public, to our constituency.

"However, we must always remember that we are dealing with juveniles and I don't forget that. We are dealing with juveniles, we are not dealing with adults. With juveniles, yes, we must be responsible, not reactionary.

"In this regard, we do not believe that a carte blanche approach to dismantling confidentiality as proposed in the original bill is prudent or appropriate, and I have said that. We are basically changing the underlying philosophy on how juveniles are treated in the Family Court. We must exercise caution in this endeavor so as not to ruin lives, as discussed earlier, for youthful misdeeds.

"There needs to be a balancing of a juvenile's right to privacy and the public's right to know.

"Accordingly, while retaining the intent to open proceedings and records of juveniles twelve years or older who are taken into custody for an act if committed by an adult would be a felony or an act of theft or criminal property damage in excess of one hundred dollars.

"This bill distinguishes between legal and social records, Mr. Speaker, the latter containing more sensitive materials not appropriate for public review.

"Secondly, the discretion of the Court, and the critics of this bill never talked about this, the discretion of the Court is retained where significant and compelling circumstances dictate closure. In other words, Mr. Speaker, the judge can still order a proceeding or a record to be closed if the circumstances of a particular case call for confidentiality.

"Thirdly, provision for expungement is included when a juvenile is not subsequently adjudicated as a law offender and even when a juvenile is so adjudicated under certain conditions. For instance, when the juvenile has stayed out of trouble for at least five years since the adjudication, his records can be expunged.

"The bill also balances the interest of juveniles committing less serious offenses with the propriety of opening proceedings on more serious and seasoned offenders. In this regard, we apply this openness standard to juveniles involved with class A felonies who have one or more prior adjudications and juveniles involved with class B and C felonies who have two or more prior adjudications. We are not targeting your so-called first time offenders. They haven't gone through the system yet. We want to give that opportunity for rehabilitation. We are not dealing with mere youth indiscretions, as pointed out.

"Some say that these caveats water down this bill. I've even heard people say what we did watered down the bill. But I say that the bill is responsible.

"You also have people who'll say that this bill is too drastic a bill in its current form. I remind those that this bill as originally drafted did not distinguish between legal and social records, had no provision for a judge exercising discretion to close proceedings and records, did not provide for expungement, and did not differentiate between first time offenders and more seasoned juveniles. Again, I say that the bill is fair, it is responsible. It is responding to the public's right to know.

"I believe that this bill strikes the right balance between a juvenile's privacy and the public's right to know.

"Thank you, Mr. Speaker."

Representative Takumi then rose and asked the Clerk to register an aye with "strong reservations," and the Chair "so ordered."

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

"I was so troubled by this bill that I did seek counsel from someone whom I respect quite a bit. He is one of the senior Judiciary individuals, and I talked to him at length about this bill. I was very surprised by his response, therefore I came with the intent that I was going to vote with reservations. But as I looked it over again in the evening, I just decided that from a philosophical perspective, I just have a real major problem with where we're going with a lot of our laws, and a lot of our very punitive types of actions that we're taking.

"I said this before and I'll continue to echo, that the balance that Representative Tom talks about I think can be achieved when we really talk to the people who are out there working with the kids. And the message that they're bringing to us is, these are not the types of measures that's going to achieve the goals that we want to see achieved. And with that, Mr. Speaker, I am going to be voting no on this bill.

"Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 107, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," passed Third Reading by a vote of 41 ayes to 3 noes, with Representatives Arakaki, Saiki and Santiago voting no, and Representatives McDermott, Menor, Morihara, Pendleton, Stegmaier, Whalen and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 2174, 1690, 1804, 617 and 107 had passed Third Reading at 3:00 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 28) and concurrent resolutions (H.C.R. Nos. 28 through 30) were referred to Printing and further action was deferred:

H.R. No. 28, entitled: "HOUSE RESOLUTION TO ESTABLISH AN ADVISORY COUNCIL ON UNITED STATES RELATIONS WITH ASIA AND THE PACIFIC," was jointly offered by Representatives Ward, Ahu Isa, Cachola, Kanoho, McDermott and Stegmaier.

H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION TO ESTABLISH AN ADVISORY COUNCIL ON UNITED STATES RELATIONS WITH ASIA AND THE PACIFIC," was jointly offered by Representatives Ward, Ahu Isa, Cachola, Kanoho, McDermott and Stegmaier.

H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TAXATION TO DETERMINE THE FEASIBILITY OF CREATING AN EXEMPTION FROM THE GENERAL EXCISE TAX LAW FOR ALL OUT-OF-STATE SALES AND SERVICES TO ENCOURAGE HAWAII BUSINESSES TO PURSUE THE EXPORT MARKET," was jointly offered by Representatives Ward, Thielen, Cachola and Meyer.

H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO SET EXPORT GOALS AND QUOTAS FOR THE NEXT SEVEN YEARS," was offered by Representative Ward.

ANNOUNCEMENTS

Representative Thielen rose and stated:

"No more badges -- today is Day Zero. We did succeed in two of the emergency measures getting over to the Senate, and the third one -- the high three -- will be voted on very shortly next week, so let's count that as a win. The only thing that's still missing, Mr. Speaker, is there is a missing House Bill No. 105 providing some emergency bed space, and it's floating out there somewhere in Finance. Let's see if we can find it, pass it, and then wrap up the emergency legislation.

"Nice shirt, Mr. Speaker."

Representative Takai: "The Chair of the Committee on Higher Education wanted to remind the members of both the Committees on Education and Higher Education that a hearing is in progress right now in Conference Room 309."

Representative Takamine: "Your joint Committees on Water and Land Use and Transportation will reconvene

upon adjournment in Conference Room 329 to complete the public hearing on House Bill 2082."

Representative Yonamine then rose and requested waiver of the 48-hour hearing notice requirement to reconsider decision-making on House Bill No. 1706, HD 1, after session in Room 328, and the Chair "so ordered."

Representative Goodenow then rose and requested waiver of the 48-hour hearing notice requirement for the Energy and Environmental Protection Committee for decision-making on House Bill No. 1196 in Room 312 at 3:30 p.m., and the Chair "so ordered."

Chair: "The session will reconvene at 8:00 p.m. tonight, and the House will convene at 11:30 a.m. on Tuesday, February 18th."

At 3:03 o'clock p.m., the House of Representatives stood in recess until 8:00 o'clock p.m. tonight.

NIGHT SESSION

The House of Representatives reconvened at 8:16 o'clock p.m.

The Vice Speaker assumed the rostrum.

STANDING COMMITTEE REPORTS

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 531) recommending that H.B. No. 2234, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2234, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 532) recommending that H.B. No. 807, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 807, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PARENT-TEACHER CONFERENCES," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 533) recommending that H.B. No. 1860, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1860, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEGREE-GRANTING INSTITUTIONS," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 534) recommending that H.B. No. 503, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 503, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 2063, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2063, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 536) recommending that H.B. No. 1651, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1651, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX RELIEF FOR LONG-TERM CARE EXPENSES FOR LONG-TERM HEALTH NEEDS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 537) recommending that H.B. No. 947, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 947, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MATCHING FUNDS FOR THE FEDERAL AMERICORPS GRANT FOR THE STUDENTS AND ADVOCATES FOR VICTIMS OF DOMESTIC VIOLENCE PROGRAM," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 538) recommending that H.B. No. 2274, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2274, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HONOLULU POLICE DEPARTMENT FOR COSTS TO BE INCURRED SERVING AS THE STATE OF HAWAII CONTROL TERMINAL AGENCY FOR THE NATIONWIDE CRIMINAL JUSTICE INFORMATION SYSTEMS, AND

TO IMPLEMENT THE NEW NCIC 2000 SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 539) recommending that H.B. No. 1394, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1394, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEES AND COSTS FOR THE ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 540) recommending that H.B. No. 1250, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1250, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL RESPONSE," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 541) recommending that H.B. No. 1613 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1613, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AUTOMATED SYSTEMS DEVELOPMENT FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 542) recommending that H.B. No. 1801 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1801, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6 OF THE HAWAII CONSTITUTION TO REPEAL THE EXCESS REVENUE TAX REFUND AND ESTABLISH AN EMERGENCY AND BUDGET STABILIZATION FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 543) recommending that H.B. No. 376, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 376, HD 1, pass

Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

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

"This bill is with regard to search and rescue costs so if someone is out in the water and they are wanton and reckless and if we have to spend money to go and rescue them that they may have to pay for those costs. But the way the bill is currently drafted, I believe there may be a technical flaw with regard to a presumption that whomever is picked up out of the ocean by a helicopter was wanton and reckless in arriving in that disabled position.

"I don't think that should be a clear presumption. I think it would be better if we had a rebuttable presumption language in that section of the bill, so I would encourage the Finance Committee to put in the words that it shall be a rebuttable presumption that the person was reckless and wanton. In that matter, if they weren't they would be able to come forward with proof that: hey, my motor and my engine broke and I drifted offshore and that is why you had to come and save me with these rescue crafts.

"Thank you."

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

"I would just like to adopt the remarks of my previous colleague. I'm not sure that the kind of presumption that we have in this bill is appropriate, and I think a rebuttable presumption is.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 376, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH AND RESCUE COSTS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 544) recommending that H.B. No. 1247 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1247, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 545) recommending that H.B. No. 1743 pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1743, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION LICENSE PLATES," passed Second Reading and was referred to the Committee on Transportation with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 546) recommending that H.B. No. 1248 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1248, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION INCOME TAX CREDITS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 547) recommending that H.B. No. 1367 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1367, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 548) recommending that H.B. No. 29 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 29, entitled: "A BILL FOR AN ACT RELATING TO LITTERING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 549) recommending that H.B. No. 2231, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2231, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL IMPROVEMENTS PERTAINING TO THE IMPROVEMENT AND BEAUTIFICATION OF THE ALA WAI CANAL PROJECT," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 550) recommending that H.B. No. 35 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 35, entitled: "A BILL FOR AN ACT RELATING TO LITTERING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 551) recommending that H.B. No. 1834, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1834, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 552) recommending that H.B. No. 478, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 478, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 553) recommending that H.B. No. 356, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 356, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROL OF BROWN TREE SNAKES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representatives Santiago and Arakaki, for the Committees on Health and Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 554) recommending that H.B. No. 772, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 772, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 555) recommending that H.B. No. 1442, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1442, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR GRANTS-IN-AID TO EXPAND THE D.A.R.E. PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 556) recommending that H.B. No. 1841, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1841, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 557) recommending that H.B. No. 132, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 558) recommending that H.B. No. 131, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Okamura moved that the reports of the Committee be adopted and H.B. No. 132, HD 1, and H.B. No. 131, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative M. Oshiro.

Representative Moses rose to speak against H.B. No. 132 (SCR 557) and H.B. No. 131 (SCR 558), stating:

"Both of these bills call for an appointed Board of Education. As you know, the people have been asked to vote on this measure over and over again and each time they have clearly voted for an elected Board of Education.

"We heard in the earlier session today how we have such a financial burden this time and we can't find enough money to do things. We also heard that we could not have 102 delegates to a Constitutional Convention; we needed to restrict ourselves to 51 because of the cost. And yet, we're going to cost again -- we're going to put on the ballot a measure that has been decided over and over again by the people of Hawaii. It's an unnecessary waste of our very, very limited resources -- the dollars that we have.

"Thank you, Mr. Speaker, and I wish that on both of these -- 557 and 558, House Bills Nos. 132, HD 1, and 131, HD 1, that my vote be recorded as no."

Representative McDermott then rose and requested no votes on H.B. 132, HD 1 (SCR 557) and H.B. 131, HD 1 (SCR 558), and the Chair "so ordered."

Representative Thielen then rose and requested no votes be recorded on H.B. 132, HD 1, and H.B. No. 131, HD 1, and the Chair "so ordered."

Representative Pendleton then rose and requested a conflict ruling, saying that his wife is a member of the Board of Education, and the Chair ruled "no conflict."

Representative Stegmaier then rose to speak in support of the bills, stating:

"One of the previous speakers mentioned that over the years the people have chosen to maintain an elected Board of Education. Despite what we hear in our daily conversations about how behooved the people feel from their elected ward, and despite many efforts that have been made over the years to try to change the districting,

the reapportionment of the district, so there would be established some kind of connection between the people and the Board of Education, we have been unsuccessful at establishing that kind of democratic relationship.

"The Committee has decided that an appointed Board would allow for a greater degree of accountability to the people than has existed despite the fact that the people have been voting for a Board of Education. While there have been votes on this particular matter, each time the issue is brought up for the people, the vote gets closer and closer. The last time, in 1994, the people did not speak that clearly about whether they wanted to continue with an elected Board or not. Yes, the majority voted in favor, but if you added together the votes against as well as those who didn't bother to even participate in the vote, that majority was greater than those voting in the affirmative to maintain an elected Board. So perhaps, Mr. Speaker, it is time to change our system to an appointed Board, and there are a lot of reasons for doing that.

"Thank you."

Representative Halford then rose to speak against the bills, stating:

"From a predictive point of view, each time the vote gets closer and closer, what is now the minority will be the majority in 1998.

"I think the people have spoken clearly -- they don't want an appointed Board. The people want access to feel that they have some influence over the direction of education in Hawaii. I think it would be fair if we are going to be interpretive, it will be fair to say that the people would like the control of the educational system closer to themselves.

"Thank you."

Representative Okamura then rose to speak in favor of the bills, stating:

"Mr. Speaker, just to reiterate what the Education Committee Chair stated, in 1994 the vote was very, very close. And when you talk to the average voter out there today, most of them do not know who the candidates are that they are even voting for, and that is why the participation rate or percentage in that election is very low.

"I think that the people are ready for an appointed Board. I think they want better accountability. I think the current system obviously to many is not working and we should give the voters this right to determine this through a vote in the 1998 election.

"Thank you."

Representative Moses then rose and stated:

"My colleagues are correct in that the vote was close in 1994 as was the Governor's race, and as were many of the races of my colleagues in 1996. And the voters will have a chance to speak in 1998.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 132, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," and H.B. No. 131, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD

OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD," passed Second Reading and were referred to the Committee on Judiciary with Representatives Aiona, Fox, Halford, Marumoto, McDermott, Meyer, Moses, Pendleton, Thielen and Ward voting no, and Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 559) recommending that H.B. No. 822, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 822, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS RELATING TO THE PARENT-COMMUNITY NETWORKING CENTERS AND THE FAMILIES FOR R.E.A.L. PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 560) recommending that H.B. No. 1731 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1731, entitled: "A BILL FOR AN ACT RELATING TO HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 561) recommending that H.B. No. 1221, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1221, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative M. Oshiro.

Representative Thielen rose to speak against the bill, stating:

"I would like to ask the Clerk to cast a no vote for me on that measure. And for each of my colleagues, if they would look at page 3 of this bill, House Bill 1221, and particularly look at line 17 onward, you will see that the bill requires every petroleum distributor to publish once a week in a daily newspaper of general circulation the prices that are... it's detailed there. It's a rather comprehensive list of what they must publish.

"Well, the HNA will love it. They'll get a lot of revenues from this mandatory publication in their newspapers, but the consumer ultimately will have to pick up that advertising cost. I don't think this provision helps us keep down the cost of gasoline to our residents.

"Thank you, Mr. Speaker."

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

"In response to some of the allegations that this measure may not be pro-competitive, I would like to say that at the hearing before our Committee, there was much discussion about margins that were being collected for various levels of distribution in our community. And sometimes its balance, in terms of providing information which many of our other reports and documents that are being frankly collected in every segment of our society to give consumers information and the cost passed on to our communities, makes sense.

"This measure is one of such pro-consumer information so that they can understand what the retail price is and who is collecting the profits.

"Thank you very much."

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

"While this bill does create a petroleum advisory council with representation from all of the parties concerned in the printed dealers owner-operator dealers petroleum jobbers, petroleum refiners, I think that's a good part of the bill. But the part of the bill that requires the posting of the prices on a weekly basis is going to add a lot to the price of gasoline and so that, I think, is very anti-consumer.

"Again, here we are in the state with the highest taxes, the highest cost of living, a declining small business climate, and we can ill-afford to do things that would create prices to go up.

"Thank you, Mr. Speaker."

Representative Moses then rose to speak in opposition to the bill, stating:

"For the same reasons as my previous colleague, a half good bill and a half bad bill still make a bill with a big problem. The newspaper in town here will love it. It will make them rich and it will make us poor because we will pay for it.

"I wish that my vote will be recorded as a no."

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

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

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

"First of all, there is something very good about this bill which some of my colleagues have already referred to. But time and time again, in the discussions that came up before our Committee, it was clear that there was a lack of information, a lack of the type of figures that we needed to make a good decision, and so I certainly applaud that section of the bill.

"As to the weekly publication, this is not only the publication that you might see of the price at a gas station when you drive by for that information is included. It also includes the wholesale price, information that is very important, to be readily available on a regular basis, so thank you very much."

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

"Mr. Speaker, what it appears to be is, it's a bit of an entrepreneurial slippery slope in that when we ask the gasoline stations to start telling us what they paid for the gas so then we can calculate what their markup is and then we can figure out where's the cheapest place to go, where do we start here? Do we then go to Costco and say, what did you pay for that wholesale? We want to see a list of the prices and compare them to Sams Club, and then Sams will send us over to some other place. It's to the point where it's coming down to Zippys' hash and eggs to, well, what did you pay to put those things in there?

"There's certain things that the business community has, as we know when we're taken to court by the newspapers, that we couldn't ask for their profits because of the First Amendment. I think there are certain proprietary things that in the view of fairness that we're attempting to get at. We're actually going on a slippery slope that goes contrary to the entrepreneurial spirit, and I think it is reflective in what we earn in a very hostile, small business environment when we go about saying, tell us what your prices are, tell us what you do. And that's not what we need as a reputation.

"Thank you, Mr. Speaker."

Representative Yoshinaga, in rebuttal, stated:

"Just in rebuttal, I would like to point out to the members here that although it is as the previous speakers mentioned, in terms of the entrepreneurial spirit that we would like to make high margins and keep all the profits in small business, part of the dialogue that occurred during the testimony indicated that the dynamics of our petroleum market frankly leads one to the conclusion that there is a lack of competition in many segments, in many levels, but short of regulation which, although the consumer advocate indicated might point to the need for regulation, the Committee felt that it is premature at this time to regulate the industry.

"This bill is a compromise in the sense of giving the Legislature further information on this marketplace through a petroleum advisory council; and secondly, to give consumers, as well as the Legislature, information about the specific dynamics of this market which is operating without much competition according to the Attorney General's report and many other reports. But it is a favorable balance, I do believe, in terms of balancing both of these very difficult issues without regulation.

"Thank you very much."

Representative Thielen, in rebuttal, stated:

"The required posting in the daily newspaper is going to cost our consumers more money. There's no two ways about it. The bill goes on next to the Consumer Protection Committee, and I hope it would look at that and take out that provision.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1221, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives McDermott, Meyer, Moses, Pendleton, Thielen and Ward voting no, and Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand.

Com. Rep. No. 562) recommending that H.B. No. 31, as amended in HD 1, pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 31, HD 1, pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary, seconded by Representative M. Oshiro.

Representative Kawanakoa rose to speak against the bill, stating:

"As I understand, this bill would make the moratorium prohibiting manufacturers or jobbers from operating retail service stations a permanent law.

"In the past, I voted no with this particular measure in that it inhibits competition and otherwise I believe is increasing the cost of gasoline within our islands and to our constituents. I think it is an unfair practice and every report that we have seen in the past has noted that it hasn't achieved its objective of reducing the cost and otherwise encouraging the so-called Mom and Pop gas stations from thriving. That hasn't been the case and so it's an unfair proposition.

"And now instead of moving forward, as far as in accord with the reports and otherwise dropping this moratorium, we are going to encourage it by making it permanent for all time.

"Thank you, Mr. Speaker."

Representative McDermott then rose and requested the Clerk to register a no vote for him, and the Chair "so ordered."

Representative Pendleton then rose and requested the Clerk to register a no vote for him (the Chair "so ordered"), stating:

"I just want to add that I think this is an anti-free market, anti-free enterprise, anti-competition bill, and we've all learned that monopolies do not bring gas prices down.

"Thank you."

Representative Halford then rose and requested the Clerk to register an aye with reservations, and the Chair "so ordered."

Representative Moses then rose in opposition to the bill and asked the Clerk to register a no vote for him, and the Chair "so ordered."

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

"This goes totally against competition in the free market and we have tried it. Prices don't go down. This State has paid for at least four different studies and all four studies have said that this moratorium and divorcement does not work and we continue to push to follow this failed type of action, and that is why I am voting no.

"Thank you."

Representative Thielen then rose with reservations on this bill, saying:

"I reserve my final vote, obviously, if and when this matter comes back before us."

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

"If the Speaker will indulge me, I would like to address the background to this bill which many of the members who are challenging its purpose here on the floor may not realize.

"The issue of retail gasoline stations has been with the Legislature for more than a decade. Ten years ago, Representative Mits Shito passed a divorcement bill only to have it killed by then Judiciary Chair, Chair Tom. Since then we, as legislators, have enacted a series of two-year moratoriums on company-operated gas stations, partly because we didn't fully understand the issues, and partly because we were not willing or able, without such information, to make such a firm and confident decision.

"I have proposed to this House that this year, we are going to be able and we need to make such a firm decision. We need to make a decision about who is going to operate gas stations in Hawaii for the future. We cannot and should not mandate, nor do I suggest, what these stations will look like or what services they will offer, or where they will be located. Study after study, as alluded to by other speakers, of the marketplace tells us that legislation of that nature will not and cannot succeed. However, we can decide who will operate these stations. We can say that local folks who have a real stake in Hawaii will own some of these gas station businesses. We can ensure that profits from these businesses go back to the economy here in Hawaii, not to Los Angeles, Houston, San Francisco or Australia. Local gasoline station dealers are among the last vestiges of ohana business in Hawaii.

"I caution my colleagues about arguments that gas companies cannot make a profit with local dealers operating their stations, which I think another speaker alluded to, that it doesn't reduce prices nor is anti-competitive. Frankly, not one of the companies operating in this market will tell me or us in committee how much money they are making, due to anti-trust reasons I am sure, but I know enough to conclude that no business, if they're not making money or they're really losing money, could remain in business here for very long. I will contend that these big oil companies can and are doing very well with their dealer operations. We heard testimony at our Committee hearings that although they can't share the margins that they're making, that they can make profits through dealer operations. Maybe not as much as company-operated stations, but they can make money.

"Frankly, I don't think that divorcement by this bill is such a bogeyman that they've made it out to be. I don't believe it is prudent for me to outline my strategy on this issue in a floor speech. However, criticisms have come to me -- comments really -- that some members may be confused over the manner in which we are moving on this issue. Let me remind my colleagues that this is still early in the session. First lateral is the time when we must continue to keep our options open and when discussions on an issue such as this which is as complex as this one has just begun. My approach to this issue is not a shotgun approach which some of the other measures which will be voted on tonight have been charged.

"My approach is one in which each bill which have been passed by this Committee, with my Committee members' support, contains specific provisions which I believe may be part of the permanent solution which I am attempting to achieve for this House. I did not consolidate all the issues into one vehicle in this one for example, because that limits not only the flexibility of the

second committee here in the House, but gives our colleagues in the Senate far too much leverage on this issue. This is just basic politics which I do not want to articulate here and take up more time. However, for the benefit of colleagues who are not students of the process and who don't see the big picture today, we can't just focus on the immediate situation today. Let me simply repeat that in my best political judgment, we stand a much better opportunity of moving our House agenda along in the early days of this session by placing elements of a broad solution in different vehicles which are coming up for vote, including this measure, the approaches of well considered effort to put our House in the best possible decision to craft a comprehensive solution by the time conference committees begin their deliberations.

"My door is open to any of the colleagues who wish to have further details on the strategy, and is open to any of you who believe you can add to the substance of this issue. And finally, my door is open to anyone who offers a better solution.

"Thank you very much, Mr. Speaker, for indulging me in this statement."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 31, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," passed Second Reading and was referred to the Committees on Consumer Protection and Commerce and Judiciary, with Representatives Kawanakoa, McDermott, Meyer, Moses and Pendleton voting no, and Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 563) recommending that H.B. No. 126, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 126, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 564) recommending that H.B. No. 1843, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1843, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION CONTROL," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 565) recommending that H.B. No. 1243, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1243, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Finance

with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 566) recommending that H.B. No. 1832 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1832, entitled: "A BILL FOR AN ACT RELATING TO CITATIONS FOR AIR POLLUTION CONTROL VIOLATIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 567) recommending that H.B. No. 1210, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1210, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 568) recommending that H.B. No. 2019, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2019, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 569) recommending that H.B. No. 1430, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1430, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 570) recommending that H.B. No. 1638, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1638, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health,

presented a joint report (Stand. Com. Rep. No. 571) recommending that H.B. No. 2017 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 2017, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 572) recommending that H.B. No. 1717 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1717, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE MEDICAL ASSISTANCE PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 573) recommending that H.B. No. 1208, as amended in HD 1, pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1208, HD 1, pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary, seconded by Representative M. Oshiro.

Representative Thielen then rose and asked the Clerk to note her reservations on this bill, saying:

"Mr. Speaker, as the Chair of the Energy and Environmental Protection Committee explained, as the Chair she is putting through different pieces of legislation so they are coming from different directions, maybe carrying some of the same ingredients and some of them slightly different. It makes it a bit difficult to pin down exactly what is going to be happening.

"I think we all need to take a look at this whole area when we come to Third Reading, before we send these bills over to the Senate. It may be that we want to just not pass one of those bills forward but to have a vehicle that members are really sure about, and sure about what the effect of that measure will be on the price of gasoline to the consumers and the availability of gasoline, Mr. Speaker. That's a whole different component.

"If we're placing a moratorium on new stations that cannot open; in other words, we're saying we cannot have new stations in certain places, what is going to happen as our island's population shifts from its present existence? We're seeing a secondary urban center which is certainly growing. We may not have the gasoline stations there to serve those needs, and we may have put in place a law or a series of different pieces of the law that will really prevent the consumer from being serviced in the local community.

"Thank you."

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

"Again, this is an example of government meddling in the free market enterprise. We don't have Mom and Pop stations anymore. The cost of putting a service station in is well over a million dollars today, so that takes a lot of people out of the market.

"It's well known in any product, if you have more competition, the price comes down, and somehow I cannot understand how we, as legislators, can support passing bills that dictate to business who can invest and who cannot, who must run a station and who cannot. The free market has proven to be the best measure of any business throughout the United States.

"This is America and that's the way our country has profited and moved forward, and competition is good, it's not bad. So when we try to inject these laws that manipulate the market, I think that we make more problems, so for those reasons I cannot support this bill.

"Thank you, Mr. Speaker."

Representative Kawanakoa then rose and stated:

"I would also like to vote no for many of the same reasons as I mentioned earlier with regard to the divorce. I will just note for the interest of my fellow colleagues that on page 1, the last paragraph of the Committee report, it states what may occur once the moratorium ceases, and it's asking specifically, the bill provides that those manufacturers or jobbers having over a thirty percent market share may open no new company stations and make no conversions; those having from twenty to thirty percent share may open one and so forth and so on all the way down to ten percent or less of the market and then you can open unlimited stores.

"Again, I think it's an improper infringement of government into the free market system and saying: Chevron, you can open no stores; BHP, you can open one store. Let's see, who else do we want to encourage in the market and ask them to come here -- you can open three new stores because you haven't been here yet, even if their cost might be or the cost of their gasoline might be substantially higher than Chevron or BHP.

"I think the free market can determine who and which businesses should open and close according to their ability to provide the best quality service at the lowest price.

"Thank you, Mr. Speaker."

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

"If people want to know why gas is so expensive, all they have to do is sit in here this evening and sit through these three bills. I've got to ask my colleagues who they think is going to pay for all these regulations. Well, the gas companies and, of course, who are they going to pass it on to? Me and you. So we should be ashamed of ourselves for passing this kind of rubbish.

"Thank you, Mr. Speaker."

Representative Moses then rose in opposition to the bill, stating:

"I think the people ought to decide what businesses flourish in this State, not DBEDT and not us.

"Thank you, Mr. Speaker."

Representative Pendleton then rose and asked the Clerk to register a no vote for him, "for the reasons stated by my colleagues," and the Chair "so ordered."

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

"I think that a number of the criticisms that have been expressed by various members I'd like to address briefly, if I may.

"With respect to this bill, as I said, it is a package in terms of many tools to take a look at this market. I would like to challenge the first underlying assumption of a number of the criticisms made by the previous opponents of this measure that frankly, as evidenced by the testimony presented before your Committee on Energy and Environmental Protection, that frankly, we do not have a free market in the best and true sense of the word. That is the unfortunate fact that has been noted in numerous studies. Had we a free market, this measure would probably be unnecessary.

"Secondly, with respect to the fact that this may be viewed as anti-competitive or somehow stopping companies from being built, frankly, this measure, in my view and with the support of the members of the Committee, is really a balance in terms of preventing regulation and allowing the marketplace to operate while recognizing that there is an evolution of the ownership of service stations. And frankly, there still exists independent small business owners of service station bays and other types of niche markets that exist for communities that wish to pay the higher prices to maintain them.

"This bill, unlike what was described by the previous speaker, does not prevent the opening of stations. Frankly, what it does is, it recognizes the lack of competition by providing filters, if you will, that if you have the lion share of the market, i.e. thirty percent, you may not open a company-operated station. You may open a dealer-operated station and that means that perhaps you have to search for a better site, or there are different factors that were testified to that go into a decision of which type of station to use, whether it's dealer operated or company operated.

"So frankly, this measure is very balanced in terms of giving and permitting different players in the market the opportunity to select which type of facility and it gives more opportunities, frankly, for the smaller players in the market which I do believe is what free enterprise system is all about.

"Thank you very much, Mr. Speaker."

Representative Halford then rose and asked the Clerk to register an aye with reservations for him, and the Chair "so ordered."

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

"The speaker before Representative Halford alluded to the fact that if we have the big boys out there, we should give some extra advantage to the smaller folks, I guess, and I would just like that same logic to be applied to the majority and minority parties, and I think that a handicap should be placed on the majority to allow the minority to succeed.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, what we have here is a very complex situation. It is not only between the wholesalers and the dealers and the jobbers and refiners. Each individual company has a relationship with their dealers. It's a very complex situation involving leases and the emphasis on volume in the computation of those leases. This is a very complex issue, and the dealers are saying that this is not a free market situation. You know, quite frankly, I have found that I must give credit to the Chair for putting a lot of these bills, a variety of bills, on the table.

"But unfortunately, for whatever reasons, there seems to me to be a great lack of willingness of cooperation between all the parties. I feel that this bill and the bill discussed earlier sets forth a strong message that we are willing to look at this problem seriously and move forward. And as this bill moves forward to Finance, I hope that there will be greater dialogue between all parties. This is part of that solution and I urge all my colleagues to vote yes on this bill.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1208, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," passed Second Reading and was referred to the Committees on Consumer Protection and Commerce and Judiciary with Representatives Kawanakoa, McDermott, Meyer, Moses and Pendleton voting no, and Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 574) recommending that H.B. No. 1837, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1837, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 575) recommending that H.B. No. 1836, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1836, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRINKING WATER," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 576) recommending that H.B. No. 1271, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1271, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 577) recommending that H.B. No. 798, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 798, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representatives Takai and Morihara, for the Committees on Culture and the Arts and Higher Education, presented a joint report (Stand. Com. Rep. No. 578) recommending that H.B. No. 1662 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1662, entitled: "A BILL FOR AN ACT RELATING TO THE STATE AQUARIUM," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 579) recommending that H.B. No. 1730 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1730, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 580) recommending that H.B. No. 1708 pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1708, entitled: "A BILL FOR AN ACT RELATING TO BENEFITS FOR EMPLOYEES IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 581) recommending that H.B. No. 1831, HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1831, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 582) recommending that H.B. No. 1139, as amended in

HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASE OF EDUCATIONAL, OFFICE, AND CUSTODIAL SUPPLIES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 583) recommending that H.B. No. 522, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 522, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 584) recommending that H.B. No. 1433, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1433, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 585) recommending that H.B. No. 1910, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1910, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S SERVICES," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 586) recommending that H.B. No. 2209, HD 1, as amended in HD 1, be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2209, HD 1, be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Halford rose and asked the Clerk to register an aye with reservations, and the Chair "so ordered."

Representative McDermott then rose to speak in opposition to the bill, stating:

"This is a tax increase on time shares and I would just like to state for the record that I'm betting a thousand on tax increases. I voted against every one of them.

"Thank you."

Representative Pendleton then rose and asked that the Clerk register a no vote for him, and the Chair "so ordered."

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

"This is a tax increase and I will not vote for any tax increases.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I was fortunate, maybe unfortunate, enough to sit on the Consumer Protection and Commerce Committee, and I wanted to note that much of the testimony indicated that this would be quite a substantial burden on our time share owners; in particular, one building has two thousand residents of the State of Hawaii who own time shares in this building. It is not all foreign or off-shore or non-state, non-citizen members that are owners of these particular time shares. I think any hindrance, any further burden on our economy, is going to turn us in the wrong direction. It is not a stimulus to the economy, it is a further burdening of our economy, and that's the last thing we should be doing at this time.

"Perhaps on Third Reading, I will have a chance to expound on my comments.

"Thank you."

Representative Fox then rose and stated:

"I rise to express my reservations on this bill.

"I believe that the time share market is a distinct market, separate from the market for regular tourist accommodations. I believe that leveling attacks on time share units will discourage their use by people outside Hawaii and thus reduce total spending in Hawaii from where we currently are. On that basis, I express my reservations.

"Thank you."

Representative Meyer then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

Representative Ahu Isa then rose and asked the Clerk to register a no vote for her (the Chair "so ordered), saying:

"As my colleague Representative Kawanakoa has stated and also Representative Galen Fox, this is a unique market and it does contribute a lot to the State, and I think this would be a grave injustice to our tourism economy.

"Thank you."

Representative Thielen then rose and asked the Clerk to register an aye with reservations, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2209, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A TRANSIENT OCCUPANCY TAX,"

was referred to the Committee on Finance with Representatives Ahu Isa, Kawanakoa, McDermott, Meyer, Moses, Pendleton and Ward voting no, and Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 587) recommending that H.B. No. 1507 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1507, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 588) recommending that H.B. No. 2239, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2239, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITY LINES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 589) recommending that H.B. No. 2202, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2202, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 590) recommending that H.B. No. 650, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 650, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 591) recommending that H.B. No. 651, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 651, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," was

referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 592) recommending that H.B. No. 1533, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1533, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 593) recommending that H.B. No. 351, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 351, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 594) recommending that H.B. No. 123, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 123, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 595) recommending that H.B. No. 177, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 177, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 596) recommending that H.B. No. 636, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 636, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 597) recommending that H.B. No. 1701, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1701, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Moses rose to speak against the bill, stating:

"This bill creates another burden for the government and takes away the power of the people again. This gives the redevelopment of Barbers Point to the HCDA which, as you know, has had a horrible track record for the State. In addition, we have no money. We have heard that over and over again today. Here, we want to give HCDA something else to do which means we pay for it.

"The City and County of Honolulu is ready, willing and able to be the local redevelopment authority for Barbers Point at no cost to the State. Why are we taking the power from the people and making another problem for ourselves and all the taxpayers? All the zoning, all the permitting, all of those measures must go through the City and County. Why not let them do it?

"The people have spoken loud and clear over almost four years under the thumb of the Barbers Point Redevelopment Commission which was also established by the State. The people have rejected that commission. They have repeatedly come to us and to the Council and asked for relief from the burdens of the state government, and here we go again, take the power from the people and put more money into a state agency.

"Thank you, Mr. Speaker."

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

Representative Kahikina then rose and stated:

"I would like to ask the Clerk to register a no vote for the same reasons as my colleague from the 42nd District has alluded to," and the Chair "so ordered."

Representative Thielen then rose and asked the Clerk to register a no vote for her (the Chair "so ordered"), stating:

"I happen to represent the other side of the island, but I am very much in support of the members that have spoken against this bill.

"Mr. Speaker, when you look at what HCDA has done to Kakaako, and you see those expensive foreign-owned high-rises over there pretty much vacant with people not living in them, and they probably aren't rented because the price is too high and the local people can't afford that price, I don't think that we have a very good example from HCDA. And I certainly don't trust putting any more responsibility in the role of that Authority. In fact, I would like someday to have all of us seriously look at disbanding HCDA, and look at putting that money somewhere else where it could be more useful.

"I think that the people out in the area have worked very hard on a community plan, knowing about the closure of the Barbers Point Naval Air Station. And the difficulty with HCDA is that it's a board insulated from elections, and they'll do as they darn well please as they

have in the past. So it's the community be damned, and they won't really have the opportunity for input.

"I think it's a mistake to do this, and if you will look at the votes on the sheet, you'll see that there were a majority of us that were present at the hearing that were either opposed or with reservations. And the minority who happens to be representatives from the neighbor islands were voting in favor.

"I don't think it's a good idea, Mr. Speaker, and I would like to see us really take a hard look at this, and talk to the people that represent that area and say: Is this what your people really want? They've spoken loud and clear and they don't want it, so maybe we ought to listen even though we don't represent that area.

"Thank you."

Representative Fox then rose and asked the Clerk to record a no vote for him, and the Chair "so ordered."

Representative Pendleton then rose and stated:

"Mr. Speaker, I ask that a no vote be recorded for me.

"I have serious reservations about HCDA and their ability to do what's right on this issue, and very much respect the judgment of Representative Kahikina and Representative Moses on this issue."

Representative Halford then rose asked the Clerk to record a no vote for him, and the Chair "so ordered."

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

"Those who serve closest to the people serve the best, and I think as our young freshman has spoken, I think what he says is the reason why we know he's here when he knows this particular issue.

"Thank you, Mr. Speaker."

Representative Meyer then rose and asked the Clerk to record a no vote for her, and the Chair "so ordered."

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

"I think I've known the chairman of this Committee being sensitive for community input, and I speak with reference to his able leadership with respect to his constituents at Hamakua and what he has done to help his people and making sure that they get input as that community evolves into a different future outside of plantation sugar.

"I voted with reservations in Committee with reference to this bill only because I like to feel that, as some of the reasons enunciated by previous speakers, that perhaps we should rethink the extent to which we give HCDA its power. And I am sensitive also to the fact that the City has done a good job with reference to making sure that Waipahu, that community input, is welcomed and encouraged.

"But as the bill moves forward, I want to take a look and see how it might be amended, and perhaps we could address most of the concerns as alluded to by the previous speakers.

"Thank you."

Representative Yoshinaga then rose and stated:

"Mr. Speaker, I would like to speak in support of this bill with reservations. I would like to incorporate the comments of the previous speaker as those of my own in terms of reservations that I have on this bill," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1701, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REDEVELOPMENT OF BARBERS POINT NAVAL AIR STATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Halford, Kahikina, Kawanakoa, McDermott, Meyer, Moses, Pendleton, Thielen and Ward voting no, and Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 598) recommending that H.B. No. 760 be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 760, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 599) recommending that H.B. No. 2008, HD 1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2008, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 600) recommending that H.B. No. 233 pass Second Reading and be referred to the Committee on Judiciary.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 233 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative M. Oshiro.

Representative Thielen rose and asked the Clerk to record a no vote for her (the Chair "so ordered"), saying:

"The testimony of the Police Department was very persuasive, and I am concerned about the safety aspect.

"Thank you."

Representative Case then rose and asked the Clerk to record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 233, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Case and Thielen voting no, and Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 601)

recommending that H.B. No. 1722 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1722 entitled: "A BILL FOR AN ACT RELATING TO HEALTH RESOURCES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 602) recommending that H.B. No. 2207, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2207, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Kawanakoa rose to speak against the bill, stating:

"Where to begin? I guess a little history might be helpful for my colleagues since this is a complicated area, and I must state that I do commend the chair of the Hawaiian Affairs Committee for attempting to resolve this very dicey and difficult issue with regard to ceded land revenues that are currently paid to the Office of Hawaiian Affairs, the pending litigation, various bonding issues for the State of Hawaii, anti-alienation of ceded lands that are currently causing a lot of difficulty for the State. There was very good testimony given at our hearings and I would just like to share some thoughts.

"An overall picture that occurred to me throughout this discussion was that Act 273 in 1980 basically allowed or called for. . . I should go back a little bit further. It was 1978 when our Constitutional Convention decided that the Office of Hawaiian Affairs should be implemented and established and with that there would be pro rata share given to the Office of Hawaiian Affairs to be determined by the Legislature. So in 1990, Act 273 did just that, and they said: Office of Hawaiian Affairs, you can receive 20 percent of the revenues from the public lands trust.

"The problem was that moneys weren't forthcoming, and by the year 1990 there have been some problems with regard to the amounts of money, so discrepancies arose. The Office of Hawaiian Affairs said, 'We should be receiving more than two million dollars a year; you guys are receiving more; we are not receiving our full 20 percent.' So basically, they entered into negotiations to figure how they could arrive at an appropriate number for the Office of Hawaiian Affairs. I believe those negotiations were very successful and that they resolved some 95 percent of the various issues and the differences of opinion they had with regard to what would be an appropriate 20 percent share. And with that 95 percent resolution, they moved on to Act 304 in 1990 to make reparations for all those past nonpayments, non-full payments of the amount that should have amounted to 20 percent. And that was fine, that was great, and we did our best to address those concerns.

"However, the 5 percent of the unresolved issues still remained out there, and that is the subject of Judge Heely's decision with regard to duty free, the community hospitals, and the various other issues that we're somewhat familiar with. Judge Heely ruled in favor of the Hawaiians or the Office of Hawaiian Affairs and noted that 20 percent is 20 percent and that the Office of Hawaiian Affairs should receive 20 percent of duty free, should receive 20 percent of the revenues from the

community hospitals -- very difficult areas. I think Judge Heely's decision may have been misplaced because he was making a decision based on Act 304 which was to have been applied to the 95 percent of the resolved issues, so he used Act 304 for our determination of 20 percent and used that interpretation with regard to the 5 percent unresolved issues. Perhaps unfair, but unfair on behalf of the Office of Hawaiian Affairs.

"Right now, the bill before us turns it completely around and says: No, we're going to interpret that all those 5 percent of unresolved issues is in favor of the State while the Office of Hawaiian Affairs and the State were in discussions and negotiations and couldn't come to a resolve -- we'll resolve it right now in favor of the State. I think that's equally unfair. And while I commend again the Chair for trying to find a way to work through this difficult situation, I believe it is inequitable at this point in time the way the bill is drafted. I would hope that this 5 percent of unresolved issues could be further negotiated between the Office of Hawaiian Affairs and the State in a mutually agreeable manner as opposed to a unilateral decision on behalf of us -- the trustees of the public land trust -- in favor of the State which, in my opinion, is inappropriate.

"So for those reasons, I will be voting no, and I encourage my members to take a good hard look at what we're doing. We are not being honest nor fair with the Office of Hawaiian Affairs in our prior obligation, and I understand the difficult times we're in; however, I still believe it is inequitable.

"Thank you."

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

"First, let me return the compliment by saying that I am truly happy that the previous speaker is the minority member on this Committee. He is an able spokesperson for the native Hawaiian community.

"Unfortunately, it is the lot of a Chair to take a more balanced approach and to try and come up with a solution that, in a difficult situation such as this, accomplishes some balance between competing interests, and that is what we have tried to do in this Committee. I won't go into all the detail on Second Reading. The purpose of the extensive Committee report was to explain the situation fully as to the situation that we're in and the consequences of not solving that problem now.

"I do want to briefly respond to the prior speaker's comments in terms of his reference to the 5 percent unresolved issues. The entire intent of this particular bill is in fact to take that five percent out of their current litigation posture, which is not only preventing a settlement because the parties are hopelessly locked in litigation at this point, but also threatening the overall financial stability of the state for various reasons that are more fully explained in the Committee report.

"This bill proposes to set up a group composed equally of representatives of OHA and of the state to work out exactly the issues that the prior speaker refers to. So the mechanism provided for in the bill is, in fact, to accomplish what the prior speaker wishes to accomplish in addition to other outstanding issues. The aim here is to depoliticize it, delitigate it, put it into a neutral arena, let them work it out. Let us work it out after they've finished working it out.

"Thank you."

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

"You know, Mr. Speaker, one hundred percent of the Hawaiians on the Hawaiian Affairs Committee voted no, and I vote with them. A deal is a deal and 20 percent is 20 percent.

"Mr. Speaker, would you register a no vote for me."

Representative Pendleton then rose and requested the Clerk to register a no vote for him (the Chair "so ordered"), saying:

"I concur with the previous speaker's remarks."

Representative McDermott then rose and asked the Clerk to record a no vote for him, and the Chair "so ordered."

Representative Halford then rose and asked the Clerk to record an aye with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2207, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," passed Second Reading and was referred to the Committee on Finance with Representatives Kawanakoa, McDermott, Moses and Pendleton voting no, and Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

At 9:15 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 9:52 o'clock p.m.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 603) recommending that H.B. No. 1857, as amended in HD 1, pass Second Reading and be referred to the Committees on Judiciary and Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1857, HD 1, pass Second Reading and be referred to the Committees on Judiciary and Finance, seconded by Representative M. Oshiro.

Representative Kawanakoa rose to speak against the bill, stating:

"For the information of my colleagues, this bill is with regard to the Hawaiian Home Lands individual claims. These are the claims that have been initiated against the breaches of trust with regard to the Department of Hawaiian Home Lands. But first, I would like to note that the Committee report states that there were supportive testimony submitted by. . . looks like all of the Hawaiian organizations. It's accurate in that the testimony was submitted in support but that was before the bill was amended, so take a good hard look at all those committees, I would submit that each and every one of those Hawaiian organizations and the Department of Hawaiian Home Lands would submit testimony in opposition to the House Draft 1.

"What I wanted to say in a nutshell was that this particular measure started out with a Panel. We basically gave individual Hawaiians an opportunity to bring claims against the Department of Hawaiian Home Lands, or against the breaches that had occurred due to the Department of Hawaiian Home Lands between the years

1959 to 1988. While the Hawaiian people came forth, they issued their claims, they went through the Review Panel process, and have outstanding waiting list claims that now the State wants to negate or otherwise throw out the window.

"This is truly a broken promise. We waived our sovereign immunity to allow Hawaiians to bring their claims forward in a reasonable manner, in a way that they could express their hurt, the harm, the injustice that have been meted out on Hawaiians over all these years. And now with one fell swoop of the pen, we're looking to erase all of those claims -- all of those waiting list claims. It seems to me to be pretty unfair.

"And there's no one here tonight. There's no media here tonight, but I can assure you that when the Hawaiian community finds out that we've broken our promise once again, on Third Reading the media will be here, the Hawaiian community will be here. Just as when we tried to reduce or otherwise take away all of the revenues from the ceded lands trust to OHA, there was an enormous rally in our rotunda area.

"I think it's time for us to fess up to all of the past breaches and to move forward in resolving those breaches of trust, so I look to you as trustees of this trust to do the right thing. It should be noted that if the federal government wanted to bring this case, they could bring it against us. They are the only other party or body that can raise these claims. When we waived our sovereign immunity, we gave the individuals an opportunity to bring their case. At this time, it's a great injustice for us to turn the table in the eleventh hour because we see that the claims may be for a substantial amount, and it's time for us to do what is right and to hold this bill and not to pass it forward.

"I encourage you to vote no and I apologize, Mr. Speaker, for not noting to you earlier, but I would be calling for a roll call as I finish my remarks, and I'll do it now. I move for a roll call."

At 9:57 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:03 o'clock p.m., Representative Kawanakoa withdrew his motion for a roll call "until a more appropriate time when there's more discussion to be heard."

The Chair thanked Representative Kawanakoa.

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

"You know, we just keep breaking promises. It doesn't matter if it's to the retirees, the health fund folks, the police, it is just one broken promise after another. And this is Hawaii. No more broken promises, especially to Hawaiians.

"Thank you, Mr. Speaker."

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

"I echo the comments of my colleagues very seriously concerned about our State's inability to live up to what it has said it will do. If the people lose their trust in our word, we have lost everything. My grandmother taught me that when you make a promise, you need to keep it or else it draws criticism and it calls your own character into question. I don't think that that's what this body wants to do.

"I know that the Chair of this Committee is working very hard to do what's right with some difficult choices. However, we need to stand together for the Hawaiians. We need to stand up for what is right even though it is tough. Sometimes it is easy to shirk from making a difficult decision, but I think this is a fairly easy decision to do what is right. That's why I will be voting no on this measure.

"Thank you."

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

"You know, I represent Waimanalo, and a great number of these claims are relating to people who reside in my district. However, I feel that, as you can see from the Committee Report, that a great deal of this revolves around the legal interpretation of Chapter 674, and I think the appropriate place for this to be considered is in the Judiciary Committee. This also involves a great deal of State funds and the Finance Committee needs to look at this.

"This is only Second Reading and I remind my colleagues: I can understand their concerns, but let's move this to the appropriate committee where it can be looked at, encompassing both legal and financial matters.

"Thank you, Mr. Speaker."

"Representative Meyer then rose in opposition to the bill, stating:

"I think this issue has already been decided in the courts and now, through this bill, we are trying to reverse something that's already been decided.

"There's no question that many, many Hawaiian people have been wronged. The State, as the steward of all these Hawaiian home lands, hasn't put people on the land. The people waited, the management of the Department of Hawaiian Home Lands has been atrocious over the years. In a court of law, a judge decided that these people had a claim and it just doesn't seem right that just by writing a bill, we try to reverse all of that. So I would hope that my colleagues in this House would take another look at this bill and do what is right and vote no on this.

"Thank you, Mr. Speaker."

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

"If anybody should speak I guess I am, because I am a third generation of the aina hoopulapula, qualified and quantified 87.5 percent Hawaiian, all my life living on homestead land.

"I appreciate the speakers who objected to this measure in behalf of native Hawaiians and although I have some reservations on omitting the people on the waiting list, I really believe we need to push this measure forward. Basically, Mr. Speaker, we have a lot of native Hawaiians that still haven't been considered. They have their claims in there and if this measure does not extend the life of this measure, a lot of them won't be heard.

"So I appreciate the concerns and I agree that in the next committee, I am hoping that they can address the concerns that have been spoken. But if you really and truly believe that you want to speak for the native Hawaiians, then please be considerate of the other native Hawaiians that have claims in there that haven't been heard yet. And please allow this measure to continue and be heard.

"Thank you."

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

"Again, in deference to my minority member on the Committee, since he is going to reserve his remarks, I will reserve mine for Third Reading on this bill.

"However, I heard five times from the other side of the aisle tonight that we have broken our promises. We never made a promise on this issue, so if you are going to advance that argument when it comes to Third Reading, get your facts ready because I will be ready for that debate.

"Thank you."

Representative Kawanakoa, in rebuttal, stated:

"I do believe that there was a broken promise and I suppose that the Chair of the Hawaiian Affairs Committee is referring to the fact that we never intended to waive our sovereign immunity with regard to waiting list claims. But we waived our sovereignty immunity with regard to claims. There were claims for breach of trust. Now, these waiting list claims are cognizable, judiciable claims under trust law that why would we now say: Wait a minute, there's too much money cropping up this, there's too many people coming forward so that we, at this point, want to go back and say: No, we didn't mean to waive our sovereign immunity with regard to waiting list claims, we only meant to waive it with regard to claims for breach of giving you half a piece of property.

"It is a very difficult issue but it seems pretty clear to me, and it seems pretty clear under the law, that when a state waives a sovereign immunity, anyone waives their immunity unless they specifically enumerate the things that they retain that they intend not to be waived, everything is waived. So in that respect, we waived our right to sovereign immunity with regard to breaches of trust and at the waiting claims of breaches of trust. They should be brought forward. So with that, I close."

Representative Moses then rose and stated:

"In deference to my colleague from the 43rd District who obviously knows the heart and minds of the Hawaiian people, possibly recommittal of the bill would allow for this problem to be fixed because I agree with you that there may be Hawaiians today that are not going to be heard unless the bill moves forward. But we're also throwing Hawaiians off the list. Those people will be wronged. We need to fix it for all, not for some.

"Thank you, Mr. Speaker."

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

"The Chair of the Hawaiian Affairs Committee has most eloquently and adequately placed the argument in a nutshell, but I still would like to point out some clarifications for those who might be new to this body.

"In 1995 we set out what has come to be known as Act 14 of the Hawaiian Home Lands settlement -- the \$600 million settlement. It is my understanding and I believe it was this body's understanding at that point in time that many of the claims regarding the Hawaiian Home Lands Trust would be settled. Representative Case was involved in working on that settlement so that our expectations in our promise to our constituents and the citizens of Hawaii, for once and for all by Act 14, would finally put

to rest many of the claims. What was left open was the process that was started back with the formation of the Department of Hawaiian Home Lands individual claim settlement process. Chairman Case is correct and so are other speakers that the purpose of the claims process was to reduce the litigation that would go on by having individual claims through the waiver of sovereign immunity clog our courts. But it is important to note, Mr. Speaker, that in any type of legislation that we pass, it is always important that the intent behind the legislation be followed. In looking at Chapter 674, there are certain claims to be considered and it was the expectations of the previous Legislature to consider these claims.

"The Chair of the Hawaiian Affairs Committee has generated an excellent Committee report that will become part of this Legislature's Journal and memoir. I urge all the members to read it and study it. In particular, pay close attention to the analysis given to going back to 674, HRS. It is a reasonable issue that is being addressed right now. It's a reasonable interpretation that has been brought forth by the Hawaiian Affairs Chair and his Committee. It is reasonable, given the expectations and promises we have made to our citizens throughout the State.

"I ask that this measure pass and go on to Finance before further clarification can be made.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, it seems that the later we get into the evening, the more we tend to explain away the essence of what is before us.

"Have we not over seventy years ago made a commitment to rebuild the people called the Hawaiians? Have we not made a commitment to settle 232,000 acres with the people of Hawaii, and have those who have waited fifteen to twenty to thirty years not grieved? And the recourse for that grievance is in this bill of which we now hope to wipe off, saying we have not broken our promises, and I want to argue point by point that we have done the right thing. My God, what have we said to the Hawaiian people for the last seventy years? Let's talk what is true and what is just and what has been done to the native people of this State.

"The facts are so obvious of what we're trying to do in this bill. I don't see how we can, in good conscience, try to explain it away. The promises that we've made have been broken. This is the recourse of those individuals to do it, and we're saying we want to cut off the courts to do it.

"Mr. Speaker, it's very clear it's getting late and sometimes our reasoning may be slipping.

"Thank you."

Representative Case then rose in rebuttal, stating:

"First of all, to correct the factual error by the Representative from Makakilo, the kind of factual misunderstanding that unfortunately clouds this issue and other issues in this area, this bill does nothing at all to anybody's position on the waiting list. Everybody is still where they were. They are not taken off the waiting list, they are not put on the waiting list; they are simply left where they were.

"Number two, let's deal with the so-called larger issue of 'broken promises and the big picture' and see what the

Legislature has done in the last ten years. This is just going to be a brief history. With regard to the Department of Hawaiian Home Lands, tens of thousands of acres have been conveyed over to the DHHL. Two years ago we passed what I think we would all regard as a very major piece of legislation in authorizing what we refer to as the \$600 million settlement. As a result of that settlement, the DHHL presently has plans to spend \$300 million over the next five years to construct three thousand homes on the Hawaiian home lands, and it will take thousands of people that are on the waiting list off the waiting list and put them on the home lands.

"Your Committee has also passed out this session bills that would allow for increased bond authority to the Department of Hawaiian Home Lands and to allow Hawaiians to rent; these will basically put many more native Hawaiians on the land than ever were there before.

"The Department of Hawaiian Home Lands has a cash balance of roughly \$177 million. The Office of Hawaiian Affairs was funded at \$140 million four years ago. Since then OHA has grown that corpus to \$240 million, generating roughly \$10 million or more per year simply of dividends and interest. Obviously, these two entities are currently some of the most healthy entities in state government so when we talk about. . .

At this point, the Chair interrupted and advised Representative Case that his time was up, whereupon Representative Suzuki rose and yielded his time.

Representative Case thanked the Chair and continued, saying:

"So when we talk about what we have done for the native Hawaiians in the last seventy years, let's look at what we have done in the last ten years to remedy some of these wrongs and what we are doing this session and in future sessions. Let's put this in context as we go through this debate.

"Thank you."

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

"In reference to the statement that the federal government may sue if things are not done, I just want to point out that in 1983 the Federal/State Task Force did a study of the Hawaiian Homes Commission to look at the breach of trust, and the federal government refused to take blame at that time for any breach.

"Since then, the State has spent, through the 20 percent funds going to OHA, over \$222 million. \$600 million as was said went to the settlement, and in the past fifteen years over \$200 million in state general obligation bond funds were spent on Hawaiian home lands to build over four thousand homes, put in sewer plants, put in subdivisions, build new subdivisions throughout the State. This doesn't look like a breach of trust to me. If there's any breach of trust, it's not the State of Hawaii. We did our part. If there's a breach of trust, it's a breach of trust from the federal government, from 1921 to 1959. Hardly any funds were spent on Hawaiian home lands. So I just want to clarify this.

"As far as the State of Hawaii, I think we have been carrying out our obligations.

"Thank you, Mr. Speaker."

Representative Kawananakoa then rose and requested a roll call.

The request for a roll call was put to vote by the Chair and upon a show of hands, the request was granted.

Roll call having been requested, the motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1857, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS," passed Second Reading and was referred to the Committees on Judiciary and Finance on the following showing of Ayes, Noes and Excused:

Ayes, 34: Representatives Abinsay, Ahu Isa (W/R), Arakaki (W/R), Cachola, Case, Garcia, Goodenow, Hamakawa, Herkes, Ito, Jones, Kahikina (W/R), Kanoho, Kawakami, Lee (W/R), Morihara, Morita (W/R), Nakasone, Okamura, M. Oshiro, Saiki (W/R), Santiago, Say, Stegmaier, Suzuki, Takai, Takamine, Takumi (W/R), Tom, White, Yamane, Yonamine, Yoshinaga and P. Oshiro.

Noes, 11: Representatives Aiona, Fox, Halford, Kawanakoa, Marumoto, McDermott, Meyer, Moses, Pendleton, Thielen and Ward.

Excused, 6: Representatives Chang, Hiraki, Menor, Souki, Tarnas and Whalen.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 604) recommending that H.B. No. 445 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 445, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CULTURE AND ARTS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 605) recommending that H.B. No. 973, HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 973, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 606) recommending that H.B. No. 1528, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1528, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 607) recommending that H.B. No. 1805, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1805, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Fox rose to speak in opposition to the bill, stating:

"Mr. Speaker, the State of Hawaii pays the second highest state and local taxes in the country. Forbes magazine reported a very significant study of job creation throughout the U.S., the tie job creation to offering low cost for businesses and low taxes. We are in the grip of the worst economic crisis the State has suffered since statehood. This crisis is partly owing to the inability of this Legislature to make it possible for our people to spend money that circulates throughout the economy and generates jobs and wealth.

"Before this Legislature now comes a proposal to yet again raise taxes in the form of a one percent sales tax that would be imposed on the people of all the counties. This sales tax is being offered on the basis that we're not imposing this tax but simply asking the counties whether or not they wish to impose a one percent sales tax.

But at the same time, this bill takes away from the counties money that the counties have come to depend on to support their basic services, including police, fire and the other functions that cities like Honolulu and counties throughout this State normally perform. So we now are going to put a gun at the head of the counties and say: we are taking away your TAT, do you or do you not want to enact a one percent sales tax? And we're going to have to face the consequences because those people who are going to pay the one percent sales tax are your constituents and my constituents, and I don't think that's a course of action that we really want to take at this time in our economic situation.

"Thank you, Mr. Speaker."

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

"House Bill 1805, HD 1, is an administration bill and that is the extent of the bill. I used this vehicle because it has the proper title. There is a bill that we considered during our hearing in the House Committee on Tourism, and that is House Bill 1931. Under that bill, we have floated three options: One, to give the counties authority to impose tax -- general excise tax -- up to one percent; the second option is to cap the counties on their TAT, up to the 1994-1995 level; and the third option was to raise the TAT by one percent.

"It was made very clear in that bill, House Bill 1931, that the intent of putting all of these options in that bill is to solicit input from all sectors, including the counties, the hotels, as well as whoever is interested in that bill.

"This Chair is not a big supporter of any tax increase. When we proposed the county sales tax and use tax, it was through the proposal of the City and County of Honolulu, and they came out strongly supporting it if we can possibly put in the bill general and county sales tax and use tax. It's not coming from the Chair or the Committee on Tourism, and their rationale was that the sales tax is less regressive and that 48 to 60 percent of the tax is exportable to non-residents. They also said, Mr. Speaker, that the only taxing powers given to them is the property tax. And if they are going to increase the property tax, that would impact mostly locals. The Mayor of the City and County of Honolulu made statements that he is freezing the tax even if the property assessment went down. That means that property owners

will have to pay whatever they paid last year despite the lower assessments. It requires the City Council's action to do that and if they follow the recommendation of the Chief Executive of the County, that is equivalent to a tax increase.

"What we are trying to do here, Mr. Speaker, is to accommodate the counties and see if we can give them flexibility for them to use the sales tax so that they can export this tax to non-residents.

"The other feature of this bill, Mr. Speaker, is to cap the counties based on the 1994-1995 level, and the rationale for that is because we do not have the money to pay for the debt service of our Convention Center. If you look at the history of the TAT, when we were debating that in 1985, two percent of that five percent was earmarked for the debt service of our Convention Center. In 1990, when we failed to build the center at the International Market Place, we gave the TAT to the counties for them to have a definite source of funding. At that time, we had a lot of money and we believed that we might be able to pay the debt service of the Convention Center if ever we are going to build one.

"Now we are building one and the economy is in bad shape. We don't have the money to pay and the capping of the TAT based on the 1994-1995 level is what we are going to use to pay for the debt service of the center, the operations of the center, as well as if there be any moneys left, that it will be used for tourism-related activities.

"Going back to the sales tax, Mr. Speaker, it's only an option that we give to the counties. If the counties don't want it, there's no tax. But if any county is going to use that tax, like, for example, one percent sales tax, we take away 50 percent of the TAT that goes to them. If they use one percent, we take away one hundred percent of the TAT that goes to them. As an example, one percent of sales tax to the City and County of Honolulu is translated to about \$124- to \$126-million, more than three times the amount that they are getting by way of the TAT. If they are going to use the sales tax. . .

At this point, the Chair interrupted and advised Representative Cachola that his time was up, whereupon Representative M. Oshiro rose and yielded his time.

Representative Cachola thanked the Chair and continued, saying:

"If they are going to use the sales tax, Mr. Speaker, we have allowed them the option to take the TAT for us to use for tourism-related activities. Those are the rationale of this bill.

"And also, Mr. Speaker, it is only Second Reading. this proposal is still in the works and going to Finance. Let's afford the Finance Committee the opportunity to scrutinize this bill and see if we can possibly massage it and make it better.

"In closing, Mr. Speaker, if we are not going to pass this bill out, the alternative is we have to raise taxes, either TAT to pay for the debt services for the center. There is no way out. We have already found out that we have emergency funding to the tune of \$142 million, the Council on Revenues already had a projection of the dollar amount, and we are losing \$141 million. Where are we going to get the money to pay for debt service? This is how we're going to do it and, hopefully, all of you will understand this and pass this bill out.

"Thank you."

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

"Notwithstanding the comments of my distinguished colleague and friend, the Chairman of Tourism, I disagree with him on this measure. And I'll make it brief because I don't want anyone else to walk out while I'm talking. When Republicans speak, we seem to lose the audience. I like talking to a full audience."

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

"Mr. Speaker, I think from the testimony of the Chair of the Tourism Committee, it is clear that his intentions are good, well meaning, but I am concerned about the eventual, perhaps unwilling, unintended effects of the passage of this measure. While all we are doing is permitting the counties to raise the tax, the fact that we are changing the distribution formula of the TAT, the fact that we are capping the amount the counties will receive based on the 1994-1995 fiscal year, that fact forces the counties to have to raise and avail themselves to this sales tax option. It really does force them. Can we honestly believe that they are going to cut the police, fire, those kinds of services, to be able to accommodate or survive with a smaller amount of TAT? I am not sure. They want to make sure that fire and police services are continued to be provided.

"So the effect, I think, perhaps unintended, but if we effect this bill, this law would make the City Council men and women the bad guy. It would force them to have to raise taxes and somehow it permits us to say: Well, we didn't really raise the tax, we just adjusted the formula. And that sounds nice, that's a great euphuism. We are just changing the distribution formula, but the fact is that we would be forcing counties to have to resort to these measures. I don't think our City Councilmen, our City Councilwomen of either parties want to raise taxes. They don't want to do that. When it comes to ensuring that their Police Departments and their Fire Departments have appropriate staff to meet the needs of the families of the State, they will be forced to do that, and somehow we'll be lucky. We'll say, we didn't do it, we aren't responsible. All we did was adjust the distribution formula. But that's the actual fact, that's what will really happen.

"I think we ought to take responsibility for our actions, and if we are going to raise taxes, then we ought to be willing to take the hit. I don't think we should raise taxes here or force the counties to raise the taxes either, and that is why I am opposed to House Bill 1805.

"Thank you, Mr. Speaker."

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

"It's a foregone conclusion that the City and County would be forced into raising a tax. As seen as that's the ultimate outcome of the passage of this measure, I'll have to vote no for no new taxes, no expansion of taxes. Give our economy and our citizens a break. Just cut our government spending.

"Thank you, Mr. Speaker."

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

"I feel strongly about this bill. There are many, many components to it. I would like to speak fifteen to twenty minutes on it, but I want to say that the counties are

more efficient than they are with their tax dollars and turning money into services to the public.

"The State has unfortunately been on a spending spree for many, many years. In the last few years, we've had to look at raising taxes to keep up with the increased spending. Now, again, the State wants more money. It wants to increase taxes but we are asking that the counties do our dirty business for us.

"As a specific goal of this bill, in the Standing Committee Report, point No. 4, it says the specific goal of this: 'Further reduce any transient accommodations tax revenues to the counties at a rate in proportion to the county sales and use tax rate.' So, in other words, we are asking the counties to raise taxes for the benefit of the State.

"Thank you."

Representative Morihara then rose and asked the Clerk to record an aye with reservations, and the Chair "so ordered."

Representative Cachola, in rebuttal, stated:

"Just to make it very clear that it was never the intent of this Chair as well as the House Committee on Tourism to impose this tax. It was through the pleading of the City and County of Honolulu. We are not forcing anyone to do it or placing a gun on anybody's head. If you want to know exactly what it is, ask the City and County of Honolulu. We are just trying to accommodate them by putting in a bill so that we can massage it. We put everything on the table so we can scrutinize it.

"This bill also calls for giving the counties some aid -- make them whole. All we are asking is to see if they can help out this State to pay for the debt service because we got to have a dedicated funding to do it. Unless we do it, the alternative is to raise tax and the TAT is what I can see.

"Thank you."

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

"Perhaps the City and County of Honolulu is in favor of this but it is clear that the County of Maui, the Mayor of Maui, the County Council of Maui, are not in favor of this, nor is the County of Hawaii.

"I think if the State's in trouble and needs more TAT for the Convention Center, this bill should be amended to do just that and not to position the counties to be the bad guys to raise the taxes.

"Thank you."

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

"I just wanted to note that there may be good intentions on behalf of the City and County of Honolulu to come forward and submit testimony in support of this measure. But again, it's a foregone conclusion that they would have to issue this sales tax if we take away their TAT. We all know that, I hope. But it may be very profitable for them also to initiate this one percent sales tax because as it was mentioned by the Chair of the Tourism Committee, they could stand to bring in a hundred million dollars in revenues to the City and County of Honolulu's coffers. That's a great enticement.

"I suppose they have the impetus or the reason behind their support, and with that in mind I am very concerned that if they do move forward, that's another hundred million dollars levied upon my constituents and your constituents, the citizens of the State of Hawaii.

"Thank you."

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

"We've heard again tonight that the only thing we can do in the State is raise taxes. But in this bill, instead of us raising taxes, we will force the counties to raise taxes. They have to pay for essential services. We take their revenue source away from them, they must make it up. The only way they can is by raising taxes.

"By voting yes on this bill, you will be voting for a tax increase for everybody in this State. I vote no."

Representative Suzuki then rose in support of the bill, stating:

"I believe this measure should continue on to the next committee. As a member of the Taxation Committee on TAT, I work with the counties. Their solution to this measure was for the cap that was required to pay for the bond float to make up any difference or any shortfall that the counties would have received by requiring the Budget Director to transfer a like amount from the general funds of our State to the special fund.

"I believe the suggestion by our Chair encompassing this bill is worth further consideration. He put it on the table, we should take it to Finance and continue the discussion.

"Thank you, Mr. Speaker."

Representative Morita then rose and asked the Clerk to record an aye with reservations for her, and the Chair "so ordered."

Representative Pendleton then rose and stated:

"Mr. Speaker, I would like to set aside the discussion about us having to force the counties to raise the sales tax and focus just on the sales tax. I think it's really a foregone conclusion that will result.

"The sales tax is probably one of the most onerous taxes we can levy. It is a regressive tax levied on individuals without regard to ability to pay, without any kind of means testing. At least an income tax, which I also oppose, looks at the ability of a person to pay a tax. This one does not. It simply looks at the product, the cost, the sale, and levies a tax accordingly. Individuals who are billionaires who buy a particular product or individuals with very little resources will be paying the same amount of tax on the same product. That kind of regressive tax is something that we really need to be concerned about because it hits the poor the hardest. And all of us -- all of us are here to single out one concern about the poor. That's who we're here to defend, to stand up for, and this kind of tax will disproportionately impact that class of individuals, and I think we need to recognize that and really wrestle with the fact that while all taxes are bad, a tax like this is particularly onerous on that group of individuals.

"Thank you."

Representative Thielen rose and requested a roll call vote.

At 10:46 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:48 o'clock p.m., the request for a roll call was put to vote by the Chair and upon a show of hands, the request was granted.

Roll call having been requested, the motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1805, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Finance on the following showing of Ayes, Noes and Excused:

Ayes, 31: Representatives Abinsay, Ahu Isa (W/R), Arakaki, Cachola, Case, Chang, Garcia, Hamakawa, Herkes, Ito, Jones, Kahikina, Kanoho (W/R), Kawakami, Lee, Morihara (W/R), Morita (W/R), Okamura, M. Oshiro, Saiki, Santiago, Say, Suzuki, Takai (W/R), Takamine, Takumi (W/R), Tom, White (W/R), Yamane, Yoshinaga and P. Oshiro.

Noes, 12: Representatives Aiona, Fox, Halford, Kawanakoa, Marumoto, McDermott, Meyer, Moses, Pendleton, Stegmaier, Thielen and Ward.

Excused, 8: Representatives Goodenow, Hiraki, Menor, Nakasone, Souki, Tarnas, Whalen and Yonamine.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 608) recommending that H.B. No. 1838, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1838, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 609) recommending that H.B. No. 2073, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2073, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Thielen rose to speak against the bill, stating:

"The reason I oppose this bill is, the Governor has committed to turning over the noise functions from the Department of Health over to the counties. This really is part of the streamlining process that we hear so much about but not much is being done on, and finally something is moving on this end. It would mean that when people went in to get a building permit, they would also be able to be issued a noise permit for your normal run-of-mill projects. I am not talking about a Convention Center.

"What this bill does is, it addresses a Convention Center type of situation, but the bill applies statewide, so it's really overkill. It's going to also set up grounds for lawsuits. If you take a look at the legislative findings, we are creating a field day for lawyers to be able to file

lawsuits on behalf of people that may be disturbed by some noise in their area.

"The second thing is, you can be darned well sure it's going to increase the cost of construction. Look at page 4 and you'll see the different types of things that the bill proposes for people in construction to do: Mixing your concrete off-site. Well, let's hope it doesn't harden before you get to the job site. Using different kinds of equipment; locating noisier pieces of equipment away from construction site boundaries. That's going to be real intriguing. I'm not quite sure how they can do the work if the construction equipment isn't there on the site. Locating some items within structures that are insulated. I mean all of this just adds to the cost of construction in your neighborhood and mine.

"I'd like us to take a real hard look at this. I think it's a bill that the House Small Business Caucus should target as anti-business and try to defeat it as it goes through the process. And I would hope that anyone else who has some concerns for our economy would take a look at it and say they're going to vote no, or not let it out of the next committee.

"Thank you."

Representative Moses then rose in opposition to the bill, stating:

"I can't believe that here we are micro-managing whatever happens in the State. Here, we're going to micro-manage the noise, like the former speaker said, talking about mixing cement off-site and things like that. And I guess we ought to go in the light collusion and regulate just when the sun can rise and when it can set.

"I vote no, Mr. Speaker."

Representative Pendleton then rose in opposition to the bill, stating:

"Mr. Speaker, the reason why I stand in opposition to this noise pollution study is not because I enjoy noise or like high decibel; I don't like loud music, and I'm glad my son is still too young to listen to rock music. But when I read the Standing Committee Report, and it says that 'Your Committee notes that existing studies should also be reviewed to keep costs down if data already exists.' And I see the word 'if' and then I see that testimony in opposition to this bill was received from the Department of Health, and I've heard from good sources -- reliable sources -- that there are, in fact, other studies. I see us spending money to do what has already been done.

"I'm concerned that our State thinks, perhaps this Legislature thinks, that we can tell our constituents that: Hey, we care, we are doing something about this problem. We're studying a new commission, we have a group studying this or looking into that. You know, our constituents want action, but we've already done the study. Why spend more money on something like this? We should rely on the study unless we have already determined the previous studies were not done properly or that the data was inconclusive, but I don't see anyone coming forward and complaining about those studies.

"The Department of Health says that they oppose this bill. The people that we want to require to conduct this study say they don't want to do it. And we are here forcing them to conduct this study as though money grows on trees. We've heard people on both sides of the aisle -- Republicans and Democrats, Majority and Minority -- say this is a difficult economic situation. We don't have money, we need to force the counties to raise taxes. We

all agree that this is a tough economic situation, so why are we now having a department that doesn't want to conduct a study, conduct the study? Sure, when a person looks on page 2 of the report, it sees: Oh, it's only a buck. We're just going to have the Finance Committee figure how much money we're going to spend where that money could be spent on other kinds of sources, other worthy goals, other purposes.

"Sitting as a member of Health and Human Services, I can tell you that there are people out there who are really, really hurting. And the committee chairs on those committees are struggling, looking for ways to meet the needs and at the same time struggle with the rally of financial constraints. I cannot justify spending money on a study that is going to be redundant, that really isn't going to teach us anything more than what these previous studies have. How can we justify spending money like this when we have people out there who really need the money for the essential services? Things I refer to in Human Services where we hear of people who have just desperate needs, who are struggling to live off of a few hundred dollars a month. And here we are, spending tax dollars on a study like this that's going to tell us what? That we need to implement certain procedures to limit noise that's going to drive up the cost of doing construction and engaging in business in the State? That's why I vote no.

"Thank you, Mr. Speaker."

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

"The Department of Health has gone through a long and laborious process of amending its rules to make it quite clear that it does not want to enforce noise regulations except construction noise and noise from stationary sources. It very clearly wants the rest of noise regulation to be handled by the counties. That is why they testified in opposition to this type of bill which continues the process of studying something that the Department of Health has already decided it does not want to do.

"What this core noisy urban environment needs now is a clear passing of responsibility for most noise control to the counties. The counties dodge the responsibility for enforcing noise control because it is still unclear who is to do it. The Department of Health wants to pass it off but a section of the law still keeps responsibility with the Department of Health.

"My plea is that this bill be used as a vehicle to pass an amendment that clarifies the responsibility for most noise control that the Department of Health intends to reserve for the counties be done by the counties.

"Thank you, Mr. Speaker."

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

"For those of the members on the floor who have not heard about the noise pollution problem that we faced over the Convention Center, I represent the district within which the Convention Center is being constructed. My community, as well as the former speaker's community, has been bombarded with noise which has accelerated, I think, a concern with respect to a quality of life issue, i.e. that of noise pollution.

"Your Committee considered a number of measures and this was just one of several that dealt with complaints, concerns, requests for \$250,000 of appropriation to the counties directly to implement noise regulations.

"This bill basically is to balance a number of the other concerns raised because there was no consensus about how to handle noise pollution with respect to non-stationary sources which is non-construction. So I take exception to some of the former speakers' misstatement of what this bill provides. First of all, the bill provides in balancing these issues for the Department of Health to consider what its proper role should be with respect to cooperating or consulting with or frankly then, you know, recommending delegation to the county to implement noise standards.

"What this does is basically recognize that there may be other studies that are relevant but have not been shared with this body in terms of these recommendations with respect to how to reduce noise pollution from stationary sources, and how do we balance that kind of concern by our community members who believe that those standards should be lowered in terms of decibel levels, but it would restrict construction in the State. The Chair is cognizant of that. This is not an anti-business bill. It is merely, I believe, in recognition of the many interests and concerns raised by members of the community to find a reasonable result and continue discussion.

"The Chair believes that the dollar amount of this study that's put in the measure for appropriation is reasonable in the sense that it is unclear if there are other data that can be looked at that the Department of Health would not need great resources to conduct such a review and come back with a recommendation to this body which is based on data and sound reasoning in terms of the proper role. We also amended the bill to provide for consideration of urban, rural and agricultural zone community standards.

"Thank you very much, Mr. Speaker."

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

"Mr. Speaker, we just heard from our distinguished colleague from Ala Moana that the prime purpose of this bill was because of the noise around the Convention Center. The Convention Center, I believe, will be complete at the end of this year and the report is due twenty days prior to the session of 1998. It does not make sense, Mr. Speaker.

"Thank you."

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

"Our State has some of the most rigid rules as far as noise out of the fifty states in our union. I don't believe that we need another study. The Department of Health made it clear that they did not want to do a study.

"I ask you to look at page 3, line 7, where it states: 'The purpose of this Act is to require the Department of Health to conduct a study to assess the effectiveness of alternatives and measures used in Western or Asian countries to alleviate the negative effects of noise on the physical, psychological, and emotional health of residents in construction areas.'

"This kind of thing, the scope of this kind of study, the Department of Health already is undermined for all the things they have to do. For this and many other reasons, I would have to vote no on this bill.

"Thank you."

At 11:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:06 o'clock p.m., the motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2073, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE POLLUTION," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer, Moses, Pendleton and Thielen voting no, and Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 610) recommending that H.B. No. 2065, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2065, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 611) recommending that H.B. No. 2130, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2130, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COUNTY COMMUNITY POLICING PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 612) recommending that H.B. No. 1829, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1829, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 613) recommending that H.B. No. 880, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 880, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY SCHOOLS FOR ADULTS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 614) recommending that H.B. No. 1909, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1909, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 615) recommending that H.B. No. 878, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 878, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE EDUCATION," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representatives Takamine and Hiraki, for the Committees on Water and Land Use and Transportation, presented a joint report (Stand. Com. Rep. No. 616) recommending that H.B. No. 2082, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 2082, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND COMMUNITY DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 617) recommending that H.B. No. 2241 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2241, entitled: "A BILL FOR AN ACT RELATING TO FLOOD CONTROL," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 618) recommending that H.B. No. 1706, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1706, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT AND TRAINING FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 619) recommending that H.B. No. 371, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 371, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JOB

REFERENCE LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 620) recommending that H.B. No. 1244, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 621) recommending that H.B. No. 1695, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1695, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY PERFORMANCE CONTRACTING FOR PUBLIC FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 622) recommending that H.B. No. 1451 pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1451, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," passed Second Reading and was referred to the Committees on Consumer Protection and Commerce and Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 623) recommending that H.B. No. 680, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 680, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 624) recommending that H.B. No. 2232, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2232, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIR QUALITY," passed Second Reading and was referred to

the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representatives Morihara and Stegmaier, for the Committees on Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 625) recommending that H.B. No. 1657 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1657, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 626) recommending that H.B. No. 1729 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1729, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 627) recommending that H.B. No. 515, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 515, HD 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SERVICES," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 628) recommending that H.B. No. 442, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 442, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 629) recommending that H.B. No. 101, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 101, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yonamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 630) recommending that H.B. No. 1554 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1554, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representatives Morihara and Stegmaier, for the Committees on Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 631) recommending that H.B. No. 883 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 883, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE BENEFIT PLANS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 632) recommending that H.B. No. 1196, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1196, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 633) recommending that H.B. No. 1218, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1218, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 634) recommending that H.B. No. 2020, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2020, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative M. Oshiro.

Representative Kawanakoa rose and stated:

"I would just like to register an aye with reservations on this bill. I'm not familiar enough with this area to understand why we would have a \$10,000 or \$15,000 or \$25,000 fine allowed to the Department of Land and

Natural Resources to levy such extensive fines and until I find out, I would like to vote with reservations," and the Chair "so ordered."

Representative Thielen then rose to note her reservations "for the same reasons on that bill," and the Chair "so ordered."

Representative Pendleton then rose and asked the Clerk to register an aye with reservations, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2020, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 635) recommending that H.B. No. 967, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 967, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 636) recommending that H.B. No. 2149, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2149, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECREATIONAL BOATING," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 637) recommending that H.B. No. 1014, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1014, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 638) recommending that H.B. No. 2001, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2001, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE PRESCHOOL OPEN DOORS EARLY

CHILDHOOD EDUCATION AND CHILD CARE PROGRAM," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 639) recommending that H.B. No. 577, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 577, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BY-SCHOOL BUDGETING," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 640) recommending that H.B. No. 1919, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1919, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Moses rose to speak in opposition to the bill, stating:

"This bill started out to have the Department of Education to report to us on schools of a certain small size each year to consider closing those schools. It was amended in the right direction and that was to leave out the size limitations and just tell the Department, and I'll read what it says: '...require the Department of Education to report to the Legislature about all studies conducted...' and then it goes on '...consolidation of public schools...'

"So we still mandate that the Department of Education report to the Legislature annually on their efforts to consolidate schools.

"I believe that if this Legislature or any individual member of it wanted this information, they could ask for it instead of having the Department of Education make a report every year that will sit on all of our shelves. Let's let the money get to the classrooms, not for reports.

"Mr. Speaker, I wish that my no vote be recorded on this bill.

"Thank you."

Representative Morita then rose and asked that Representative Moses' remarks be entered into the Journal as her own, and the Chair "so ordered." (By reference only)

Representative Ward then rose and stated:

"Mr. Speaker, also a no vote for Wailupe Valley School that may be closed by this bill. I think the Chair of Education has made it clear that it won't be done but it makes it redundant and it can be like the previous speaker has said, eliminate it entirely.

"Thank you."

Representatives Meyer, Halford and Pendleton rose respectively and asked the Clerk to register no votes for them, and the Chair "so ordered."

Representative Stegmaier then rose and stated:

"I rise to speak in favor of the measure, just to point out to the members that the bill would continue to have the matter of consolidation of schools be the prerogative of the Board of Education. They have a well-established set of guidelines that they use to even study the matter of consolidation of schools that allows for a procedure that includes the public in the discussion as they approach a decision to consolidate and all we are saying is that, along with many other reports on a variety of programs that are reported to the Legislature, that the Department report to us, if necessary, a one-page report that may sit on our shelves but very likely what studies may or may not have been done by the Department concerning consolidation of schools.

"For this reason, I ask my members to support this measure.

"Thank you."

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

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

"Mr. Speaker and members of this House, I rise in support primarily because I looked at this particular measure as a cost efficient manner in trying to improve government services.

"How did I come up with the number of 250? I just pulled it out of the sky and put it into the measure. But the whole intent, Mr. Speaker, is this, and I wanted to make the members aware, in this future biennium will be five new schools coming on board in September. Out of the five, three are elementary, one intermediate and one high school. The total workload increase, Mr. Speaker, to these five new schools is about \$14 million. And all I was trying to do which I am happy you have given me the privilege and the Chair of the Education Committee, is to discuss this issue on the floor of the House that when schools that are being run with less than 250 students having a principal, vice principal, secretary, clerk, custodians, cafeteria workers, and so forth, and the faculty could be reallocated to a school that could accommodate that particular school, we should look at it and try to think of consolidating so that the teachers that are at the school to be consolidated may be reallocated to the other new schools.

"I think all of us have been highly criticized by the general public at large that there has been an increase in this population of our State employees and the reason why is because of the Department of Education in the core requirement of staffing, and secondly, the Department of Public Safety.

"This, I thought that most members -- bipartisan -- would be in support of. This is what we call government efficiency: being creative and having the reallocation of resources that are presently available for new facilities that are being built, whether they keep on just hiring, hiring and hiring.

"Mr. Speaker, the district that I represent right now is the only district that has gone through consolidation which was Anuenue Elementary School into Palolo Elementary. I was very proud two years ago with the support of Representative Kahikina and his resolution that

the Hawaiian Immersion Language Program was set up afterwards at Anuenue from Grades K through 6. The district of Palolo has sacrificed a public school in consolidation and I wish members here would take into consideration this particular measure because it is a measure of trying to utilize limited resources that you have, and I wish that all members vote aye on this measure.

"Thank you."

Representative Santiago then rose and stated:

"As much as I hate to have to drag this evening on any longer than it already has, I do have to make one quick comment on this bill. I would like to support it with some reservations.

"I agree with everything that Representative Say has said and my concern is for those small schools in the rural area such as Keanae which is really where I consider my second home. And I just wanted to let the members know that during questioning at the Committee level, the Department of Health said that this might be the kinds of schools they would look at and I am really, really concerned about us not in an effort to do what Representative Say is talking about, penalize some of those very, very rural areas where we would provide a major hardship for a very small number of people.

"Thank you."

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

"I feel compelled to respond to the Chair of the Finance Committee.

"Well taken as the intention is to consolidate to save money, the compelling argument is in the results these small schools are delivering us. In fact, we might even look at what we are trying to do with our school system is already in the existing small schools.

"Take Wailupe in my district. It is small but its scholars are some of the tallest and the best in the State of Hawaii. Its teachers, its neighbors, its parents, all of those work together at SCBM and it's working fantastically, but there are just about 210/220 and it feels every year the anxiety, if my kid is going to be in this school. Ever since I've been in this chamber for six years, the seventh year coming up, the parents come and say: 'Are we going to have Wailupe School open?' Is it going to be able to have my kid in there?' And what the results are every year are exceptional, so why are we trying to save pennies? We are sometimes pound foolish.

"So, Mr. Speaker, what we are getting out of the small schools is quality education and the ratios that we intend to do as a state, we are now getting specifically in those particularly small schools.

"Thank you."

Representative Pendleton then rose in opposition to the bill, stating:

"I was hoping to be able to not have to say anything on this matter but I do want to speak just briefly.

"The reason why I am opposed to this is not because I'm opposed to efficiency in government, not because I'm opposed to looking at consolidating public schools, not because I'm opposed to education or making things better for our students; I want our students to have the best education possible. That's why my spouse is on the

Board of Education, that's why my son is in public school, that's why I'm actively involved in the PTSA and meet with SCBM regularly.

"But if you look at what this bill calls for, Mr. Speaker, the added underscored language reads: 'The department shall report annually to the Legislature on all studies conducted pursuant to rules adopted by the department relating to the consolidation of public schools...' We all get these reports in the very first month or so. I would read each of these reports carefully myself because I felt that if the Legislature voted to have these reports done, if government officials went through all the trouble of putting these reports together, then at least I owe them the courtesy of reading these reports. In most recent weeks, I've had my legislative aides go through these reports and then brief me on the substance of these reports. In talking to my more experienced, more distinguished senior members here, I find that they don't even have their own legislative aides read all the reports that come across our desks from various agencies.

"If that's the case, why is it that we're asking again for more and more of these reports that we're only going to shelve and file away? Report annually to the Legislature on all studies conducted. I'm not against having more information, I'm not opposed to making informed decisions, but seriously, if we really want to get information for a particular school at a particular time, then let's have our Education Committee request from the Department of Education at that time. But having these people have to generate all of these reports and not to read them really is silly unless I'm the only one who has a hard time reading all of these reports that come across our desks. I just feel guilty asking them to conduct these reports which we're only going to file away on our shelves to make us look like we have all the information, but we're really not going to use these reports.

"Thank you."

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

"My children attended Lanikai School and it is really a small school, one which at times has been threatened with closure. I think that this is like pointing a smoking gun at the small schools, and I would prefer that we don't do that. Once you start generating the inquiries and start generating the reports, then people feel compelled to take it a step further and do something.

"I think the best thing to do would be to leave the small schools alone -- they're some of the best in our State."

Representative Moses then rose and stated:

"You know, government efficiency cannot be measured in dollars alone. We also have essential services we have to provide; and I don't have any small schools in my district. I have only very, very large schools and all that we hear is a school within a school, to break up those large schools into smaller schools.

"And if you heard the students and the parents in Committee that testified against this bill, you would understand the anguish that they go through every single year, just wondering when this Legislature would just cut them down with the budget ax. It just isn't right. I think we will hear a little later tonight -- leave no child behind.

"Thank you, Mr. Speaker."

Representative Stegmaier then rose in response to some of the comments made earlier, stating:

"We took the opportunity of this Committee report as you will see by reading it to emphasize how important small schools are and to emphasize that they are providing among the best quality education that is provided to our public school students. We took out the arbitrary number of 250 students to do a study so actually we have amended this bill to support the preservation of small schools.

"Those who are targeting this legislation are misguided. Where they should be spending their time is at the Board of Education, referring to the rules that guide the Board in determining whether to consolidate schools or not. The Legislature, by this measure, is doing nothing to make small schools more vulnerable. That decision is in the hands of the Board of Education, and that is what we are saying in this Committee report as well as the bill, that they should continue to have that role. So if people feel strongly about it, then they should be spending time over at the Board, making changes in those rules.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1919, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Meyer, Morita, Moses, Pendleton, Thielen, Ward and Yamane voting no, and Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 641) recommending that H.B. No. 551, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 551, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 642) recommending that H.B. No. 1144 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1144, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER SERVICE IN THE PUBLIC SCHOOLS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 643) recommending that H.B. No. 1013, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1013, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 644) recommending that H.B. No. 1908 be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1908, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 645) recommending that H.B. No. 134, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 134, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 646) recommending that H.B. No. 2068, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2068, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 647) recommending that H.B. No. 1480, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1480, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HANA HIGH SCHOOL ATHLETIC PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 648) recommending that H.B. No. 632, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 632, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED HEALTH SERVICE CENTERS," was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 649) recommending that H.B. No. 1246, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1246, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 650) recommending that H.B. No. 599, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 599, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 651) recommending that H.B. No. 1721, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELIGIBILITY FOR PAYMENT PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 652) recommending that H.B. No. 1723, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1723, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 653) recommending that H.B. No. 1338, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1338, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 654) recommending that H.B. No. 2039, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the

Committee was adopted and H.B. No. 2039, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY REHABILITATION PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 655) recommending that H.B. No. 1339, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1339, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WELFARE," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Menor, Souki, Tarnas and Whalen being excused.

ADJOURNMENT

At 11:25 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. on Tuesday, February 18, 1997. (Representatives Hiraki, Menor, Souki, Tarnas and Whalen were excused.)

TWENTY-SECOND DAY

Tuesday, February 18, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:40 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Pastor Frank Walton from the Seventh Day Adventist Church, after which the Roll was called showing all members present with the exception of Representatives Herkes, Takamine and White, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-first Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 145 through 150) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 145, transmitting copies of the report entitled: "Third Progress Report on the Missing Children State Clearinghouse Center," in response to Act 246, Session Laws of Hawaii 1994, Creating the Missing Children State Clearinghouse Center.

Gov. Msg. No. 146, transmitting copies of the 1996 Compliance Resolution Fund Annual Report, pursuant to Section 26-9(o), Hawaii Revised Statutes.

Gov. Msg. No. 147, transmitting copies of the joint report on the "Status of the Decategorization Pilot Project," prepared by the Department of Human Services and Office of Youth Services, Department of Health, and Department of Education, pursuant to Section 194.1 of House Bill No. 2800, HD 1, SD 1, CD 1.

Gov. Msg. No. 148, submitting for immediate consideration and passage Administration Proposal ATG-35(97), introduced as House Bill No. 1613, "Relating to an Emergency Appropriation for Automated Systems Development for the Department of the Attorney General."

Gov. Msg. No. 149, transmitting copies of the Annual Report on the Research and Training Revolving Fund, prepared by the University of Hawai'i, pursuant to HRS 304-8.1(b).

Gov. Msg. No. 150, requesting immediate consideration and passage of H.B. No. 1703, which makes a supplementary appropriation in fiscal year 1996-97 for tourism marketing.

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

Representative Kawanakoa introduced two docents of Iolani Palace: Kaleo Woods and Mellie Snyder.

Representative Marumoto, on behalf of Representatives Say, Yamane and herself, introduced a group of seniors -- Hui O Kilauea -- from the Kilauea Recreation Center and their president, Wilbert Chang, and vice president, George Miyasaka.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)

H.R. No. 29, entitled: "HOUSE RESOLUTION HONORING ANGEL PENA FOR HIS CONTRIBUTIONS TO THE ENHANCEMENT OF CULTURE AND THE ARTS IN THE FIELD OF MUSIC AS A JAZZ MUSICIAN, A MUSICAL ARRANGER, AND HAWAII'S OWN LIVING CLASSICAL COMPOSER," was offered by Representative Abinsay and was announced by the Clerk.

On motion by Representative Abinsay, seconded by Representative Cachola and carried, H.R. No. 29 was adopted with Representatives Herkes, Takamine and White being excused.

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

"Mr. Speaker, as the introducer of this resolution, it is indeed an honor and privilege for me to present to this honorable body a person whom I admire and respect. A person I am proud to call a friend, and a person who touched the lives of many people around the world through his music.

"A person who rose from humble beginnings to become one of the most admired and sought-after artist who can boast of a multi-faceted career as a composer, arranger, and performer. A person who has written and arranged for orchestras, chorus, radio and television, and yet remains modest and soft spoken, and who quietly calls himself an 'ordinary musician.' But there is nothing ordinary about Angel Pena, Mr. Speaker.

"The Honolulu Advertiser's 'Island Life' featured Angel Pena in their November 21, 1996 issue, and the article quoted Juan DeVilbiss, the founder and music director of the Allegro Concert Orchestra, who said that 'Angel Pena's story is remarkable. It is a story of a man from a very poor background in the Philippines, and on his own, ended up with the Honolulu Symphony.'

"Mr. Speaker, in recognition of his work, the Allegro Concert Orchestra, under the auspices of the Hawaii Chamber of Orchestra Society, honored Angel Pena in November of 1996, just three months ago, with a special concert entitled 'A Tribute to Angel Pena, Hawaii's own living classical composer.' Byron Yasui, professor of composition and theory of music at the University of Hawaii, himself a world renowned musician and a colleague, described Angel Pena as a gentlemen's gentleman, a self-taught genius, and further said, 'I have learned a lot from him.'

"In the January-February, 1994 issue of 'Life Asia,' the Philippine columnist, Rosalinda Orosa, described Angel Pena as a 'modest maverick' because of his musical diversity and open-mindedness, accepting all kinds of music, saying that 'a good rock and roll is certainly better than a poorly composed classic.' His love of jazz music took him to cities all over Asia, performing as a jazz guitarist. Although he taught himself how to play double bass and began performing as such, he is quick to claim that jazz to this day is still his first love.

"Mr. Speaker, there's no doubt that Angel Pena has the ability and musical talent which is quite extraordinary, and his passion for music, imagination and keen sense of harmony, all of which he credits his parents. His father played the violin while his mother, a school teacher, played the piano and studied voice, but also taught him when he was nine years old the musical system solfeggio or solmization, a system where he hears notes in his

head, writes them on sheet music with fountain pen and ink and, Mr. Speaker, which he still does to this day, and then applies his musical theory on the piano.

"Sadly, his mother died when he was eleven years old, but in spite of this tragedy, only a year later, at the tender age of twelve, he composed a Kundiman, the Filipino love song, which has become a great tradition in Filipino music.

"Mr. Speaker, later in life, Angel Pena would write another Kundiman, 'Sa Batis Ng Ligaya,' in Tagalog, translated in English, 'In the Brook of Happiness,' which he dedicated to his wife, Josephine, who was living in Honolulu with their daughter while he performed on Maui. He wrote the lyrics well 'to ease some of the loneliness that he felt while being away from his loved one,' he said.

"In 1986, Angel Pena wrote the words and music to 'Wedding March,' and dedicated it to his only daughter, Irma, and her husband, Nick Gonsalves, in celebration of their marriage. Irma now teaches language at the University of California at Berkeley and lives with her family in Vallejo, California.

"Mr. Speaker, Angel Pena played for the Honolulu Symphony Orchestra as a double bassist for 20 years, but he was also chosen as musical arranger for the Symphony's Starlight Concert Series, and became the teacher of scholarship students under the auspices of the Honolulu Symphony Society. Angel Pena's works won him the acclaim of the musical community here in Hawaii and also internationally.

"In 1993, Angel Pena collaborated with local artists Byron Yasui, Larry Spivack, Robert Cazimero and John McCreary in the disc 'Songs of Liliuokalani,' featuring 16 songs from the Queen's musical collection. Angel Pena's arrangement of 'Aloha Oe' won praises from his colleagues as well as Advertiser music reviewer, Joseph Rothstein.

"Mr. Speaker, Angel Pena has a Licentiate of the Royal Schools of Music diploma from London, England and a Certificate of Merit in double bass playing from the John D. Rockefeller III Fund, a listing in the International Who's Who in Music. He has won numerous awards which would be impossible to mention here in this Chamber, but some are noted in the resolution. Angel Pena, however, is not one who rests on his laurels. He continues to work on his music, practicing counterpoint exercises, and reading music publications. He and his wife of 45 years reside in Honolulu and have two grandchildren.

"Mr. Speaker, the people of the State of Hawaii are enriched by having in our midst a person of great caliber, both artistically and personally. Thank you, Mr. Pena, you certainly have made my life richer, and you serve as an inspiration and role model to me.

"To you, Mr. Speaker and the honorable members of this body, I would like to present our honoree, Mr. Angel Pena. Mr. Angel Pena please stand.

"If I may, Mr. Speaker, I would like to also introduce the people behind him, the people who are very instrumental in the success of this man. At this time, I'd like to recognize his wife of 45 years, Mrs. Josephine Pena. Please stand to be recognized.

"Close friends of Mr. Pena, who are equally well respected in the promotion of the culture and the arts, and I would like to recognize them at this time. The first one, Mr. Orlando Valentine, was the one who introduced

Mr. Pena to play in the Honolulu Symphony as an arranger. Mr. Orlando Valentine, please stand to be recognized. And last, but not least, is Mrs. Pat Valentine who is the host, the first instructor of Philippine music and dance at the University of Hawaii. Mrs. Pat Valentine, please stand to be recognized.

"Thank you very much, Mr. Speaker."

Representative Cachola then rose and stated:

"Mr. Speaker, we have a musical genius before us. Mr. Angel. . . and my colleague pronounced it Angel, but in the Philippines we pronounced it Angel.

"He is from the province of Ilocos Norte, only about 80 kilometers away from where Representative Abinsay and I were born and raised.

"In the resolution, Mr. Speaker, Mr. Angel Pena started when he was very young. He is self-taught and when they said he composed the song Kundiman, that's the song that I heard when I was growing up way back in the Philippines. As a matter of fact, Mr. Speaker, I'm tempted to sing that song now, but for time constraints I will not do that. It's really a very beautiful love song, Mr. Speaker, and you should at least hear that.

"Mr. Speaker, Mr. Angel Pena is a well-traveled man, a musician, a composer, an arranger, and I can say that he is somebody within the Filipino community who we consider as a living treasure. Hawaii is truly blessed and fortunate to have a talent like Mr. Angel Pena.

"A tribute that I can give is this: As Austria has their own Johann Strauss, the Filipino community and Hawaii have our Angel Pena, and we honor him today. So, Mr. Pena, please keep on living and help the Filipino community, and come up with music that we will all enjoy here in Hawaii.

"Thank you, Mr. Speaker."

At this time, Representative Abinsay presented the honoree with a Certificate of Recognition, while Representatives Cachola, Kawakami, Meyer and Pendleton presented the honoree and his guests with floral leis.

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

The House of Representatives reconvened at 12:14 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were referred to committee by the Speaker:

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
958	Committee on Consumer Protection and Commerce
959	Committee on Judiciary
1714	Committee on Consumer Protection and Commerce
1715	Committee on Consumer Protection and Commerce

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 23 and 24) and concurrent resolutions (H.C.R. Nos. 24, 25 and 27) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
23	Committee on Health, then to the Committee on Education, then to the Committee on Legislative Management
24	Committee on Judiciary, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
24	Committee on Judiciary, then to the Committee on Finance
25	Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management
27	Committee on Human Services and Housing, then to the Committee on Higher Education, then to the Committee on Finance

COMMITTEE REASSIGNMENT

The following House Bill was re-referred to committee by the Speaker:

<u>H.B.</u> <u>No.</u>	<u>Re-referred to:</u>
613	Jointly to the Committee on Ocean Recreation and Marine Resources and the Committee on Hawaiian Affairs

STANDING COMMITTEE REPORTS

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 656) recommending that H.B. No. 623 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 623, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Morihara, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 657) recommending that H.B. No. 1287, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Morihara, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 658) recommending that H.B. No. 1320 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1320, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Morihara, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 659) recommending that H.B. No. 2105, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2105, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative M. Oshiro.

Representative Ward rose and stated:

"Thank you, Mr. Speaker. I rise to speak against Stand. Com Rep. 659, bonds.

"Mr. Speaker, I will do so very briefly. After the marathon of last weekend, I know that we want to have priorities of why we want to speak on Second Reading. I will give you mine as follows: first, this is a very dangerous precedent, that we're giving power to the counties to basically use CIP funds for operating expenses.

"This is the equivalent of saying, the people of Hawaii should start using credit cards at 18 percent interest to buy groceries. I'm afraid that this is a precedent that shows that we are in hard times, it shows that we are willing to pull back on fiscal discipline. In effect, not have the source of payment meet the type of payment that we're going to do.

"So as we move on to Finance, I would suggest if we could actually go to the bill on page 3 and look at Point 5, that says not only can we use this for worker's compensation, etc., we can, as Point 5 says, present 'other purposes as may from time to time be authorized by other provisions of general law.' Which, basically, is saying CIP to build schools. . .not schools, because the City and County doesn't build schools -- but CIPs for whatever reason at the county level, will now be used for operating salaries, worker's comp, and any other purpose that is legal.

"Mr. Speaker, that's a very dangerous precedent. I know fiscally we're in hard times, but we're really breaking ranks with fiscal discipline in how monies should be used.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2105, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ward voting no and Representatives Herkes, Morihara, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 660) recommending that H.B. No. 2110, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2110, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITY EXEMPTIONS FROM REAL PROPERTY TAXES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Morihara, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 661) recommending that H.B. No. 1691, as amended in HD 1, be recommitted to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1691, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYROLL PERIODS," was recommitted to the Committee on Finance with Representatives Herkes, Morihara, Takamine and White being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 662) recommending that H.B. No. 613, as amended in HD 1, be recommitted to the Committee on Ocean Recreation and Marine Resources.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 613, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE RESOURCES," was recommitted to the Committee on Ocean Recreation and Marine Resources with Representatives Herkes, Morihara, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 663) recommending that H.B. No. 103, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 663 and H.B. No. 103, HD 2, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 103, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 664) recommending that H.B. No. 104, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 664 and H.B. No. 104, HD 1, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 104, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 665) recommending that H.B. No. 133, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 665 and H.B. No. 133, HD 2, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 133, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 666) recommending that H.B. No. 352, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 666 and H.B. No. 352, HD 2, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 352, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 667) recommending that H.B. No. 392, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 667 and H.B. No. 392, HD 2, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 392, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 668) recommending that H.B. No. 405, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 668 and H.B. No. 405, HD 1, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 405, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 669) recommending that H.B. No. 816, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 669 and H.B. No. 816, HD 2, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 816, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 670) recommending that H.B. No. 931, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 670 and H.B. No. 931, HD 2, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 931, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 671) recommending that H.B. No. 1485, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 671 and H.B. No. 1485, HD 2, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1485, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 672) recommending that H.B. No. 1703, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 672 and H.B. No. 1703, HD 1, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1703, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 673) recommending that H.B. No. 1757, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 673 and H.B. No. 1757, HD 2, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1757, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 674) recommending that H.B. No. 1796, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 674 and H.B. No. 1796, HD 1, was deferred and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1796, HD 1, were made available to the members of the House.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Herkes, Jones, Morihara, Takamine and White were excused.)

THIRD READING

H.B. No. 519, HD 1:

Representative Okamura moved that H.B. No. 519, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Marumoto rose and stated:

"Mr. Speaker, I'd like to rise in favor of House Bill No. 519, House Draft 1.

"This is relating to Children and Youths Day and Month. It's just that I happen to find Youths Day difficult to pronounce, and I was wondering whether the Committee considered any amendment to the term Youths Day or if you had considered Youth Day instead.

"I think, if we continue to follow this precedent of using the possessive, we may want to rename our holidays: King Kamehameha the Firsts Day; Martin Luther King, Juniors Day; Halloweens Day; Independences Day; Admissions Day -- well I guess they already have that; Good Fridays; Kuhios Day; Flags Day; Labors Day; and Columbuses Day. Just wondering, Mr. Speaker.

"Thank you."

At 12:20 o'clock p.m., Representative Ward asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:22 o'clock p.m.

Representative Arakaki rose and stated:

"Mr. Speaker, just so that we don't get possessed by this subject regarding the possessives, we did try to make the changes which sounded a little better -- as a suggestion from Representative Pendleton. However, when we sent it to legal check, they did change it back to the original language. So apparently Youths is correct.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 519, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed Third Reading by a vote of 46 ayes, with Representatives Herkes, Jones, Morihara, Takamine and White being excused.

H.B. No. 139, HD 2:

Representative Okamura moved that H.B. No. 139, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

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

"Mr. Speaker, this is finally putting to rest one of the major four emergency issues. However, there's one flaw in this bill, and that is, I hope in Conference Committee or in the Senate, there will be the ability for this House to judge itself, and that is taking the high-three out of the high-three. And that is for those who do their service here and then move on to future endeavors, be it deputy directors of any department or in the city and counties of these islands, that there would be a different calculation and percentage rate that would rid any of the public's thinking that we were not able to take ourselves out of that loop.

"I'm not speaking of any other provisions of the bill, only that we are able to judge ourselves based upon when we, in the future, if we are so honored to have a deputy director or even a directorship, that we would opt, in the Conference Committee or in the Senate, to do what is the right thing. And that is to pull ourselves out of it and say that the high-three is out of the high-three, not that it's only prospectives, the way that H.B. 139 presently reads, Mr. Speaker."

Representative Halford then rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Halford's comments are as follows:

"Mr. Speaker, H.B. No. 139, HD 2, is essentially a good bill, with one serious flaw: this bill does not, in any way, affect anyone currently in office. It retains the jackpot formula for excessive pensions for ourselves. We are passing this bill to correct inequities in the current system for computing politicians' pensions, yet we exclude ourselves from the improvements. We should include ourselves in the improved formula we are passing.

"The constitutional arguments against including us in this bill, which arguments I am certain are flawed, could be safely skirted with a severability clause.

"As this bill currently stands, it will not begin to affect the excessive drain on our tax-funded Employees' Retirement System for another ten years. While the Nineteenth Legislature is currently looking for ways to cut

government services while raising more revenue, this incomplete bill fails to meet the test of putting our people and communities first.

"Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 139, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 46 ayes, with Representatives Herkes, Jones, Morihara, Takamine and White being excused.

The Chair directed the Clerk to note that H.B. Nos. 519 and 139 had passed Third Reading at 12:25 o'clock p.m.

ANNOUNCEMENTS

Representative Santiago: "Members, we have received a challenge from the Senate, unfortunately. The Senate has asked us to resume the basketball game and they took care of everything. They informed me this morning that on March 13th, at Klum Gym, at 7 o'clock p.m., they're going to show up and that we have to have a team to challenge them."

"So Mr. Speaker, if you recall. . . I think we've got something in your size this year also. You're going to be part of the half-time entertainment -- doing his free-throw challenge again. So, members, please keep March 13th at 7 o'clock p.m. open, Klum Gym. There's going to be a staff game to follow right after. All in fun, but we are going to avenge ourselves this year."

Representative Yoshinaga rose and requested waiver of the 48-hour hearing notice requirement to hear House Bill No. 1696 in the joint Committees on Energy and Environmental Protection and Ocean Recreation and Marine Resources; and House Bill Nos. 127, 1292, 175, 553, 542 and Senate Bill No. 1578 by the EEP Committee tomorrow morning at 9:00 o'clock in Room 312, and the Chair "so ordered."

Representative Ward: "Mr. Speaker, there will be a very brief Minority caucus immediately following session."

ADJOURNMENT

At 12:28 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, February 19, 1997. (Representatives Herkes, Jones, Morihara, Takamine and White were excused.)

TWENTY-THIRD DAY

Wednesday, February 19, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:42 o'clock a.m., with the Speaker presiding.

The invocation was delivered by The Reverend Marilyn Watts from St. Philip's Episcopal Church, after which the Roll was called showing all members present with the exception of Representatives Pendleton and Takamine, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Second Day was deferred.

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 151) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 151, transmitting copies of the 1996 Report of the Commission to Promote Uniform Legislation of the Department of the Attorney General.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 17 through 23) were received and announced by the Clerk and were placed on file.

Sen. Com. No. 17, transmitting S.B. No. 985, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," which passed Third Reading in the Senate on February 18, 1997.

Sen. Com. No. 18, transmitting S.B. No. 1362, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," which passed Third Reading in the Senate on February 18, 1997.

Sen. Com. No. 19, transmitting S.B. No. 1486, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," which passed Third Reading in the Senate on February 18, 1997.

Sen. Com. No. 20, transmitting S.B. No. 1493, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," which passed Third Reading in the Senate on February 18, 1997.

Sen. Com. No. 21, transmitting S.B. No. 1501, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," which passed Third Reading in the Senate on February 18, 1997.

Sen. Com. No. 22, transmitting S.B. No. 1533, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," which passed Third Reading in the Senate on February 18, 1997.

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, S.B. Nos. 985, SD 1; 1362; 1486; 1493, SD 1; 1501 and 1533, passed First Reading by title and further action was deferred until later in the calendar, with Representatives P. Oshiro, Pendleton, Saiki, Takamine, Tom and White being excused.

Sen. Com. No. 23, informing the House that the President has, on February 18, 1997, appointed the following Senators, as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following bills:

H.B. 117, SD 1:

Senators Chumbley and Matsunaga, Co-Chairs; McCartney and Metcalf.

H.B. 118, HD 1, SD 1:

Senators Chumbley and Matsunaga, Co-Chairs; McCartney and Metcalf.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate bills were referred to committee by the Speaker:

<u>S.B. Nos.</u>	<u>Referred to:</u>
985	Committee on Consumer Protection and Commerce
1362	Committee on Consumer Protection and Commerce
1486	Jointly to the Committee on Consumer Protection and Commerce and Judiciary, then to the Committee on Finance
1493	Committee on Consumer Protection and Commerce
1501	Committee on Consumer Protection and Commerce
1533	Committee on Consumer Protection and Commerce

DEFERRED RESOLUTIONS

The following resolution (H.R. No. 28) and concurrent resolutions (H.C.R. Nos. 28 through 30) were referred to committee by the Speaker:

<u>H.R. No.</u>	<u>Referred to:</u>
28	Committee on Economic Development and Business Concerns, then to the Committee on Finance
<u>H.C.R. Nos.</u>	
28	Committee on Economic Development and Business Concerns, then to the Committee on Finance
29	Committee on Finance
30	Committee on Economic Development and Business Concerns, then to the Committee on Finance

INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)

H.R. No. 34, entitled: "HOUSE RESOLUTION RECOGNIZING THE HAWAII CONGRESS OF PARENTS TEACHERS AND STUDENTS' CELEBRATION OF THE NATIONAL CONGRESS OF PARENTS AND TEACHERS 100TH ANNIVERSARY," was offered jointly by Representatives Stegmaier and Morita.

On motion by Representative Stegmaier, seconded by Representative M. Oshiro and carried, H.R. No. 34 was adopted, with Representatives Pendleton, Saiki and Takamine being excused.

Representative Stegmaier then rose and proceeded to introduce the honorees, stating:

"Mr. Speaker, I'm very honored today to move for the adoption of this resolution recognizing the Hawaii Congress of Parents, Teachers and Students on the occasion of their celebration of the 100th Anniversary of the National Congress of Parents and Teachers.

"Those of us on the House Education Committee know how important the Hawaii PTSA has been to our legislative deliberations. In fact, on some bills, their testimony has made the difference between passing a measure out or holding it in committee. I'm especially thankful for the good work of Susan St. Aubin, the Legislative Chair, and Amy Stone Murai who I will be introducing momentarily.

"The PTSA-PTA is best known for encouraging the active participation of parents in their children's schools to do fund raising and tend to their children's own needs, as well as a variety of other responsibilities that have been placed on the PTSA in recent years. Yet, I predict that two of its five relatively dormant goals will hopefully become the defining characteristics of the PTSA in the next hundred years of its existence.

"First, to raise the standards of home life; and second, to bring into closer relation the home and the school so that the parents and teachers may cooperate intelligently in the education of children and youth. Those are two of the five goals that have been with this organization since its inception.

"Mr. Speaker, what is emerging as the most important truth about education is that parents make the biggest difference to how well a child performs. We recognize that government has the most difficulty influencing the home life and parental attention to their children's studies. So, therefore, it is hoped that with the start of a new century of history, the PTSA becomes a partner with the school in attempting to have parents realize their critical responsibility as their children's first and most important teachers.

"Mr. Speaker, on the floor today are representatives of the fine leadership of the Hawaii PTSA, as well as a group from one select school's PTSA organization, all from Iliahi Elementary School in Wahiawa. I would like to introduce the individuals at this time. First, the PTSA's first Vice-President whose daughter, Megan, attends Moanalua Intermediate School, Amy Stone Murai; Mrs. Shelly Choy, a parent; Mrs. Fran Shimote, a teacher-counselor; and the two student representatives today: Michael Cieslak and Allison Morihara.

"Mr. Speaker, I'd also like to recognize some people in the gallery. First, we have two former president's of the Hawaii PTSA: Arlene Iwano, and Linda Hodge who has become the National PTA Region Seven Director and, therefore, comes back to Hawaii every once in a while;

and Susan St. Aubin who is the third Vice-President and the State Legislative Chair.

"We also have two groups of wonderful singers who have been participating in the celebration ceremonies of the PTSA this morning: the Waiiau Elementary Choir directed by Karen Hikichi, and the Manana Elementary Choir directed by Aaron Paragosa," and asked all of them to stand to be recognized.

"Thank you very much."

Representative Arakaki then rose in support of the resolution, stating:

"Mr. Speaker, as one of the co-conveners of the Keiki Caucus and an honorary co-chair for the Hawaii Children's Campaign, I really want to thank the Hawaii State PTSA for their involvement and their support as advocates. I think for those of us who are advocates for children and youth, we realize how important it is because our children don't vote, they don't have the political power that other groups may have, and yet our children are the investment in the future of Hawaii.

"Each child, no matter what their talents, no matter what their shortcomings, they're an investment, and they mean a lot to our future. So I think in light of even the recent findings of the research on early brain development, it's even more important for parents to realize how important they are to a child's life and a child's education, and they make all the difference in the world.

"And we tend to rely on experts, but I think the real experts are our parents. I think in partnership with our teachers, who I think we also need to recognize as a valued partner, and the students who are the real consumers, this kind of partnership will lead to a successful educational system. So I want to pay tribute on their 100th Anniversary nationally.

"I also want to recognize some friends of mine who came to join us to celebrate. They're not constituents, but they live in Pearl City. I just want to recognize them: Margaret Hatmaker-Voyles and two of her four bright and energetic sons, Jeffery and John Michael.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I would also like to recognize another teacher and her students who have come to be with us today. Lena Kanemori from Enchanted Lakes, and her students who are with her. They're focusing on improving Hawaii's environment. If they would stand.

"Thank you."

Representative Morihara then rose and stated:

"Mr. Speaker, I certainly rise to support this resolution and to have the words of the previous speakers entered as my own," and the Chair "so ordered." (By reference only)

"I would also like to recognize Allison who is a cousin of mine, and with that I would like to ask the Speaker's indulgence on a conflict."

The Chair ruled "no conflict," and Representative Morihara thanked the Chair.

Representative Tom then rose and stated:

"Yes, I kind of looked behind my head, too. Anyway, Mr. Speaker, I'd like to introduce a school in my district -- Heeia Elementary. If the persons can rise: chaperones, Debra Ebisuzaki and Wayne Izumi; and sixth grade students Cassie Makainai, daughter of Sam Makainai who is very, very famous in Kaneohe; and Erin Kimura. Will you please rise to be recognized?"

"Thank you."

Representative M. Oshiro then rose and stated:

"Thank you, Mr. Speaker. I would be remiss if I didn't make some very brief comments.

"The honorees this morning, representing the PTSA, are from Wahiawa. They're from Iliahi Elementary School, and that's in my district. I'm very pleased to see them here and very honored that they are here representing the entire organization of the State, and that these people -- these students and these teachers -- come from Wahiawa.

"I'd also like to mention, Mr. Speaker, that Fran Shimote, last year, was the Central Oahu Teacher of the Year, and it only shows that a good organization such as the PTSA have good people involved in it.

"Thank you, Mr. Speaker."

Representative Moses then rose and stated:

"Mr. Speaker. I also would like to rise in support of the motion and also to declare a possible conflict."

The Chair asked Representative Moses to "state your conflict."

Representative Moses then stated:

"My wife and I are both PTA board members."

The Chair remarked:

"That's certainly a conflict; you have to sit down. Please be seated.

"No. . . please proceed."

Representative Moses then stated:

"Thank you, Mr. Speaker. I just want to say that I think that the PTA-PTSA is a wonderful organization. They are true advocates of bringing together the necessary members to help us get our children the proper education that they deserve. With parents, teachers, students all working together, we can achieve anything.

"Thank you, Mr. Speaker."

At this time, Representative Stegmaier presented Ms. Amy Stone Murai with a Certificate of Recognition, while Representatives Morihara, Morita, M. Oshiro and Santiago presented the honorees with floral leis.

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 12:43 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Pendleton and Takamine were excused.)

STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 675) recommending that H.B. No. 109, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 109, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM PROMOTION AND MARKETING," passed Third Reading by a vote of 45 ayes, with Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 676) recommending that H.B. No. 114 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 114, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 45 ayes, with Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 677) recommending that H.B. No. 147, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 147, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Third Reading by a vote of 45 ayes, with Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 678) recommending that H.B. No. 419, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 419, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," passed Third Reading by a vote of 45 ayes, with Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 679) recommending that H.B. No. 580, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 580, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE BUSINESS RESEARCH LIBRARY," passed Third Reading by a vote of 45 ayes, with Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 680) recommending that H.B. No. 998 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 998, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC HEALTH CARE SPECIALISTS," passed Third Reading by a vote of 45 ayes, with Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 681) recommending that H.B. No. 1733 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1733, entitled: "A BILL FOR AN ACT RELATING TO THE BOATING SPECIAL FUND," passed Third Reading by a vote of 45 ayes, with Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 682) recommending that H.B. No. 1762 pass Third Reading.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1762 pass Third Reading, seconded by Representative M. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1762, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF IMPOUNDED VESSELS," passed Third Reading by a vote of 44 ayes to 1 no, with Representative Kahikina voting no, and Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 683) recommending that H.B. No. 2145 pass Third Reading.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2145 pass Third Reading, seconded by Representative M. Oshiro.

Representative Kawanakoa rose and stated:

"Yes, I just want to bring it to the members' attention, if they haven't noted already, that the Regimental Discipline Program is a wonderful program. It affords an opportunity for boot camps in our incarceration process. I was looking for a very innovative means by which we can help put people on the right track.

"I'd like to commend the Chair of the Public Safety and Military Affairs, Nestor Garcia, for moving this bill forward.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2145, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPLEMENT A PROGRAM OF REGIMENTAL DISCIPLINE," passed Third Reading by a vote of 45 ayes, with Representatives Cachola,

Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

The Chair directed the Clerk to note that H.B. Nos. 109, 114, 147, 419, 580, 998, 1733, 1762 and 2145 had passed Third Reading at 12:46 o'clock p.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 684) recommending that H.B. No. 1410, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1410, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION RECORDS AND USES THEREOF," passed Second Reading and was placed on the calendar for Third Reading with Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 685) recommending that H.B. No. 2308 be recommitted to the Committee on Judiciary.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2308, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATE," was recommitted to the Committee on Judiciary with Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

THIRD READING

H.B. No. 623:

Representative Okamura moved that H.B. No. 623 pass Third Reading, seconded by Representative M. Oshiro.

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

"Mr. Speaker, this is one of the House Women's Caucus bills. I would like to thank all of the House Women Caucus members and the other members who have also supported this bill. I think it will help prevent some domestic violence because an abuser no longer will be able to expunge his or, maybe, her record. I think it's a fine bill; it sends a good message out there to the community. Once you are determined to be an abuser and convicted of that abuse, that record is going to stay with you.

"I would hope that we also would be able to stand in strong support about future House Women's Caucus bills that are still within certain committees.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 623, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Third Reading by a vote of 45 ayes, with Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

H.B. No. 1320:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.B. No. 1320, entitled: "A BILL FOR AN ACT RELATING TO

TAXATION," passed Third Reading by a vote of 45 ayes, with Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi being excused.

The Chair directed the Clerk to note that H.B. Nos. 623 and 1320 had passed Third Reading at 12:49 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 30 through 33) and concurrent resolutions (H.C.R. Nos. 31 through 35) were offered and referred to committee:

H.R. No. 30, entitled: "HOUSE RESOLUTION REQUESTING SAFER SCHOOLS IN SECONDARY EDUCATION," was offered by Representative Santiago.

Referred to: Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

H.R. No. 31, entitled: "HOUSE RESOLUTION REQUESTING THAT CARDIOPULMONARY RESUSCITATION AND FIRST AID BE REQUIRED IN ALL PUBLIC AND PRIVATE HIGH SCHOOL HEALTH CLASSES," was offered by Representative Santiago.

Referred to: Committee on Health, then to the Committee on Education, then to the Committee on Finance

H.R. No. 32, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ALTER THE CONTENT OF THE REQUIRED HEALTH CLASSES IN SECONDARY SCHOOLS," was offered by Representative Santiago.

Referred to: Committee on Health, then to the Committee on Labor and Public Employment, then to the Committee on Education

H.R. No. 33, entitled: "HOUSE RESOLUTION URGING A CONCERTED STATE EFFORT TO ENCOURAGE STATE AGENCIES AND PRIVATE PROVIDERS TO MEET THE NEEDS OF YOUTH IN THE WAIALUA AND LAIE REGION," was offered by Representative Santiago.

Referred to: Committee on Human Services and Housing, then to the Committee on Finance

H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING SAFER SCHOOLS IN SECONDARY EDUCATION," was offered by Representative Santiago.

Referred to: Committee on Economic Development and Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance

H.C.R. No. 32, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT CARDIOPULMONARY RESUSCITATION AND FIRST AID BE REQUIRED IN ALL PUBLIC AND PRIVATE HIGH SCHOOL HEALTH CLASSES," was offered by Representative Santiago.

Referred to: Committee on Health, then to the Committee on Education, then to the Committee on Finance

H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF

EDUCATION TO ALTER THE CONTENT OF THE REQUIRED HEALTH CLASSES IN SECONDARY SCHOOLS," was offered by Representative Santiago.

Referred to: Committee on Health, then to the Committee on Labor and Public Employment, then to the Committee on Education

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION URGING A CONCERTED STATE EFFORT TO ENCOURAGE STATE AGENCIES AND PRIVATE PROVIDERS TO MEET THE NEEDS OF YOUTH IN THE WAIALUA AND LAIE REGION," was offered by Representative Santiago.

Referred to: Committee on Human Services and Housing, then to the Committee on Finance

H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT AN AUDIT OF THE INSTITUTE FOR ASTRONOMY AT THE UNIVERSITY OF HAWAII," was offered by Representative Morihara.

Referred to: Committee on Higher Education, then to the Committee on Legislative Management

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, I move to reconsider this body's plans for this evening by them all coming to the Lincoln Day Dinner this night at the Hilton Hawaiian Village."

Representative Morita: "Just a reminder. The celebration of the 100th Anniversary of the Hawaii State PTSA is continuing with a legislative luncheon in Room 016."

Representative M. Oshiro: "I just need to remind the members that we'll be in recess from February 20th to the 26th. The House will convene at 11:30 a.m. on Thursday, February 27th."

ADJOURNMENT

At 12:50 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. on Thursday, February 27, 1997. (Representatives Cachola, Hiraki, Pendleton, Stegmaier, Takamine and Takumi were excused.)

TWENTY-FOURTH DAY

Thursday, February 27, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 12:15 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Commander Robert A. Price, Chaplain Corps USN, after which the Roll was called showing all members present.

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, reading of the Journals was dispensed with and the Journals of the Sixteenth, Seventeenth, Eighteenth and Nineteenth Days were subsequently approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 152 through 158) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 152, transmitting copies of the following: Report to the Nineteenth Legislature, State of Hawaii, 1997, 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.

Gov. Msg. No. 153, transmitting copies of the **Small Business Task Force on Regulatory Relief Report** prepared by the Business Development Division of the Department of Business, Economic Development, and Tourism pursuant to H.B. 3208 passed in the 1996 legislative session.

Gov. Msg. No. 154, transmitting copies of the report: Requesting the Coordination of Efforts To Make University of Hawai'i Library Collections Available on a Systemwide and Statewide Basis Through Modern Distributed Digital Storage Systems and Telecommunications Technologies, prepared by the University of Hawai'i, pursuant to SR 132.

Gov. Msg. No. 155, transmitting copies of the reports on the progress of project expenditures, progress reports and recommendations for funding in future years, in accordance with Act 218, Session Laws of Hawaii, Regular Session of 1995, and Act 287, Session Laws of Hawaii 1996.

Gov. Msg. No. 156, transmitting copies of The Research Corporation of the University of Hawai'i's 1996 Annual Report as mandated by Section 307-6, H.R.S.

Gov. Msg. No. 157, transmitting copies of the 1995 Annual Report prepared by the Executive Office on Aging.

Gov. Msg. No. 158, transmitting copies of the report entitled: Long Term Care Guidelines, prepared by the Executive Office on Aging.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. No. 24 through 27) were received and announced by the Clerk and were placed on file.

Sen. Com. No. 24, transmitting S.B. No. 107, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KONA INTERNATIONAL AIRPORT," which passed Third Reading in the Senate on February 19, 1997.

Sen. Com. No. 25, transmitting S.B. No. 208, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on February 19, 1997.

Sen. Com. No. 26, transmitting S.B. No. 1110, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," which passed Third Reading in the Senate on February 19, 1997.

Sen. Com. No. 27, transmitting S.B. No. 1885, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," which passed Third Reading in the Senate on February 19, 1997.

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, S.B. Nos. 107, SD 1; 208, SD 1; 1110; and 1885, SD 1, passed First Reading by title and further action was deferred until later in the calendar.

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

Representative Kahikina introduced Fe Balanay, a student intern from Leeward Community College majoring in accounting, and Nadine Gomes, "my very capable Committee Clerk."

Representative Kahikina then introduced a group of second graders from Maili Elementary School, accompanied by their chaperones: Mr. Corpus, Mr. Calvin Nakano, Mrs. Randi Cabral, Mrs. Dorian Horio, Ms. Nancy Sanpei, Mrs. Carol Putorak, Mrs. Lori Sasaki, Mrs. Elaine Senensi, Lani Dano, Mrs. Oponui, Mrs. Smith, Mrs. Jonah and Mrs. Chang.

Representative Morita introduced a group of students from Kawaiahaeo School who were celebrating National Montessori Week, in honor of Maria Montessori, "an Italian doctor who observed how children learned, and opened the first Children's House in 1907 and published her observations in 1910. Today, there are over 5,000 public and private Montessori Schools in the United States, and many more world-wide. Today, let us welcome: Max Bardella, Andre Conn, Caitlin Higa, Christopher Hu, Sullivan Kramer, Ian Little, Kelsey McCoy, Tia Okemura, Megann Sala, Dennis Schwiebert, Chelsea Singlehurst, Eric Tsuji, Kai VanDrnan and Jarel Yim. And also their teachers: Ginger Kaopuiki and Marie Hook, and the school director, Wendy Lagareta."

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate bills were referred to committee by the Speaker:

<u>S.B.</u>	<u>Referred to:</u>
<u>Nos.</u>	
107	Committee on Transportation

- 208 Committee on Economic Development and Business Concerns, then to the Committee on Finance
- 1110 Committee on Consumer Protection and Commerce
- 1885 Committee on Finance

DEFERRED RESOLUTION

The following concurrent resolution (S.C.R. No. 18) was referred to committee by the Speaker:

S.C.R

No. Referred to:

- 18 Committee on Transportation

STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 686) recommending that H.B. No. 480, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 686 on H.B. No. 480, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 480, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 687) recommending that H.B. No. 1658, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 687 and H.B. No. 1658, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1658, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 688) recommending that H.B. No. 1724, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 688 on H.B. No. 1724, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1724, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 689) recommending that H.B. No. 1619, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 689 on H.B. No. 1619, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1619, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 690) recommending that H.B. No. 819, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 690 on H.B. No. 819, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 819, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 691) recommending that H.B. No. 294, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 691 on H.B. No. 294, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 294, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 692) recommending that H.B. No. 2238, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 692 on H.B. No. 2238, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2238, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 693) recommending that H.B. No. 2222, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 693 on H.B. No. 2222, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2222, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 694) recommending that H.B. No. 1906, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 694 on H.B. No. 1906, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1906, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 695) recommending that H.B. No. 1896, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 695 on H.B. No. 1896, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1896, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 696) recommending that H.B. No. 1869, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 696 on H.B. No. 1869, HD 2, was deferred, and in accordance with Article III, Section 15, of the

Constitution of the State of Hawaii, printed copies of H.B. No. 1869, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 697) recommending that H.B. No. 1837, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 697 on H.B. No. 1837, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1837, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 698) recommending that H.B. No. 1815, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 698 on H.B. No. 1815, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1815, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 699) recommending that H.B. No. 1755, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 699 on H.B. No. 1755, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1755, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 700) recommending that H.B. No. 1731, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 700 on H.B. No. 1731, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1731, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 701) recommending that H.B. No. 1709, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 701 on H.B. No. 1709, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1709, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 702) recommending that H.B. No. 1610, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 702 on H.B. No. 1610, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1610, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 703) recommending that H.B. No. 1585, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 703 on H.B. No. 1585, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1585, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 704) recommending that H.B. No. 1498, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 704 on H.B. No. 1498, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1498, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 705) recommending that H.B. No. 417, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 705 on H.B. No. 417, HD 3, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 417, HD 3, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 706) recommending that H.B. No. 4, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 706 on H.B. No. 4, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 4, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 707) recommending that H.B. No. 1840, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 707 on H.B. No. 1840, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1840, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 708) recommending that H.B. No. 1801, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 708 on H.B. No. 1801, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1801, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 709) recommending that H.B. No. 1730, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 709 on H.B. No. 1730, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1730, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 710) recommending that H.B. No. 146, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 710 on H.B. No. 146, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 146, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 711) recommending that H.B. No. 397, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 711 on H.B. No. 397, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 397, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 712) recommending that H.B. No. 546, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 712 on H.B. No. 546, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 546, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 713) recommending that H.B. No. 822, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 713 on H.B. No. 822, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 822, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 714) recommending that H.B. No. 1571, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 714 and H.B. No. 1571, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1571, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 715) recommending that H.B. No. 1577, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 715 on H.B. No. 1577, HD 2, was deferred, and in accordance with Article III, Section 15, of the

Constitution of the State of Hawaii, printed copies of H.B. No. 1577, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 716) recommending that H.B. No. 1587, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 716 on H.B. No. 1587, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1587, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 717) recommending that H.B. No. 1625, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 717 on H.B. No. 1625, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1625, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 718) recommending that H.B. No. 1638, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 718 on H.B. No. 1638, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1638, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 719) recommending that H.B. No. 1649, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 719 on H.B. No. 1649, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1649, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 720) recommending that H.B. No. 1655, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 720 on H.B. No. 1655, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1655, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 721) recommending that H.B. No. 1657, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 721 on H.B. No. 1657, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1657, HD 1, were made available to the members of the House.

By unanimous consent, consideration of Stand. Com. Rep. No. 747 on H.B. No. 1654, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1654, HD 1, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 748) recommending that H.B. No. 1836, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 748 on H.B. No. 1836, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1836, HD 2, were made available to the members of the House.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 749) recommending that H.B. No. 1895, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 749 on H.B. No. 1895, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1895, HD 2, were made available to the members of the House.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 750) recommending that H.B. No. 1842, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 750 on H.B. No. 1842, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1842, HD 2, were made available to the members of the House.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 751) recommending that H.B. No. 1886, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 751 on H.B. No. 1886, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1886, HD 1, were made available to the members of the House.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 752) recommending that H.B. No. 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 752 on H.B. No. 1, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1, HD 1, were made available to the members of the House.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 753) recommending that H.B. No. 581, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 753 on H.B. No. 581, HD 1, was deferred, and in accordance with Article III, Section 15, of the

Constitution of the State of Hawaii, printed copies of H.B. No. 581, HD 1, were made available to the members of the House.

At this time, Representative Thielen moved to recall House Bill No. 200, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE HAWAII CONSTITUTION TO ESTABLISH LEGISLATIVE TERM LIMITS," from the Judiciary Committee, in accordance with House Rule No. 37.1, and asked that said bill be referred to the Committee of the Whole, in accordance with House Rule No. 15.1, "for the purpose of hearing this bill establishing legislative term limits."

The motion was seconded by Representative Ward.

At 12:24 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:29 o'clock p.m., Representative Kawanakoa rose and stated:

"Thank you, Mr. Speaker. I just wanted to rise in support of the motion."

The Chair responded, stating:

"There is no debate in this matter."

Representative Kawanakoa then asked:

"May I call a recess and speak with you?"

The Chair responded, stating:

"We just had a recess. No, no debate on this matter, please."

Representative Kawanakoa then stated:

"Mr. Speaker, with regard to the motion, I believe there's debate."

The Chair responded, stating:

"There is no debate in regard to the motion. You're out of order."

Representative Kawanakoa then stated:

"I have to disagree."

The Chair responded, stating:

"That's your right."

Representative Kawanakoa then stated:

"May I ask our attorney to verify your ruling?"

At 12:30 o'clock p.m., Representative Stegmaier asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

Representative Kawanakoa then rose and stated:

"Thank you, Mr. Speaker.

"I wanted to rise in support of the motion to call this bill on term limits to the Committee of the Whole so we could all discuss it. There were three points I wanted to

make. One is that about 80 percent of the public feels that this is an important issue."

The Chair responded, stating:

"You should speak to the merits of the motion, and don't get back to the issue. I think enough has been done."

Representative Kawanakoa then stated:

"Mr. Speaker, I'm not even saying whether I'm in favor of the term limits or opposed."

The Chair interrupted Representative Kawanakoa and called him "out of order" and asked him to speak on the motion and not the measure.

Representative Kawanakoa then stated:

"Mr. Speaker, I will go ahead and speak to the merits of the motion."

The Chair responded, stating:

"Well, speak to the merits, just to the motion."

Representative Kawanakoa then stated:

"I believe we should have an open forum to discuss the merits of term limits. Not that we'll discuss them now but I believe it's appropriate for each and every one of us to hear the arguments for and against term limits. This is an important matter.

"For my entire term -- two terms now here at the Legislature -- we've had bills before the Committee on Judiciary and none of them have had a hearing. Today, we should have a hearing. The public wants a hearing, the people need a hearing.

"There is no reason that we should not discuss this important matter. Whether it's a parliamentary procedure or otherwise, it is keeping us from a discussion in an open forum. Today is the day to discuss it.

"I'm rising in support of the motion, and I hope my colleagues will join me in discussing this important matter that eighty percent of the public want to have heard.

"Thank you."

Representative Ward then rose and stated:

"I rise to add one significant point, and that is this ability to move a bill to the floor. The Committee of the Whole is equivalent to initiative to the people of Hawaii.

"It gives a chance for everybody to express their will. We only need 17 people here to express what otherwise, what censors, 80 percent of the people have wanted to have term limits. This is the first historical utterance of the word term limits on this floor.

"This motion is a chance to express the will of the people. It's a vehicle by which a mechanism for the venting of the people of Hawaii can be done. It's a historic moment, Mr. Speaker, we hope that you'll take advantage of it with us."

Representative Thielen rose and requested a roll call on the recall of H.B. No. 200.

The request for a roll call was put to vote by the Chair and upon a show of hands, the request was granted.

Roll call having been requested, the motion for recall of H.B. No. 200 was put to vote by the Chair and failed to carry by the following show of noes, ayes and excused:

Noes, 38: Representatives Abinsay, Ahu Isa, Arakaki, Cachola, Case, Chang, Garcia, Goodenow, Hamakawa, Herkes, Hiraki, Ito, Jones, Kahikina, Kanoho, Kawakami, Lee, Menor, Morihara, Morita, Nakasone, Okamura, M. Oshiro, P. Oshiro, Saiki, Santiago, Say, Stegmaier, Suzuki, Takai, Takumi, Tarnas, Tom, White, Yamane, Yonamine, Yoshinaga and Souki.

Ayes, 12: Representatives Aiona, Fox, Halford, Kawanakoa, Marumoto, McDermott, Meyer, Moses, Pendleton, Thielen, Ward and Whalen.

Excused, 1: Representative Takamine.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 754) recommending that H.B. No. 872 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 872, entitled: "A BILL FOR AN ACT RELATING TO THE EAST-WEST CENTER," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 755) recommending that H.B. No. 1659 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1659, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 756) recommending that H.B. No. 1006, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1006, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 757) recommending that H.B. No. 2227 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2227, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representatives Herkes, Jones and Cachola, for the Committees on Economic Development and Business Concerns and Agriculture and Tourism, presented a joint report (Stand. Com. Rep. No. 758) recommending that H.B. No. 1693 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1693, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 759) recommending that H.B. No. 260 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 260, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 760) recommending that H.B. No. 369 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 369, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 761) recommending that H.B. No. 919 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 919, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PROPERTY INSURANCE ASSOCIATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 762) recommending that H.B. No. 784, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 784, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF ARCHITECTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 763) recommending that H.B. No. 1189, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1189, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 764) recommending that H.B. No. 1216, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1216, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 765) recommending that H.B. No. 1330 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1330, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 766) recommending that H.B. No. 1190, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1190, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 767) recommending that H.B. No. 1049, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1049, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 768) recommending that H.B. No. 1897 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1897, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 769) recommending that H.B. No. 1902 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1902, entitled: "A BILL FOR AN ACT RELATING TO NURSING HOME ADMINISTRATORS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 770) recommending that H.B. No. 1326 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1326, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 771) recommending that H.B. No. 1885, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1885, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 772) recommending that H.B. No. 1887, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1887, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF BARBERING AND COSMETOLOGY," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 773) recommending that H.B. No. 1889, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1889, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF HEARING AID DEALERS AND FITTERS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 774) recommending that H.B. No. 1899, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1899, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 775) recommending that H.B. No. 1890, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1890, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 776) recommending that H.B. No. 1894 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1894, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF THE ELEVATOR MECHANIC LICENSING BOARD," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 777) recommending that H.B. No. 1872, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1872, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," passed Second Reading and was placed on the calendar for Third Reading with Representatives

Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 778) recommending that H.B. No. 2146, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2146, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY TELEPHONE SERVICE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representatives Tom and Garcia, for the Committees on Judiciary and Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 779) recommending that H.B. No. 1539 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1539, entitled: "A BILL FOR AN ACT RELATING TO YOUTH CORRECTIONAL FACILITIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 780) recommending that H.B. No. 2134 pass Second Reading and be placed on the calendar for Third Reading.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 2134 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative M. Oshiro.

Representative Thielen rose and stated:

"Mr. Speaker, I would like to ask the Clerk to cast a no vote for me on House Bill 2134.

"Mr. Speaker, this is the bill that allows public agencies or departments, boards, commissions to hold emergency meetings. The difficulty I have with the bill, Mr. Speaker, is that if they're allowed to do this -- to hold emergency meetings without any advance notice to the public -- simply if unanticipated events occur, all it takes is an unanticipated event.

"What's that? A big rainstorm, a big windstorm. What is it? It's not even defined, and it's so broad that what it does is slams the door shut on public participation on boards, commissions and agencies. I think we should take a very hard look at this. I hope it's one of the bills that does not surface on Tuesday for final vote.

"Thank you."

Representative Halford then rose and stated:

"The same bill, with reservations, please."

Representative Tom then rose and stated:

"I'd like to just speak in favor of the bill very briefly.

"All this bill did was to allow the Corporation Counsel, as the Attorney General does for State Boards, to call

emergency meetings, if necessary, for County Boards. I see nothing wrong with that.

"What the former speaker is talking about is already in the law. We allow, if there are less than six days notice to be given for emergency meetings, to allow it. We haven't changed that nor were we trying to change that. All we were trying to do is allow the same opportunity for the Corporation Counsel as is now done for the State.

"If you look at the law, it's very clear as to what emergencies are. We don't know what emergencies are going to arise. There may be emergencies that arise from one to the other.

"The criticism of the Legislature, many times, is we make too many laws, that we define too many things. You really cannot define an emergency because when an emergency occurs, you have to respond to it. And the law already provides what constitutes an emergency with less than six days of notice.

"So I hope that when we speak for and against bills, that we not do it so generally, but look at the bill and know what its intent is, and what was introduced, and what is in the bill which is already in our Legislature, and it's been there for years. And so, Mr. Speaker, that's my explanation."

Representative Thielen then rose and stated:

"Thank you, Mr. Speaker. I know what is in the bill. We're going in the wrong direction. We're expanding this and allowing more doors to be shut on the public, and I think that's the wrong way to go.

"And I still think that it is so loose -- the language -- unanticipated events that some of the government officials can make certain circumstances fall within that definition. We shouldn't be doing this. We're going the wrong way, Mr. Speaker. Frankly, that's the problem.

"Instead of tightening back on the ways that we're shutting the door on the public, we're continuing to go forward, and now we're saying to the counties, go ahead and slam your doors if there's an unanticipated event. Well, frankly, I think that's the wrong way. That's not open government, that's closed government."

Representative Tom then rose and stated:

"Yes, Mr. Speaker, I'd just like to refer that this bill has been in existence for several years, and the Judiciary Committee has always worked towards open government and accessibility. If this law has been in existence for several years, and this speaker thinks we're going in the wrong direction, I haven't seen a bill from that speaker to change that direction in this particular subject matter. So I'd like to just state that if it's such a big issue, then let's see it.

"Thank you, Mr. Speaker."

Representative Thielen then rose on a point of personal privilege and stated:

"My point is, you will, Chairman, but will you hear it?"

Representative Yamane then rose and stated:

"I rise in support of this bill. Contrary to some earlier preaching, all of us that have spoken so far have had the opportunity to sit in on the committee meetings. And for those members that are concerned, you can read a committee report.

"Obviously, we had a majority of people who felt the way the Chair did, and as far as redefining what emergency was, nobody had any language to make any recommendations to make any changes at the bill's passing."

Representative Okamura then rose to speak in favor of the measure, stating:

"Mr. Speaker, I'd just like to clarify also that the existing law which was passed a few years ago, which was unanimously voted for, including all of the Republicans across the aisle, requires that in emergency situations, where there is now a six day notice for the counties, that two-thirds of the members of the boards or commissions have to, in writing, request to the Attorney General, and the State's boards and commissions, and for the City and County's boards and commissions, to the Corporation Counsel to get approval to have that emergency meeting.

"And again, I also would like to reiterate that the Republicans did support this unanimously. Why, if there's such a concern, why was not a bill introduced to make this change, and why is there such criticism at this point?"

"Thank you."

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

"Mr. Speaker, the bill itself does not address any of the concerns that are being argued about right now. The bill simply addresses the ability of the County to deal with an emergency situation. Whether the bill passes or fails, we are not addressing the concern that's being thrown across this floor one way or the other. I think we should move along."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2134, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEETING OF PUBLIC AGENCIES," passed Second Reading and was placed on the calendar for Third Reading with Representative Thielen voting no, and Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 781) recommending that H.B. No. 1203 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1203, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 782) recommending that H.B. No. 2128, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2128, 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 with Representatives

Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 783) recommending that H.B. No. 1048, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1048, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL REMEDIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 784) recommending that H.B. No. 1201 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1201, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 785) recommending that H.B. No. 1601, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1601, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 786) recommending that H.B. No. 1296 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1296, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 787) recommending that H.B. No. 1510 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1510, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 788)

recommending that H.B. No. 1537, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1537, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 789) recommending that H.B. No. 1407 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1407, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF ELECTION RESULTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 790) recommending that H.B. No. 912, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 912, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Santiago, Stegmaier and Takamine being excused.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering a bill on Third Reading on the basis of a modified consent calendar. (Representatives Nakasone, Santiago, Stegmaier and Takamine were excused.)

STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 791) recommending that H.B. No. 1707, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1707, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF VETERANS' SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 792) recommending that H.B. No. 1634, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1634, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

HAWAII PAROLING AUTHORITY," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 793) recommending that H.B. No. 1613 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1613, entitled: "A BILL FOR AN ACT MAKING AND EMERGENCY APPROPRIATION FOR AUTOMATED SYSTEMS DEVELOPMENT FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 794) recommending that H.B. No. 1581 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1581, entitled: "A BILL FOR AN ACT MAKING AND EMERGENCY APPROPRIATION FOR AGRICULTURAL RESOURCE MANAGEMENT," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 795) recommending that H.B. No. 1528, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1528, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 796) recommending that H.B. No. 1394, HD 1, pass Third Reading.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1394, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative McDermott rose to register a no vote for Standing Committee Report 796, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1394, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEES AND COSTS FOR THE ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," passed Third Reading by a vote of 48 ayes to 1 no, with Representative McDermott voting no, and Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 797) recommending that H.B. No. 440, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 440, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONTINUE FUNDING FOR

PLANNING AND PROGRAMMING OF CONTINUING EDUCATION PROGRAMS," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 798) recommending that H.B. No. 1631, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1631, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 799) recommending that H.B. No. 363 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 363, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 800) recommending that H.B. No. 105, HD 1, pass Third Reading.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 105, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

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

"Mr. Speaker, this was the fourth of our four pieces of emergency legislation. It's a little bit tardy, but it's made it. So I think we're moving ahead trying to provide more bed space, so we can keep criminals out of our neighborhoods.

"And I congratulate the members. It's better late than never.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 105, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRISONS," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 801) recommending that H.B. No. 1615 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1615, entitled: "A BILL FOR AN ACT RELATING TO VACATION ALLOWANCES," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 802) recommending that H.B. No. 1574 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1574, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 803) recommending that H.B. No. 1573 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1573, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 804) recommending that H.B. No. 1393, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES IN THE JUDICIARY," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 805) recommending that H.B. No. 1381, HD 1, pass Third Reading.

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1381, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative McDermott rose to register a no vote on Standing Committee Report 805, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEAL COURT FEES," passed Third Reading by a vote of 48 ayes to 1 no, with Representative McDermott voting no, and Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 806) recommending that H.B. No. 2151, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2151, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIKIKI WAR MEMORIAL NATATORIUM," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 807) recommending that H.B. No. 2214 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2214, entitled: "A BILL FOR AN ACT RELATING TO COFFEE CERTIFICATION," passed Third Reading by a vote of 49

ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 808) recommending that H.B. No. 1930, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1930, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 809) recommending that H.B. No. 1798 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1798, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 810) recommending that H.B. No. 1739, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1739, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 811) recommending that H.B. No. 1729 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1729, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 812) recommending that H.B. No. 126, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 126, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 813) recommending that H.B. No. 130, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 130, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE INCENTIVE AND

INNOVATION GRANT TRUST FUND," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 814) recommending that H.B. No. 827 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 827, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE FISCAL AND BUDGET ANALYSIS," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 815) recommending that H.B. No. 1243, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1243, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 816) recommending that H.B. No. 1367 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1367, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 817) recommending that H.B. No. 1663 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1663, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 818) recommending that H.B. No. 1711 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1711, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 819) recommending that H.B. No. 1810 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1810, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 820) recommending that H.B. No. 1854, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1854, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND BONDS," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 821) recommending that H.B. No. 1855, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1855, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPLIANCE RESOLUTION FUND," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 822) recommending that H.B. No. 1900, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1900, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE LICENSING," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 823) recommending that H.B. No. 2234, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2234, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 824) recommending that H.B. No. 1688, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1688, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KING KAMEHAMEHA CELEBRATION COMMISSION," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 825) recommending that H.B. No. 2019, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2019, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading by a vote of 49

ayes, with Representatives Santiago and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 826) recommending that H.B. No. 1833 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1833, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 827) recommending that H.B. No. 1756, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1756, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS OF ADMINISTRATIVE RULES," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 828) recommending that H.B. No. 1575 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1575, entitled: "A BILL FOR AN ACT RELATING TO MILK," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 829) recommending that H.B. No. 1864, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1864, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 830) recommending that H.B. No. 1870 pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1870, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 831) recommending that H.B. No. 1085, HD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1085, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

HIGHWAY SAFETY," passed Third Reading by a vote of 49 ayes, with Representatives Santiago and Takamine being excused.

The Chair directed the Clerk to note that H.B. Nos. 1707, 1634, 1613, 1581, 1528, 1394, 440, 1631, 363, 105, 1615, 1574, 1573, 1393, 1381, 2151, 2214, 1930, 1798, 1739, 1729, 126, 130, 827, 1243, 1367, 1663, 1711, 1810, 1854, 1855, 1900, 2234, 1688, 2019, 1833, 1756, 1575, 1864, 1870 and 1085 had passed Third Reading at 12:50 o'clock p.m.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 832) recommending that H.B. No. 291, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 291, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOLD AND SILVER STAMPING," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago 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. 833) recommending that H.B. No. 1858 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1858, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago 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. 834) recommending that H.B. No. 148 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 148, entitled: "A BILL FOR AN ACT RELATING TO TOW TRUCKS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago 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. 835) recommending that H.B. No. 1861, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.B. No. 1861, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LEASE DISCLOSURE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 836) recommending that H.B. No. 1725, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1725, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 837) recommending that H.B. No. 1797, as amended in HD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1797, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 838) recommending that H.B. No. 1891 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1891, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS LICENSE RENEWAL," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 839) recommending that H.B. No. 1309, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1309, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIME," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 840) recommending that H.B. No. 1888, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1888, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 841) recommending that H.B. No. 780, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 780, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 842) recommending that H.B. No. 1893 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1893, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY BOARD APPOINTMENTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 843) recommending that H.B. No. 774, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 774, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 844) recommending that H.B. No. 1859, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 845) recommending that H.B. No. 1867 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1867, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Santiago and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 846) recommending that H.R. No. 8 be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.R. No. 8, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT LEGISLATION REQUIRING OUT-OF-STATE MAIL ORDER SELLERS TO COLLECT AND SUBMIT USE TAXES ON GOODS DELIVERED IN THOSE STATES THAT IMPOSE

THEM," was referred to the Committee on Finance with Representatives Cachola, Santiago and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 847) recommending that H.C.R. No. 11 be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 11, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT LEGISLATION REQUIRING OUT-OF-STATE MAIL ORDER SELLERS TO COLLECT AND SUBMIT USE TAXES ON GOODS DELIVERED IN THOSE STATES THAT IMPOSE THEM," was referred to the Committee on Finance with Representatives Cachola, Santiago and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 848) recommending that H.C.R. No. 3 be referred to the Committee on Higher Education.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY OF ACTIVITIES RELATED TO ECONOMIC DEVELOPMENT AT THE UNIVERSITY OF HAWAII," was referred to the Committee on Higher Education with Representatives Cachola, Santiago and Takamine being excused.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 663 and H.B. No. 103, HD 2:

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 103, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Thielen rose and stated:

"Thank you, Mr. Speaker. On House Bill 103, I'd like to disclose a potential conflict. My son, Greg, is a member of the Small Business Task Force on Regulatory Relief."

The Chair ruled that there was "no conflict."

Representative Ward then rose and stated:

"I'd like to speak on this bill not because of my colleague's membership on it, but could I speak a word of favor for that bill?"

"Mr. Speaker, this is good news for all of us, this is good news for the small business community. It makes us look like we're trying to do something. We've extended the life of this Blue Ribbon Panel; in fact, we've changed its name to the Small Business Task Force on Regulatory Relief which follows as some of us, who were delegates to the White House Conference on Small Business, a larger more encompassing name and mandate.

"It's a good bill which, Mr. Speaker, if it comes up with results, that it potentially could revolutionize the State and become actually pro-business and business friendly. There's a lot of warm and fuzzy things that could come out of this.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 103, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," passed Third Reading by a vote of 49 ayes, with Representatives Hiraki and Takamine being excused.

Stand. Com. Rep. No. 664 and H.B. No. 104, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 104, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MAINTAIN AND ENHANCE THE PRESENCE OF THE ARMED FORCES IN HAWAII," passed Third Reading by a vote of 49 ayes, with Representatives Hiraki and Takamine being excused.

Stand. Com. Rep. No. 665 and H.B. No. 133, HD 2:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 133, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNICAL AND VOCATIONAL TRAINING," passed Third Reading by a vote of 49 ayes, with Representatives Hiraki and Takamine being excused.

Stand. Com. Rep. No. 666 and H.B. No. 352, HD 2:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 352, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS ECONOMIC DEVELOPMENT, AND TOURISM," passed Third Reading by a vote of 49 ayes, with Representatives Hiraki and Takamine being excused.

Stand. Com. Rep. No. 667 and H.B. No. 392, HD 2:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 392, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SURCHARGES FOR INDIGENT LEGAL SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Hiraki and Takamine being excused.

Stand. Com. Rep. No. 668 and H.B. No. 405, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 405, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUPPORT SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE," passed Third Reading by a vote of 49 ayes, with Representatives Hiraki and Takamine being excused.

Stand. Com. Rep. No. 669 and H.B. No. 816, HD 2:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 816, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEE'S RETIREMENT SYSTEM," passed Third Reading by a vote of 49 ayes, with Representatives Hiraki and Takamine being excused.

Stand. Com. Rep. No. 670 and H.B. No. 931, HD 2:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 931, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Third Reading by a vote of 49 ayes, with Representatives Hiraki and Takamine being excused.

Stand. Com. Rep. No. 671 and H.B. No. 1485, HD 2:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1485, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE LOANS," passed Third Reading by a vote of 49 ayes, with Representatives Hiraki and Takamine being excused.

Stand. Com. Rep. No. 672 and H.B. No. 1703, HD 1:

Representative Okamura moved that the report of the Committee be adopted and H.B. No. 1703, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Arakaki rose and stated:

"Mr. Speaker, in reference to Standing Committee Report No. 672, House Bill 1703, I wish to speak against the bill.

"With all due deference to my Kalihi compadre and Tourism Chair, I'd intended to vote yes with reservations, but my conscience will not allow it. I regret that this bill for tourism marketing and its urgency sends the wrong message to the people of Hawaii.

"As one who has frequently travelled across the country and to Asia, and as one who works in planning and marketing, I realize the importance of promoting Hawaii as a destination, and to have a presence among other competing markets in the Pacific Region.

"I strongly believe we need to aggressively market not only to Japan, but to emerging economic powers such as Taiwan, Korea and Mainland China. However, Mr. Speaker, as the Chair of your Human Services and Housing Committee, I must also stand for another emergency that will occur when approximately 2,000 disabled individuals will lose their cash assistance and primary means of obtaining and retaining housing on June 30th of this year.

"And if we fail to act this session, thousands of disabled people will be forced to the streets, to shelters, and to other institutions as we take away their only source of self-sufficiency. And I ask you, colleagues, how will we feel if we pass this bill to provide the wealthiest corporations in Hawaii free marketing while we toss the most vulnerable of our populations into the streets?

"I have requested that the time limits be removed, not with additional funds, but with the provision that the Department of Human Services use existing resources to care for those individuals who will fall through the safety-net.

"I know many of you, my colleagues, will accept the situation and say: Well, sure, it's unfortunate. But I want all of you to answer me this: Can anyone here on this floor show me where in the Constitution of our State of Hawaii that mandates we need to fund marketing for the visitor industry? On the other hand, I can point to you in our Constitution, the Preamble, and I quote: 'We affirm our belief in a government of the people, by the people, and for the people, and with an understanding

and compassionate heart towards all the peoples of this earth.'

"I challenge each and everyone of you to search your conscience and find justification for what we're about to do. And if that's not bad enough, I was told that there are visitor industry businesses that benefit from the 20 to 30 million dollars spent annually for tourism promotion of our Hawaii Visitors Bureau who aren't even willing to become contributing members of HCVB.

"And for some of the corporate profits, many of them go out of state, and even out of the country. If that's not a form of corporate welfare, then I don't know what is. So while we line the pockets of visitor industry corporations with public dollars, we're going to force our most vulnerable citizens into lines for food and shelter. And colleagues, it's time for a gut check, maybe a heart check. Where are our priorities?

"Here in the House we often talk about seeking balance, fairness and justice. I can only hope we will achieve that by passing another bill to lift the time limits on GA assistance. And I will tell you, history will not look kindly upon this Legislature if we pass this emergency tourism promotion bill and fail to respond to the human crisis and emergency that looms before us.

"I need only to point out to you, Mr. Speaker and members, the House Journal of the 29th day that I have before me of 1991. Back then, I voted against House Bill 1453 which would have provided an emergency six million dollars for tourism promotion. Back then, I countered the expenditure with another need for improving the child and adolescent mental health system, and this was a pre-Felix lawsuit. Imagine if we had invested the six million in fixing the system back then. We would not have been sued, and we would not be facing a nine million dollar emergency appropriation today for child and adolescent mental health."

Representative Okamura then rose and stated:

"I relinquish my time to the Representative."

Representative Arakaki thanked the Chair and continued, saying:

"So who here can tell me how the emergency appropriations for tourism promotion was spent back in 1991, and who can tell me what the results were? So now, we face another policy question, another priority decision. The results may not be lawsuits, but in fact the results may be hospitalizations of our most vulnerable people and in some cases, even death.

"It should be a burden, if it's not already, it should be a burden on our collective consciousnesses. And until it is resolved, until we find the political will and the means to do what is right, I cannot with clear conscience support this bill.

"Thank you."

Representative Cachola then rose and stated:

"Mr. Speaker, I rise to speak in support of Standing Committee Report No. 672, House Bill No. 1703.

"I don't have any qualms at all or any difference whatsoever about the statement made by my Kalihi legislator about the need to help the poor. That is absolutely 100 percent on my mind to help them out. However, when it comes to supporting the number one industry of Hawaii, all business experts are saying that the only way we can help to get a lot more revenues to

the State is to fund our number one industry through promotion and marketing.

"We have to have additional revenues, we have to have the money to help all the programs that the Representative from Kalihi is stating. Without additional revenues, we cannot fund all programs. So it takes money to make money, in short, Mr. Speaker.

"When it comes to priorities, to me, its relative. To the Chair of Human Services, his priorities are to help the poor and the gap group. When it comes to the Chair of Tourism, Mr. Speaker, of course you entrusted me to find ways to help generate a lot more revenues to the State. I have to agree with the business experts who are always telling us that the best way to generate funds is to help the industry through the increase of promotion and marketing.

"In closing, Mr. Speaker, let me say this again. I don't have any qualms or difference with my Kalihi legislator supporting the poor and the gap group. Always I am in total support of that.

"We have just heard from the Council on Revenues that there is a reduction in their estimates, which means one hundred four million dollars of funds or revenues are not going to be collected because of that kind of estimate.

"This is the time for us also to have the moxie or the guts to provide decent marketing dollars for the industry so that we can generate a lot more revenues for the State to fund those programs.

"Thank you, Mr. Speaker."

Representative White then rose in support of this measure and stated:

"Mr. Speaker, I represent an area of the State that is in deep financial trouble; that is Molokai. So I certainly fully support Representative Arakaki's drive to support these individuals that he's discussing.

"At the same time, it's been said to us by some of the finest economists in the State that the quickest way to get us out of our economic slump is to fund visitor promotions. And in doing so, bring money in through tourism, and everyone else in this room knows, it goes into every segment of this community. Whether it's health services, whether it's retail, whether it's gas stations, supermarkets, whatever it is, the visitor dollars, especially on the neighbor islands, go considerably through the economy. It's been stated that 75 percent to 80 percent of the neighbor island economies are simply based on the visitor industry.

"I don't have any problems with somebody seeing expenditures by the State as corporate welfare because if you look at it in general terms, that may be a correct statement, but if you have the understanding of what actually takes place that I do, I know that while it may seem like corporate welfare, it's certainly nothing of the sort. What the State spends to market Hawaii is approximately 5 percent or 6 percent of what is spent by the airlines and the hotels to bring people here.

"It's been said that the visitor industry directly generates about \$875 million in tax revenues with the dollar multiplier. That means that the visitor industry is generating approximately \$1.7 billion in tax revenues that are then utilized for a variety of these very services that Representative Arakaki so appropriately supports.

"My concern is that the hotel such as mine do not have the wherewithal to go and buy television advertising. We

don't have the wherewithal to do a number of things that the State should take the responsibility for. With the State's guidance, we can certainly do a lot more to bring people here to spend the money that funds all the various programs that are important to us.

"Right now, the visitor industry itself spends the lion's share. I look at the State's expenditures as the monies that are provided on behalf of the retailers, the restaurants, and so forth around the State that benefit from the visitor industry but do not participate in the marketing efforts.

"So I think that the State's expenditure is extremely important, it's very appropriate, and I truly believe that it's one of the few ways that we can kick-start our economy and provide the tax revenues that we need so desperately for the wide variety of emergency expenditures that are facing us, provide the monies for our collective bargaining settlements, and so on, and so on, and so on.

"So I support this measure wholeheartedly, and I certainly sympathize with the Representative's concerns.

"Thank you."

Representative Santiago then rose and stated:

"Thank you, Mr. Speaker. I rise in support of this measure with some reservations.

My reservations are such: I heard the support for this bill was that we needed to fund this in order to not slip any further, in terms of how bad the economy is. And I fully agree with the fact that we know we need more funds, we know that we're in a state of crises. My concern is we may be in a state of crises and in a state of denial.

"The denial is that these funds are probably not going to be enough to get us going to where we know we need to go. I fully support funding of tourism, I do. I have spent many a sleepless night wondering how I'm going to feel in five years from now or in ten years from now when I know that some of the actions we take, directly resulting from what Representative Arakaki talked about, will result in some extreme hardships and potentially some devastating effects on the citizens of our State.

"I wonder where we are going to go from here and where we're going to find the money. Aside from the issue of gambling, I have heard no other alternatives. I have put forth, and I dare say on this floor that we need to somehow find the courage to even put on the table this idea of a possible increase in our taxes.

"I heard you talk about it on the Opening Day of the legislative session, Mr. Speaker. I stand here before you, asking you again: let us not just brush this off because of its unpopular. . . it's not politically correct, I know that. I know that, but I stand here before you with the same dilemma as I just heard the impassioned words from the member to my left. I share every one of them, and every member in this House knows that.

"I also agree with what Representative Romy Cachola just talked about. And so as the public stands out there and says to cut more in State government, I look at the Chairman and I say: I don't know where to cut. Where do I cut in health? I don't know, I do not know.

"So I stand here before you, Mr. Speaker, and I say: yes, we need to fund tourism, we need to get the economy going. We need the money so that we can take care of the basic needs of our community, the health needs, the

human services, so that the people who need it get it. That is our responsibility.

"Thank you, Mr. Speaker."

Representative Ward then rose and stated:

"Mr. Speaker, I rise in favor of this bill, but in opposition to the remarks of the last speaker regarding a tax increase as the resolution."

The Chair responded, stating:

"Will you please proceed to the merits of the bill."

Representative Ward continued, stating:

"Be that he threw it out on the floor, I couldn't resist it, Mr. Speaker, because your Minority's wearing the badges that says: Lower taxes, smaller government and job creation is the result of how that stimulation of economic development is charged. However, this bill is really a job preservation bill for those of us left with a job.

"This is a way of priming the pump of which 30 percent of our jobholders are able to hold on to what they have even though they're in dire straits. It's allowing us to keep our heads above water.

"One difficulty with this bill, Mr. Speaker, is without this bill, over 30 percent of our visitors would not hear the word about marketing for Hawaii as a destination. I point to a real flaw in our HVBDT, or whatever the name of it is now, that we don't spend any of the \$21 million that we've given that organization to market in Asia. This is the only money that's going to go to Asia.

"There have been studies that said, by the year 2000 over 50 percent of our visitors will be from Asia, but until this emergency appropriation, we've given no money to Asia. Why six out of the ten million goes to Japan and other Asian destinations is, for the first time we're finding a sliding back of the visitor force who so long we have taken for granted.

"So this is a wake-up call that we cannot rest on our laurels and live off of the beauty of always having people come here, but we've got to stimulate it to save the jobs that we've got. We're losing more jobs.

"And I certainly agree with the first speaker who has pricked our conscious, who has said that: hey, if you guys don't stimulate the economy, there's more people that are going to get thrown out on the street. And to my colleague who has just spoken, that's how we save those people from the wretched life of living off of dependency on the government. We stimulate the economy, we give them jobs, we give them training, and that's only to be what other states have done by lower taxes, smaller government, and the creation of jobs in the private sector which is the small business community which made America what it is, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1703, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM MARKETING," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Arakaki voting no, and Representatives Hiraki and Takamine being excused.

Stand. Com. Rep. No. 673 and H.B. No. 1757, HD 2:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the

Committee was adopted and H.B. No. No. 1757, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," passed Third Reading by a vote of 49 ayes, with Representatives Hiraki and Takamine being excused.

Stand. Com. Rep. No. 674 and H.B. No. 1796, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1796, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," passed Third Reading by a vote of 49 ayes, with Representatives Hiraki and Takamine being excused.

The Chair directed the Clerk to note that H.B. Nos. 103, 104, 133, 352, 392, 405, 816, 931, 1485, 1703, 1757 and 1796 had passed Third Reading at 12:47 o'clock p.m.

THIRD READING

H.B. No. 1410, HD 1:

Representative Okamura moved that H.B. No. 1410, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Meyer rose and stated:

"Thank you, Mr. Speaker. I know we're all getting hungry. I just rise to speak against House Bill No. 1410, House Draft 1.

"I just believe that there's too much power put in the hands of the Chief Elections Officer alone. I think this should be with the Commission and I'm very uncomfortable with that. And so for that reason, I would have to vote no.

"Thank you."

Representative Moses then rose and stated:

"On the same bill, Mr. Speaker, I also wish to record a no vote."

The Chair "so ordered."

Representative Pendleton then rose and stated:

"Mr. Speaker, would you please record a no vote for me on this measure? And I'll insert my remarks into the Journal. Thank you."

The Chair "so ordered."

Representative Pendleton's remarks are as follows:

"Mr. Speaker, I rise in opposition to House Bill 1410, House Draft 1. I think it is important for me to take a few moments to explain the basis for my opposition.

"I believe that the intent of House Bill 1410, House Draft 1, is a good and noble one. I am in favor of ensuring that election records are available and that privacy concerns are addressed.

"However, this measure permits the Chief Election Officer to determine how, and when, election records may be viewed by persons otherwise entitled to inspect those records.

"While House Bill 1410 legitimately attempts to address the present situation, and properly permits law enforcement personnel with demonstrable safety concerns to keep personal information confidential, House Bill 1410 is ultimately flawed and, therefore, should not be passed.

"The problem with permitting administration officials to regulate access to public documents is that such regulation may result in citizens being deterred from inspecting and utilizing those records for legitimate purposes. There is also the potential problem of a perception of partisanship with respect to release of such records. This is always a problem when much authority is vested in appointed officials.

"While present officials may enjoy the confidence of our citizens, that may not always be the situation, and, as legislators, we must look ahead to protect the public interest. Furthermore, administration officials are insulated from public accountability.

"House Bill 1410 specifically states that '... all records ...shall be open to the inspection of any person, in accordance with rules adopted by the chief election officer, pursuant to chapter 91.' Specifically deleted from 11-97 is any regulation concerning voted ballots and sealed election materials. The discretion and decision-making authority of the chief election officer has been considerably expanded by House Bill 1410, and in an especially sensitive area.

"Voting is an absolutely fundamental right of our citizens, and any failure in the system, or suspicion of failure, is a blow against the trust and efficacy of our entire democratic system. By providing for regulatory discretion, instead of statutory direction, we are moving in an incorrect and potentially dangerous direction.

"On matters of this nature, the Legislature ought to be the decision maker; we as elected officials ought to make the rules. It is not an ideal situation to delegate our responsibility. I would think this concern would be particularly pertinent where election records are concerned.

"Accordingly, I am in opposition to House Bill Number 1410, HD 1, and I cast my vote as 'no.'

"I hope this august body will revisit this law next session, Mr. Speaker.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1410, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION RECORDS AND USERS THEREOF," passed Third Reading by a vote of 45 ayes to 3 noes, with Representatives Meyer, Moses and Pendleton voting no, and Representatives Hiraki, Stegmaier and Takamine being excused.

H.B. No. 1287, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Third Reading by a vote of 48 ayes, with Representatives Hiraki, Stegmaier and Takamine being excused.

H.B. No. 2105, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the

Committee was adopted and H.B. No. 2105, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Third Reading by a vote of 48 ayes, with Representatives Hiraki, Stegmaier and Takamine being excused.

H.B. No. 2110, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2110, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITY EXEMPTIONS FROM REAL PROPERTY TAXES," passed Third Reading by a vote of 48 ayes, with Representatives Hiraki, Stegmaier and Takamine being excused.

The Chair directed the Clerk to note that H.B. Nos. 1410, 1287, 2105 and 2110 had passed Third Reading at 1:00 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 35 through 44) and concurrent resolutions (H.C.R. Nos. 36 through 50) were offered and referred to committee by the Speaker:

H.R. No. 35, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO CONSIDER THE POSSIBILITY OF ESTABLISHING THE TWO-YEAR FASHION TECHNOLOGY PROGRAM AS A PERMANENT PART OF THE HONOLULU COMMUNITY COLLEGE CURRICULUM," was jointly offered by Representatives Ward, Cachola, Garcia, Halford, Hamakawa, Marumoto, Morihara, Santiago, Stegmaier, Suzuki, Takumi, Thielen and Whalen.

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

H.R. No. 36, entitled: "HOUSE RESOLUTION REQUESTING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND THE GOVERNMENT ACCOUNTING OFFICE TO CONDUCT AN AUDIT OF THE INSTITUTE FOR ASTRONOMY AT THE UNIVERSITY OF HAWAII," was offered by Representative Morihara.

Referred to: Committee on Higher Education

H.R. No. 37, entitled: "HOUSE RESOLUTION REQUESTING THE ELIMINATION OF RESTRICTIVE CLAUSES IN GENERAL OBLIGATION BOND COVENANTS THAT PRECLUDE THE USE OF BOND PROCEEDS FOR THE INSTALLATION OF TELECOMMUNICATION WIRING AND CONDUIT SYSTEMS IN PUBLIC SCHOOL CONSTRUCTION PROJECTS AND THE MODIFICATION OF THE DEPARTMENT OF EDUCATION'S CAPITAL IMPROVEMENT PROGRAM PRIORITY MATRIX TO INCLUDE THE INSTALLATION OF TELECOMMUNICATION WIRING AND CONDUIT SYSTEMS IN PUBLIC SCHOOL CONSTRUCTION PROJECTS," was jointly offered by Representatives Morihara, Takai, Morita, Arakaki, Chang, Halford, Kanoho, Santiago, Stegmaier and Takumi.

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

H.R. No. 38, 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 jointly offered by Representatives Morihara, Chang, Hamakawa, Kanoho, Santiago and Takumi.

Referred to: Committee on Energy and Environmental Protection

H.R. No. 39, entitled: "HOUSE RESOLUTION URGING THAT PUA KA'ILIMA 'O KAWAIHAE BE DESIGNATED A SITE FOR RECREATIONAL OCEAN ACTIVITIES," was offered by Representative Tarnas.

Referred to: Committee on Ocean Recreation and Marine Resources, then to the Committee on Transportation, then to the Committee on Finance

H.R. No. 40, entitled: "HOUSE RESOLUTION REQUESTING THE U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS TO EXPEDITE THE CONSTRUCTION OF A SIX HUNDRED AND FIFTY BED FEDERAL DETENTION CENTER ON OAHU," was jointly offered by Representatives Morihara, Yoshinaga, Garcia, Chang, Halford, Hiraki, Kanoho, Stegmaier and Takumi.

Referred to: Committee on Public Safety and Military Affairs

H.R. No. 41, entitled: "HOUSE RESOLUTION REQUESTING THAT STEPS BE TAKEN TO STRENGTHEN THE FUTURE OF THE UNITED STATES INSTITUTE OF PEACE BY SUPPORTING ITS RELOCATION TO HAWAII," was jointly offered by Representatives Chang, Arakaki, Kahikina, Okamura, Santiago and Takumi.

Referred to: Jointly to the Committee on Economic Development and Business Concerns and the Committee on Tourism

H.R. No. 42, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPLEMENT RULES AGAINST TEACHER HARASSMENT BY STUDENTS," was offered by Representative Souki.

Referred to: Committee on Education, then to the Committee on Judiciary

H.R. No. 43, entitled: "HOUSE RESOLUTION RELATING TO THE ESTABLISHMENT OF A WORLD TRADE CENTER," was jointly offered by Representatives Ward and McDermott.

Referred to: Jointly to the Committee on Economic Development and Business Concerns and the Committee on Tourism, then to the Committee on Finance

H.R. No. 44, entitled: "HOUSE RESOLUTION URGING THE HAWAII CONGRESSIONAL DELEGATION TO INTRODUCE AND SUPPORT LEGISLATION PERMITTING THE IMMIGRATION OF THE CHILDREN OF FILIPINO VETERANS OF WORLD WAR II TO THE UNITED STATES WITHOUT LIMIT AS TO NUMBER AND WITHOUT THE REQUIREMENT OF FINANCIAL SPONSORSHIP," was jointly offered by Representatives Abinsay, Menor, McDermott, Cachola, P. Oshiro, Santiago, Takumi, Garcia, Yonamine, Ito, Say, Pendleton, Jones, Ahu Isa, Morihara and Kahikina.

Referred to: Jointly to the Committee on Public Safety and Military Affairs and the Committee on Judiciary

H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO CONSIDER THE POSSIBILITY OF ESTABLISHING THE TWO-YEAR FASHION TECHNOLOGY PROGRAM AS A PERMANENT PART OF THE HONOLULU COMMUNITY COLLEGE CURRICULUM," was jointly offered by Representatives Ward, Cachola, Garcia, Halford, Hamakawa, Marumoto, McDermott, Morihara, Santiago, Stegmaier, Suzuki, Takumi, Thielen and Whalen.

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

H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND THE GOVERNMENT ACCOUNTING OFFICE TO CONDUCT AN AUDIT OF THE INSTITUTE FOR ASTRONOMY AT THE UNIVERSITY OF HAWAII," was offered by Representative Morihara.

Referred to: Committee on Higher Education

H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ELIMINATION OF RESTRICTIVE CLAUSES IN GENERAL OBLIGATION BOND COVENANTS THAT PRECLUDE THE USE OF BOND PROCEEDS FOR THE INSTALLATION OF TELECOMMUNICATION WIRING AND CONDUIT SYSTEMS IN PUBLIC SCHOOL CONSTRUCTION PROJECTS AND THE MODIFICATION OF THE DEPARTMENT OF EDUCATION'S CAPITAL IMPROVEMENT PROGRAM PRIORITY MATRIX TO INCLUDE THE INSTALLATION OF TELECOMMUNICATION WIRING AND CONDUIT SYSTEMS IN PUBLIC SCHOOL CONSTRUCTION PROJECTS," was jointly offered by Representatives Morihara, Takai, Morita, Arakaki, Chang, Halford, Kanoho, Santiago, Stegmaier and Takumi.

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

H.C.R. No. 39, 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 jointly offered by Representatives Morihara, Chang, Halford, Hamakawa, Kanoho, Santiago and Takumi.

Referred to: Committee on Energy and Environmental Protection

H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO WORK WITH LOCAL INDUSTRIES, THE HAWAII VISITORS AND CONVENTION BUREAU, THE DEPARTMENT OF AGRICULTURE AND OTHER APPROPRIATE AGENCIES TO SHOWCASE HAWAII-MADE PRODUCTS," was jointly offered by Representatives Morihara, Cachola, Chang, Halford, Herkes, Jones, Kanoho, Morita and Takumi.

Referred to: Jointly to the Committee on Agriculture and the Committee on Economic Development and Business Concerns, then to the Committee on Finance

H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AUDIT OF SMALL BOAT

HARBORS IN THE COUNTIES OF MAUI AND HAWAII, PARTICULARLY THOSE OF LAHAINA AND HONOKOHAU," was offered by Representative Tarnas.

Referred to: Committee on Ocean Recreation and Marine Resources, then to the Committee on Legislative Management

H.C.R. No. 42, entitled: "HOUSE CONCURRENT RESOLUTION URGING THAT PUA KA'ILIMA 'O KAWAIHAE BE DESIGNATED A SITE FOR RECREATIONAL OCEAN ACTIVITIES," was offered by Representative Tarnas.

Referred to: Committee on Ocean Recreation and Marine Resources, then to the Committee on Transportation, then to the Committee on Finance

H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS TO EXPEDITE THE CONSTRUCTION OF A SIX HUNDRED AND FIFTY BED FEDERAL DETENTION CENTER ON OAHU," was jointly offered by Representatives Morihara, Yoshinaga, Garcia, Chang, Halford, Hiraki, Kanoho, Stegmaier and Takumi.

Referred to: Committee on Public Safety and Military Affairs

H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT STEPS BE TAKEN TO STRENGTHEN THE FUTURE OF THE UNITED STATES INSTITUTE OF PEACE BY SUPPORTING ITS RELOCATION TO HAWAII," was jointly offered by Representatives Chang, Arakaki, Kahikina, Okamura, Santiago and Takumi.

Referred to: Committee on Economic Development and Business Concerns, then to the Committee on Tourism

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE REVIEW OF THE REGULATION OF MARRIAGE AND FAMILY THERAPISTS," was jointly offered by Representatives Santiago and Arakaki.

Referred to: Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management

H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPLEMENT RULES AGAINST TEACHER HARASSMENT BY STUDENTS," was offered by Representative Souki.

Referred to: Committee on Education, then to the Committee on Judiciary

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE ESTABLISHMENT OF A 'STATE OF HAWAII WORLD TRADE CENTER, HONOLULU'," was jointly offered by Representatives Ward and McDermott.

Referred to: Jointly to the Committee on Economic Development and Business Concerns and the Committee on Tourism, then to the Committee on Finance

H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII

CONGRESSIONAL DELEGATION TO INTRODUCE AND SUPPORT LEGISLATION PERMITTING THE IMMIGRATION OF THE CHILDREN OF FILIPINO VETERANS OF WORLD WAR II TO THE UNITED STATES WITHOUT LIMIT AS TO NUMBER AND WITHOUT THE REQUIREMENT OF FINANCIAL SPONSORSHIP," was jointly offered by Representatives Abinsay, Menor, McDermott, Cachola, P. Oshiro, Santiago, Takumi, Garcia, Yonamine, Ito, Say, Pendleton, Jones, Ahu Isa, Morihara and Kahikina.

p.m. tomorrow, Friday, February 28, 1997. (Representatives Say, Takamine, Takumi and Yonamine were excused.)

Referred to: Jointly to the Committee on Public Safety and Military Affairs and the Committee on Judiciary

H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY AND REPORT ON THE NEED TO REGULATE THE PRACTICE OF OCCUPATIONAL THERAPY," was jointly offered by Representatives Kawakami, Yoshinaga, Garcia and Pendleton.

Referred to: Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management

H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO EVALUATE THE COURT ANNEXED ARBITRATION PROGRAM," was jointly offered by Representatives Yamane and Herkes.

Referred to: Committee on Judiciary

ANNOUNCEMENTS

Representative Kawakami rose and requested waiver of the 48-hour hearing notice requirement to hear H.B. Nos. 137, HD 1; 651, HD 2; 701; 1023; 134, HD 1; 1433, HD 2; 1086, HD 1; 1329, HD 1; 867; to reconsider action previously taken on H.B. No. 1766; and decision-making today on H.B. No. 167, HD 1, and the Chair, "so ordered."

At 1:15 o'clock p.m., Representative Stegmaier asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:17 o'clock p.m.

Representative Stegmaier rose and requested waiver of the 48-hour hearing notice requirement for the purpose of hearing H.B. No. 1105, HD 1, which has to do with dental health certificates, and will be heard as part of the agenda for the Education Committee's hearing this afternoon at 2:00 o'clock, and the Chair "so ordered."

Representative Chang: "Mr. Speaker, just a reminder to the members who confirmed their attendance for lunch and a briefing on casino gaming in Room 423."

Representative Thielen: "Mr. Speaker, I may be hungry, but I'm not that hungry."

Representative M. Oshiro: "For the Majority members, there will be a caucus in the Caucus Room at 2:30 p.m. tomorrow."

ADJOURNMENT

At 1:19 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 3:00 o'clock