

## FORTY-EIGHTH DAY

Tuesday, April 14, 1998

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 10:15 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Paul Whalen, after which the Roll was called showing all members present with the exception of Representatives Hamakawa and Menor, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 201 and 202) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 201, transmitting copies of the following: State of Hawaii, Department of Health, Vital Statistics Report, 1996.

Gov. Msg. No. 202, informing the House that on April 8, 1998, he signed the following bill into law:

House Bill No. 2997, HD 2 as Act 15, entitled: "MAKING AN APPROPRIATION FOR TOURISM MARKETING."

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 444 through 447) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 444, transmitting S.C.R. No. 71, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," which was adopted by the Senate on April 9, 1998.

Sen. Com. No. 445, transmitting S.C.R. No. 72, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE DEPARTMENT OF TRANSPORTATION TO ALLOW VANPOOL VEHICLES, COMMERCIAL VEHICLES, AND VEHICLES CARRYING TWO OR MORE OCCUPANTS, TO USE THE 'ZIPPER LANE'," which was adopted by the Senate on April 9, 1998.

Sen. Com. No. 446, transmitting S.C.R. No. 74, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S DELEGATION TO THE UNITED STATES CONGRESS TO SUPPORT THE IMPLEMENTATION OF THE CONCEPT OF FREE FLIGHT AS DESCRIBED IN THE AIR TRAFFIC MANAGEMENT PLAN KNOWN AS FLIGHT 2000," which was adopted by the Senate on April 9, 1998.

Sen. Com. No. 447, transmitting S.C.R. No. 95, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF AGRICULTURE TO WORK WITH INTERESTED GROUPS TO PREVENT THE ABUSIVE AND EXPLOITIVE TREATMENT OF LIVE EXOTIC ANIMALS IN TRAVELING EXHIBITS. (AMENDED TITLE)," which was adopted by the Senate on April 9, 1998.

By unanimous consent, further action was deferred until later in the calendar.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 71, 72, 74 and 95) were referred to committee by the Speaker:

## S.C.R.

Nos. Referred to:

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|----|--|
| 71 | Committee on Public Safety and Military Affairs, then to the Committee on Economic Development and Business Concerns |
| 72 | Committee on Transportation  |
| 74 | Committee on Transportation  |
| 95 | Committee on Agriculture, then to the Committee on Judiciary   |

INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)

H.R. No. 81, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING HAWAII'S ENVIRONMENTAL ORGANIZATIONS FOR THEIR CONTRIBUTIONS TO PROTECTING HAWAII'S FRAGILE NATURAL RESOURCES," was jointly offered by Representatives Thielen and Tarnas by request, and was announced by the Clerk.

On motion by Representative Thielen, seconded by Representative Tarnas and carried, H.R. No. 81 was adopted, with Representatives Hamakawa, Herkes, Menor, Nakasone, Whalen and Yoshinaga being excused.

Representative Thielen introduced Mr. David Kimo Frankel from the Sierra Club of Hawaii.

Representative Tarnas introduced Ms. Linda Paul from the Audubon Society of Hawaii.

Representative Morita introduced Mr. Paul Achitoff from the Earth Justice Legal Defense Fund.

Representative Ward introduced Ms. Mary Steiner from the Outdoor Circle.

Representative Meyer introduced Ms. Donna Wong from the Hawaii's Thousand Friends.

At 10:50 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:57 o'clock a.m., Representative Aiona was permitted a late introduction and he introduced a group of students from Kamehameha Schools and their teachers, Ms. Shirley Todd and Ms. Barbara Culliney; and assistant, Ms. Wonlyn Ching.

At this point, Representative Halford rose on a point of personal privilege.

The Chair asked Representative Halford to "state your point."

Representative Halford responded:

"Mr. Speaker, I ask your permission to clarify my vote on S.B. 2259, SD 1, HD 1, 'Relating to Taxation,' taken last week Thursday night, the 47th day of this Legislature.

"Specifically, I would like my 'no' vote on this measure and explanatory comments on Second Reading to be recorded in the House Journal for the 47th day."

The Chair responded: "The Clerk is directed to comply with Representative Halford's request, and to conform the legislative computer system as necessary for purposes of consistency."

At 10:59 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:26 o'clock a.m.

### SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Santiago and Say were excused.)

At 11:28 o'clock a.m., Representative M. Oshiro asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:29 o'clock a.m.

### UNFINISHED BUSINESS

**Stand. Com. Rep. No. 1208-98 and S.B. No. 2389, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2389, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1209-98 and S.B. No. 2655, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2655, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE AND MOPED REGISTRATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative McDermott voting no.

**Stand. Com. Rep. No. 1210-98 and S.B. No. 2850, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2850, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1211-98 and S.B. No. 3088, SD 1, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 3088, SD 1, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Kawanakoa rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Kawanakoa continued, stating:

"I'd like to just mention that this particular bill for reference to the rest of my colleagues is a job reference liability measure. My wife and I opened a shop in downtown Honolulu about two years ago. And we're confronted with some very difficult decisions about making recommendations with employees, or not making recommendations when people inquired as to their job performance.

"We're kind of caught in what's a 'catch-22' on whether or not to give our true opinion of how the work performance was, whether it was good or bad. We were limited to the understanding from the attorneys that the best thing you should do is just give name, rank and serial number. At least you give them ways that you pay them, give them their name and give them their social security number and that's about all that we felt comfortable to share with prospective employers.

"And I think it's important for our small business community to have the opportunity to hear the good performance or the poor performance of various employees. So with that, Mr. Speaker, I commend the action of this House to take remedial action on this measure."

Representative Kawanakoa's additional remarks are as follows:

"In passing this bill, we are taking a long overdue step toward eliminating the "chilling" effect on forthright job performance communications between employers and prospective employers.

"Under current law, employers cannot provide good faith information about former employees without fear of being exposed to a lawsuit. The only facts or opinions that an employer can safely communicate about a former employee are their dates of employment and wage levels. The result is negligent hiring where unreliable, untrustworthy and undesirable employees get hired despite a complete lack of qualifications.

"As we sit here today, Hawaii's law is flawed. The State Supreme Court has consistently upheld lawsuits against employers from negligent hiring and screening, yet the law simultaneously prevents employers from escaping these very same lawsuits. If this flaw is not remedied immediately, Hawaii will be known as extremely hostile state in which to run a business. In today's tough economic times, with businesses closing their doors daily, do we really want this kind of reputation?

"Certainly, the privacy concerns of employees must be safeguarded. This measure maintains long-standing privacy protections by delineating clear remedies to employees harmed by the disclosure of information that the employer knows is false or deliberately misleading. Furthermore, employees maintain all pre-existing civil rights and fair employment remedies.

"Now is the time for Hawaii to join the thirty-one (31) other states who have protected an employers need to make informed hiring decisions, thereby making their respective states desirable places to start a business."

Representative Kahikina then rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Kahikina's remarks are as follows:

"This bill will provide immunity from civil liability to an employer who discloses information or opinions regarding the job performances of a current or former employee to prospective employer.

"To protect the public and prospective employers from an employee who may have unreliable and irresponsible job ethics is a just, honest and responsible thing to do. However, some may have reservations that an employer may fictitiously and adversely affect a good worker, but those are far and few in comparison to the reality that now exists where employers fear to give an honest response as they may be sued.

"And for those reasons, I support this measure to isolate those bad workers."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3088, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO JOB REFERENCE LIABILITY," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Takamine voting no.

**Stand. Com. Rep. No. 1212-98 and S.B. No. 3204, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3204, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRACKING DEVICES," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1213-98 and S.B. No. 632, SD 2, HD 3:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 632, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1214-98 and S.B. No. 2204, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2204, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. The bill is an anti-environmental bill. It provides that if a land use permit is not approved or disapproved within a specific time frame, it is deemed automatically approved. Because the time frame is so short and we know that many agencies are under staffed, therefore, automatic approvals will probably become common place.

"We had a situation like that in Lanikai, where the Board of Land and Natural Resources couldn't reach its decision because of quorum problems. And under the old regulations a permit then was deemed approved. A massive 10-15 thousand square foot home was going to be allowed to be placed up on the hillside in Lanikai. The

community was extremely upset about that and subsequently, the rules and the law were changed to enable the Board of Land and Natural Resources to deal with such problems.

"Well now we're saying across the board if a permit approval isn't issued within a certain tight time frame then that permit is deemed approved. The voting process will be really tipped in favor of approval for permits. When the membership cannot get a full quorum, when there are other problems that they have, such as vacancies on a board, we're going to end up with permits being approved that should not be approved.

"There are some pretty hefty duty land uses that are involved in this, Mr. Speaker. I don't think we want to locate many sewage facilities or other types of things that are quite polluting in an area unless they have proper review and not deem those to be approved by the department or by a board if the time period lapses. I would hope that we would not send this back over to the Senate and therefore, I certainly will be voting no. Thank you."

Representative Morita then rose to speak in opposition to the measure, stating:

"While I agree with requiring agencies and departments to administratively establish maximum time periods for permit approvals and license, I disagree with the blanket, across-the-board approach of 90 days.

"Many times critical land use issues involving rezoning or reclassification, which involve a change in public policy, take longer than 90 days to accommodate public participation. It is obvious that such process cannot be compared to a permit or licensing process for business or development taking place in an appropriately zoned or classified area where the permit or process should be expeditiously handled.

"So again, while I agree that the maximum time period should be developed, a blanket approach seems unreasonable. And if this body is steadfast on proceeding forward, it should also provide the additional resources so automatic approvals will not happen or occur because of staffing problems. Thank you."

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

"Mr. Speaker, amongst the wave of the reduction of cost of government and the wave of reduction in regulatory 'stranglehold' that government has on business, as we reduce the size of government, we need to address the regulatory process that's on the line.

"This ERTF proposal has worked well in California, where I think there's a lot of environmental concerns, and I think we ought to support this bill. Thank you."

Representative Kahikina then rose and asked the Clerk to register an aye vote with reservations for him, and the Chair "so ordered."

Representative Goodenow then rose and asked the Clerk to register an aye vote with reservations for him, and the Chair "so ordered."

Representative Tarnas then rose in opposition to the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Tarnas' remarks are as follows:

"Mr. Speaker, I have spoken numerous times on this floor about my concern that a 90 day deadline for action on a permit application could cause government agencies to violate laws requiring public notice and public comment, as well as provisions allowing for contested case hearings. Another concern is that if the 90 day deadline is not met, then the project is automatically approved, or if a tie vote results or a vote where neither approval nor denial gets a majority of the full membership because of absences, vacancies, or disqualification, will result in an approval. Thus, a permit could be approved even if only a small minority of the board or commission voting on it was in favor.

"Mr. Speaker, I am opposing this measure because government agencies should not be required to follow two conflicting statutes. A decision must be required to approve a permit. Denials must be clearly justified. Let's set a deadline, but let's make it reasonable and workable. For these reasons, I must vote against this measure."

Representative Meyer then rose in support of the measure with reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Meyer's remarks are as follows:

"Mr. Speaker, I rise in support of SB 2204 SD2 HD2 with some reservations. The purpose of this bill is to expedite the regulatory approval process by requiring all issuing state agencies and departments to establish, by rule, maximum time frames for the review and approval of permits, approvals, and licenses under their jurisdictions.

"The concept of providing a framework for a more expeditious regulatory approval process is one which I can support wholeheartedly. Appropriate streamlining of such processes would surely be beneficial to the government regarding its use of scarce resources and for businesses which are required to deal with the State's various agencies and departments for these purposes.

"However, I am concerned about the maximum 90-day time limit on such actions and the automatic approval provision if an agency or department does not act on the particular approval, license, or permit within the time limit established by the agency's or department's rules. These two issues were addressed by a number of those testifying on the bill when it was heard in Finance.

"I believe that such a short time frame before automatic approval could lead to some bad developments--that is developments which will not impact positively on the environment. In order to prevent such things from happening, we need to be able to acquire full public input, and that could take longer than 90 days.

"Because of my strong support for governmental regulatory reform, I cannot vote against this bill. However, I am forced to vote yes with reservations because of my concerns for some balance between ease of approval and the negative impact such a bill could conceivably have on our environment."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2204, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Chang, Lee, Morita, Takamine, Takumi, Tarnas and Thielen voting no.

**Stand. Com. Rep. No. 1215-98 and S.B. No. 2249, SD 1, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2249, SD 1, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative McDermott rose to speak in support of the measure, stating:

"I laugh because my stand on fees is: I try to be consistent, but just to clarify, this is a fee that we tack on to criminals, convicts, and the predators of our society for non-emergency medical treatment. I think it's a good measure, and I think the Majority made the right call here. Thank you."

Representative Pendleton then rose to speak in support of the measure, stating:

"Mr. Speaker, it's with great delight that I cast my vote in favor of this measure. I introduced a nearly identical measure, of course on the House side, relating to this problem after having spoken with Mr. Keith Kaneshiro.

"It's an interesting irony that is in our State where if you don't commit a crime, you're a law-abiding citizen. You have to pay your own health care, basically, unless your employer picks it up, but criminals get everything taken care of. This bill seeks to address that by at least having them pay for part of their health care, part of their dental care, and part of their mental health. So this bill is a good bill moving in the right direction. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2249, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1216-98 and S.B. No. 2254, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2254, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Fox rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Fox's remarks are as follows:

"Prostitution is sometimes incorrectly called a 'victimless crime'. Both parties in the exchange of money for sex are victims of pimps who virtually enslave prostitutes and force them on the streets to sell themselves. Intervention will help prostitutes to escape their lives of crime, just as intervention helps others break free who are entrapped in abusive family situations. Intervention, in the form of so-called 'John Schools', also helps the equally guilty parties who pay for sex to understand how their activities degrade and diminish both parties in the transaction. For these reasons, I am pleased to support the measure, and urge its passage."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2254, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1217-98 and S.B. No. 2624, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2624, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Cachola rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Cachola's remarks are as follows:

"This bill relates to Hale Kokua, a program which has the potential to significantly reduce the homeless problem in Hawaii at minimal cost to the state, through a creative system of incentives and safeguards against burdening any single community. Unfortunately, the program was never fully implemented, but it still remains an extremely useful tool for the state's homeless effort. This bill will correct an oversight in last year's bill by re-establishing the program, and will carry out the Legislature's intention last year of giving further life to Hale Kokua.

"I urge my colleagues to vote in favor of this bill."

Representative Abinsay then rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Abinsay's remarks are as follows:

"Mr. Speaker, this bill would make permanent a pilot project for the homeless first authorized 6 years ago as Act 279, Session Laws of Hawaii 1992. The need for housing has not diminished, Mr. Speaker, but rather has grown since the inception of Hale Kokua Program.

"The Program provides state grants, rent supplements and other incentives to interested homeowners who set aside new or improve existing units on their properties for the purpose of providing shelter or renting to any family or individuals who are employed but are homeless. With the availability of federal funds for Hale Kokua, this program is a good opportunity for the state to affect or alleviate the problem of homelessness in Hawaii. Therefore, I urge everyone to support its passage. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2624, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1218-98 and S.B. No. 2835, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2835, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1219-98 and S.B. No. 2874, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2874, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2389, 2655, 2850, 3088, 3204, 632, 2204, 2249, 2254,

2624, 2835 and 2874 had passed Third Reading at 11:40 o'clock a.m.

**Stand. Com. Rep. No. 1220-98 and S.B. No. 721, SD 1, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 721, SD 1, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Pendleton rose to speak in opposition to the measure, stating:

"Mr. Speaker, I oppose this bill, which relates to Judiciary fees, because what this bill does is authorize the Judiciary to adopt administrative rules to establish all district court fees except for a number of enumerated situations. It deletes all statutory fees.

"So what this does is it takes out of the jurisdiction of the Legislature, as it were, the ability to set fees. I think fee setting should be set here where the people have a voice, where the people have representation. Judges in this State, at least, are not elected and the Judiciary is accountable, but in a very tenuous way not a very direct way.

"Also, giving the Judiciary the ability, the power to enact fees pretty much is the authority for them to raise it. I would be very doubtful if they are going to lower the fees. With this bill they're going to be raising the fees. So for that raising, Mr. Speaker, I will be opposing this measure."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, this empowers our third branch of government, the Judiciary branch, to raise its fees to pay for its services and to provide services for those who wish to have their problems resolved in court.

"The Minority is correct that this bill probably will lead to an increase in the costs pursuant to rules that the courts will promulgate. But there is a process of public input both in the units of the court system as well as for the administration of the courts.

"Mr. Speaker, I need to note that the fees that we're talking about were not raised in many, many years. In fact, some of these fees had not been raised since the early 1970s. Mr. Speaker, I also need to point out that in many other jurisdictions, it is quite proper and is the standing practice for court fees to be established by rules and not by the legislative body. This is an accepted practice and allows for better flexibility within the third branch of government, our Judiciary branch, to charge their fees as appropriate instead of returning each year or every two years to the legislative body for it to create fees for it. The problem, Mr. Speaker, the administration of justice requires money just the same as any other branch of government, and I need to stress that this a third, equal standing branch of our government system.

"As an attorney who practices in our courts, I will be a participant to any types of rules that they will be promulgating or bringing for public comment. And that opportunity is open to all members, and I invite the public to participate as they go to public hearings on these rules regarding the fee increases.

"Thank you, Mr. Speaker."

Representative Stegmaier then rose and asked the Clerk to register an aye vote with reservations for him "despite

the strong arguments of the Majority Floor Leader," and the Chair "so ordered."

Representative Meyer then rose to speak in opposition to the measure, stating:

"I don't think there is any question the intention was to raise all court fees. That was the purpose of this bill originally. When we heard testimony on this in the Finance Committee, the representative from the Judiciary showed us, and I'm sorry I don't have it here, a list of suggested fees and many of them were going up by 400 percent.

"I questioned him as to how did we arbitrarily arrive at these fees. Was it just that they seem too low because they've been like this for so long? I felt that they should have some relationship to what it costs to process the paper work for whatever service you're asking for and that brings in to be a part of the equation. The Judiciary is funded. They are there to do that sort of work. The fees are not intended to cover the costs, the total costs. I mean the argument was, well you know the costs of court proceedings is far more than the fees, but the fees should have some relationship to the work, the time that it takes to process them, and that was not considered in any way.

"In these times, I think we have to be very careful of what we do with fees. This is a direct cost for all the citizens of the State and it should have some relationship to the work required to process.

"Thank you, Mr. Speaker."

Representative Kawanakoa then rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I believe the arguments of the Minority Whip were convincing for me. I hadn't intended to vote 'no' originally, but listening to some of the debate here has caused me to re-think my position. Some of the statements that were made by the Majority Floor Leader with respect to allowing the Judiciary more flexibility and this authority, after all they're our third branch of government. The last time I checked there was a policy set by the Legislature that sets these sorts of laws and fees.

"Under the argument that was proffered, I suppose it would be appropriate for us to allow the judges to set their own salary also for the Judiciary in their capacity as the third branch of government. After all, we set our salary.

"I would like to note simply that in these trying times, as fees are increasing, taxes are increasing, we shouldn't be punting the responsibility to the Judiciary. I think if they had recommendations that we felt were appropriate, we could have, in a very timely fashion, make those changes. However, in past years if we failed back on our obligation, then accountability rests here with us, not with the Judiciary. With that rationale, I'll be voting 'no' on this measure."

Representative Jones then rose to speak in support of the measure, stating:

"I think it's real appropriate, at this time, to allow the Judiciary to establish rules to determine the fees. In these times of when we have a very strict budget, this is really the way we want to go."

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

"Mr. Speaker, it's so easy for people to get up and say we shouldn't do this, we shouldn't do that, we're giving too much power to this, we're giving too much power to that. Let me remind people, first of all, we live in a State where we always move ahead, and we make progress.

"Some of these court fees that we're talking about that we want to raise have not been raised for over 20 years. In fact, when compared with other jurisdictions, currently Hawaii's court fees rank among the lowest in the country. So if you talk about a court accessibility, it's too low right now. We haven't moved up. We have rules now that allow those who cannot afford to pay those fees to be exempt from the fees. We also have in the bill, Chapter 91, processes so that the public will be able to participate.

"In light of these considerations, I think that it is most appropriate to allow the court, by rules, to increase fees which should have been increased a long time ago. And as I said, again, it's so easy to attack anybody, or anything, or any entity that wants to make some progress so they raise some fees, and these fees, my understanding, does go in the general fund. So if the court is going to raise fees, certainly they are under public scrutiny not to overdo it and they're not here to make the money for themselves. It's going to go to the general fund, it's going to go to support programs and the taxpayers of the State of Hawaii. Thank you."

Representative Okamura then rose to speak in support of the measure, stating:

"Mr. Speaker, I'm just rising to clarify comments made by the Minority Leader that in fact, it's the Legislature that sets its own salary. The fact is that there is a Legislative Salary Commission that does that, and in the last recommendation for an increase the Legislature, in fact, did not accept their recommendation which, in effect, means that the Legislature did not have a salary increase for 16 years."

The Chair responded: "That is very true, and I feel it."

Representative Marumoto then rose to speak in opposition to the measure, stating:

"Thank you for the reminder from the Majority Leader. I think we do get a vote and that the vote is in the negative. So we can turn it down, so the Legislature has some say.

"This measure will allow the Judiciary to set their own fees and admittedly, I have not seen any real abuse of this practice to allow departments and agencies and branches of government to raise their own fees. But letting go of that control makes me slightly apprehensive.

"I've supported some of these measures in the past and probably will for other measures today, but this here, I just wanted to point out, Mr. Speaker, there seems to be a plethora of measures that moves the support of many of these programs from general funds to special funds to fees. And departments will readily be able to raise these fees to support their personnel and administrative expenses. There is then the chance that inefficiencies will not be sought because it might be easier to raise fees and feed the habit.

"Also, programs that are special funded come under less scrutiny than general funded programs although they can come under greater scrutiny, but generally this is true. I don't mean to pick on the Judiciary because there are many other programs in the Executive branch that are structured by fees and they're dependent on fees or they can raise their own fees. Some of them before us today

include the legislative analyst bill which contains the ability to..."

The Chair interrupted Representative Marumoto, stating:

"Representative, will you please confine yourself to the bill."

Representative Marumoto continued, stating:

"Well, just as an example, there was the notary fee, and the lead abatement, the Milk Control Program, the animal quarantine in addition to the Judiciary increased fees. You know, fee programs have their value and user fees are often preferred in some cases, but I just want to point out that this year the Legislature is on the prowl for money. It appears that we're taxing anything that moves."

Representative M. Oshiro then rose on a point of order, stating:

"The current speaker is getting way off here."

The Chair responded: "Representative Marumoto, you're getting a little bit off. Will you please get back to the Judiciary fees. The Chair has been very lenient in allowing you to expound in different directions. Will you please confine yourself to this bill."

Representative Marumoto continued, stating:

"Thank you for your indulgence, Mr. Speaker. I would just summarize by saying, I will not be voting against all the fee increases, but I just wanted to address this one as an example. Thank you."

Representative Moses then rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. If it's collected by government it goes into the general fund. It's a tax no matter what we call it. This is a tax. And as the Judiciary Chair said, it's easy to stand and say we shouldn't do this and we shouldn't do that. Well, Mr. Speaker, it's very easy for me to stand and say we shouldn't do this."

"While I support the Judiciary's input, we in the Legislature have the responsibility of oversight for the funding of this government. We cannot abrogate that responsibility. Thank you, Mr. Speaker."

Representative McDermott then rose to speak in opposition to the measure, stating:

"I wasn't going to speak, but you guys got me all fired up. I was really going to keep quiet on this. I had my pink slip and everything, but someone said that this might increase fees. Mr. Speaker, does a bear leave himself in the woods? I think the answer is clear, but what we're doing is raising the cost of access to a fundamental branch of government. I can't support that at this time."

"Thank you, Mr. Speaker."

Representative Kawanakoa then rose and stated:

"Thank you, Mr. Speaker. I rose in opposition, now I rise in strong opposition. I need to thank the Judiciary Chair for bringing to my attention, further attention, that most of these fees will be going to the general fund. Now I clearly see the direction and the reason, the rationale and perhaps the intent, for allowing the Judiciary perhaps to do our 'dirty work' to help fund our general fund."

"Quite frankly, I find that this, as was mentioned by the previous speaker, is simply a tax. It's clearly a tax. And if we haven't had the political will over the last 12-20 years to increase these fees, well then perhaps we should find it now. In all of our deliberations, I agree with the previous speaker, that it is our purview to fund government and to have the oversight to see that this funding is appropriate. Simply to relinquish that to the Judiciary at this time, especially when we're strapped for resources, I believe is not warranted."

"So for those reasons again, because it equates to a tax under the guise of a fee, and also doing away with the accountability that we should hold right here at the House of Representatives, now we're sending it to the Judiciary. I don't believe that's appropriate, Mr. Speaker."

Representative Pendleton then rose and stated:

"Mr. Speaker, again in strong opposition, I just would like to clarify the public debate by responding specifically to two statements made by the Chair of the Judiciary."

"His first statement was that 'our fees are low.' In speaking with the people who testified on an earlier bill relating to the Judiciary fees, people from the Hawaii State Bar Association, practicing attorneys, their understanding of the reason why our fees are low is because we have high taxes. And it has been our State's policy to run government through taxes which take into account a person's ability to pay, a person's income as opposed to fees which don't take into account a person's ability to pay. And that's why fees are more regressive. These attorneys stated the fees are low because our taxes are high. Now we're going to be hit with both high taxes and high fees."

"The statement made by the Chair of the Judiciary was that 'this is progress, and we're moving forward, this is progress.' Well, Mr. Speaker, if progress means making it harder for Hawaii's residents to live in this State, I don't think that's progress. If making it more difficult for the poor people to have access to a court system is progress, I guess my idea of progress is trying to make things fair, making justice more acceptable. So I disagree with the Chair of the Judiciary's definition of progress, Mr. Speaker."

Representative Tom then rose and stated:

"Mr. Speaker, I just want to remind the speakers that are speaking against this bill -- you know, you're 'darn if you do and you're darn if you don't.' When it came out of our Committee, we had numbers. And the same speaker said, 'too high, no access, too high, no access.' They don't remember that I lowered the numbers from what the initial bill was. Now we have rules to set the numbers and they're still complaining. What do they want? They want to zero out the fees, period?"

"Now this talk about fees and high taxes, I can only go by the record. My memory isn't the greatest, but I don't remember the Bar Association saying anything about high taxes versus fees. Let's not get on the floor and start talking about things that wasn't said at the hearing because I don't remember the Bar Association saying that at all. And when I talk about progress, and when I talk about the poor, let's not talk about the poor as not having access because every member here knows that we have rules in our books that allow the people who cannot afford it -- indigents -- whether in any courts of law are to be exempt from these fees. So I just speak in strong support, and I always wonder where the critics are coming from because you never can do anything right according to the critics."

"Thank you, Mr. Speaker."

Representative Jones then rose and stated:

"Thank you, Mr. Speaker. I just wanted to respond that when we talk about increases in the fees, we need to distinguish between these increases and the surcharges that were placed on by the Judiciary. As you may recall, surcharges were imposed by the courts which seem to be like fee increases, but these surcharges were marked to help the underprivileged.

"For example, the \$25 surcharge imposed in 1996 goes to help indigents who cannot afford legal fees. And that's a considerable amount of funds that were collected for that purpose. The \$15 Family Court surcharge goes in the Kids First Program to assist in helping children in divorce proceedings. There's also a surcharge for driver education which goes to the administration of the program. So, Mr. Speaker, when you look at it -- the indigents -- the poor are really protected. I think, again, the increase in fees is appropriate. Thank you."

Representative Ward then rose to speak in opposition to the measure, stating:

"Mr. Speaker, the easiest thing to do is to raise the fees and the easiest thing to do is raise the tax. And I think what we're saying here is that this debate is kind of getting us warmed up for the GET increase debate. I can just feel it

The Chair interrupted Representative Ward, stating:

"There you go, Representative, you're way out of order. Representative, please confine yourself to this bill. There'll be time enough for this later on."

Representative Ward responded: "The First Amendment is crafted much more sophisticated than your interpretation of it, however. Therefore, Mr. Speaker, cease and desist taxing the people of Hawaii, feeing the people of Hawaii. That's the message that we're going to get into when we get into the GET debate."

Representative M. Oshiro then rose on a point of order.

The Chair responded: "Representative, you're out of order. Please, Representative, until you get on line again, I will turn it off for a little while."

Representative Ward responded: "You are not able to censor any phrase that I try to speak about this thing."

The Chair responded: "Confine yourself to the bill, please."

Representative Ward continued, stating:

"And I see you've done it to my colleagues and now trying to make the point that the people of Hawaii have had enough taxation. They've had enough fees and we're just saying this is a warm up for the GE tax increase. If that's blasphemy, then we have a real problem with freedom of speech in Hawaii."

The Chair responded: "Yes it is, thank you very much, Representative. You're a great guy."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 721, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Aiona, Fox, Halford, Kawanakoa,

Marumoto, McDermott, Meyer, Moses, Pendleton and Ward voting no.

**Stand. Com. Rep. No. 1221-98 and S.B. No. 1309, SD 1, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 1309, SD 1, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

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

"Thank you, Mr. Speaker. I think this is a commendable bill and it compensates victims of crimes and terroristic acts. However, it also will compensate people who intend to permanently reside in this State. And I'm sure this probably tracks case law and will require people to be physically present in Hawaii. Just to make sure, I think I would feel more comfortable if this were in writing that would require people who are injured who intend to reside in Hawaii to be physically present when this occurs. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1309, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1222-98 and S.B. No. 2025, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2025, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1223-98 and S.B. No. 2123, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2123, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BOARDS OF REGISTRATION," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1224-98 and S.B. No. 2402, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2402, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1225-98 and S.B. No. 2782, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2782, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Third Reading by a vote of 51 ayes.



**Stand. Com. Rep. No. 1226-98 and S.B. No. 2983, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2983, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF INFORMATION PRACTICES," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1227-98 and S.B. No. 3114, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3114, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," passed Third Reading by a vote of 51 ayes.

**S.B. No. 2822, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2822, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEMON LAW DISCLOSURE COMPLIANCE," passed Third Reading by a vote of 51 ayes.

**S.B. No. 2135, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2135, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE TRADE PRACTICES," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 721, 1309, 2025, 2123, 2402, 2782, 2983, 3114, 2822 and 2135 had passed Third Reading at 12:04 o'clock p.m.

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

Upon reconvening at 12:53 o'clock p.m., the Vice Speaker assumed the rostrum.

**S.B. No. 2132, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2132, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Third Reading by a vote of 41 ayes, with Representatives Ito, Kahikina, Menor, Souki, Suzuki, Takai, Takamine, Takumi, White and Yoshinaga being excused.

**S.B. No. 2136, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2136, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR CONTROL ADJUDICATION BOARD," passed Third Reading by a vote of 41 ayes, with Representatives Ito, Kahikina, Menor, Souki, Suzuki, Takai, Takamine, Takumi, White and Yoshinaga being excused.

**S.B. No. 2805, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2805, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 41 ayes, with Representatives Ito, Kahikina, Menor, Souki,

Suzuki, Takai, Takamine, Takumi, White and Yoshinaga being excused.

**S.B. No. 2495, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2495, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW," passed Third Reading by a vote of 41 ayes, with Representatives Ito, Kahikina, Menor, Souki, Suzuki, Takai, Takamine, Takumi, White and Yoshinaga being excused.

**S.B. No. 2466, SD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2466, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP," passed Third Reading by a vote of 41 ayes, with Representatives Ito, Kahikina, Menor, Souki, Suzuki, Takai, Takamine, Takumi, White and Yoshinaga being excused.

**S.B. No. 2796:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2796, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY IN THE FIRST DEGREE.," passed Third Reading by a vote of 41 ayes, with Representatives Ito, Kahikina, Menor, Souki, Suzuki, Takai, Takamine, Takumi, White and Yoshinaga being excused.

**S.B. No. 2903:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2903, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN.," passed Third Reading by a vote of 41 ayes, with Representatives Ito, Kahikina, Menor, Souki, Suzuki, Takai, Takamine, Takumi, White and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 2132, 2136, 2805, 2495, 2466, 2796 and 2903 had passed Third Reading at 12:54 o'clock p.m.

At 12:55 o'clock p.m., Representative Meyer asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

**Stand. Com. Rep. No. 1303-98 and S.B. No. 1946, SD 1, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 1946, SD 1, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Kahikina rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Kahikina's remarks are as follows:

"This bill helps to perpetuate traditional Hawaiian healing practices by convening a panel of native Hawaiians to address issues and recommend legislation to traditional Hawaiian healing practices and authorize the practice of alternative health care.

"The practice of traditional Hawaiian healing stems from a personal relationship with the Creator. This relationship with God, His Son (Jesus) and the Holy Spirit is so essential to divine guidance of using the creation, (plants, minerals, water, etc.), in diagnosis and prescribing the medicine. Healing comes from God and in society now that emphasis weighs heavy on only the doctor and the medicine seems to me, missing the wholeness in receiving full healing and well being.

"For these reasons, I find it responsible to go forward with this measure and in hopes that God gets all the Glory."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1946, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF MEDICINE," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1304-98 and S.B. No. 2761, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2761, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Pendleton rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, the purpose of this bill is to address the issue of military personnel who own and want to be able to operate motorcycles. What happens is there's a course on the base, which is free, and there's also courses off base approved by the State Department of Transportation, which are about \$150 or so.

"The testimony that we had, well at least the information I have received from people on the base, including conversations with General Byse of Marine Corps Base Hawaii, is that the course on base is identical, if not superior, to the one off base. And yet, they're having a hard time being able to get approval or at least recognition of the one on base.

"This particular bill really doesn't address the situation because it says in addition to getting approval by the Department of Transportation, how the commanding general on the base has to approve it. Well, first of all, a military base is already going to require approval by the commanding general. So whether or not the State requires that is besides the point because the base will always retain that authority.

"So what happens with this particular measure is that we don't solve the problem of allowing State Marine's to be able to take the free yet very good qualified course on base and force them to take a much more expensive one to get the same skills. So those are why I have reservations, Mr. Speaker."

Representative M. Oshiro then rose to speak in support of the measure, stating:

"Mr. Speaker, I'd like to thank the Chair of the CPC Committee as well as the Chair of the Transportation Committee for bringing this bill to the floor for a vote.

"It's my understanding that this bill and this particular issue has been around in the House and Chamber for many years. In fact, this is the third consecutive year that this bill has been brought to us at issue.

"In the 1997 session, Mr. Speaker, it went as a Senate Bill to the House and was not really heard in any type of hearing. Same in the 1996 session, the Senate Bill was scheduled for conference, but then again there was no agreement that came from the conference committee. Mr. Speaker, I had a chance to write a letter to the CINCPAC commander and asked him of his opinion on this particular bill. And being that he represents the branches of military in the State, he did respond. His response was positive in that he did express that this was an excellent idea and that its adoption would assist the service members by eliminating the duplication of training requirements to obtain necessary insurance. And so we received their wholehearted support for this.

"Mr. Speaker, the problem with the current system is that there is a course that is required by those who want to learn how to ride a motorcycle. That is necessary in order to receive a permit insurance to ride on the highways. It's \$150. At the same time, military bases are required to offer these services of training for free to their military personnel. These courses are also required for them to operate their motorcycles on the bases.

"Concerns had been raised in the hearing, as well as in speaking with various members of the motorcycle community on this island. The current situation allows for a system by which a few people, who are conducting these classes, seem to be the sole and explicit beneficiaries of the current law. What this bill is attempting to do is to alleviate this concern and address this problem that's been ongoing for many, many years.

"Mr. Speaker, currently the law allows the license examiner to waive the practical test for people who complete the course approved by the Director of the Department of Transportation. I only suggest that this bill moves on into conference. And to ensure that our highways are protected, as far as having people properly certified and trained, that only people who pass courses approved by the Director of DOT could be allowed this particular waiver.

"Those being my concerns, Mr. Speaker, I will be supporting this measure and ask for the members support, but I hope we can look at this issue further in conference committee. Thank you."

Representative Marumoto then rose to speak in opposition to the measure, stating:

"The Majority Floor Leader has mentioned that the military leader was in favor of this bill. I questioned whether he was in favor of the draft of this measure. I'm sure he would have been supportive of House Draft 1. I cannot support the draft before us today. So I will be voting 'no' 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 S.B. No. 2761, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE INSURANCE," passed Third Reading by a vote of 46 ayes to 1 no, with Representative Marumoto voting no, and Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1305-98 and S.B. No. 3094, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3094, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 46 ayes to 1 no, with Representative Herkes voting no,

and Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1306-98 and S.B. No. 2460, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2460, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative M. Oshiro rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative M. Oshiro's remarks are as follows:

"I vote in support of SB 2460 SD2 HD2, which provides oversight by the State Health Planning and Development Agency and the Attorney General (AG) to protect against the raiding of nonprofit hospitals' assets by for-profit corporations through acquisition of the hospitals and to ensure the continuation of charitable healthcare benefits to the needy in the community.

"As a board member of Wahiawa General Hospital, a nonprofit hospital in my rural community, I am very concerned about this issue. I have read articles and heard about situations across the nation whereby nonprofit hospitals are merging with or selling to for-profit corporations to the detriment of the indigent, underinsured, or underserved people's access to appropriate healthcare in those affected communities. Such mergers or sales have also raised serious concerns about the charitable assets in those nonprofit hospitals---are they getting a fair price for the hospital and how are the proceeds going to be used after the sale?

"Due to the serious problems caused by nonprofit hospital conversions, many states have recently enacted laws to protect the public's investment and to ensure continued access to care by creating processes which open the conversion process to the public; strengthen oversight authority by the AG; and make certain proceeds from the sale are used appropriately for the public good. Hawaii should plan for the future and enact similar protective laws for its people.

"We must keep in mind that nonprofit hospitals are great resources that belong to our communities. They exist for the benefit of the community and as a result, have been granted tax exemptions. Many people rely on their nonprofit hospitals to obtain their necessary health care services. This type of health care services for the indigent, under insured, and the underserved communities must be assured to continue for the future generations.

"For the following reasons, I fully support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2460, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF HOSPITALS," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1307-98 and S.B. No. 2914, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2914, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Third

Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1308-98 and S.B. No. 3137, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3137, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1309-98 and S.B. No. 2770, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2770, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1310-98 and S.B. No. 1601, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1601, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1311-98 and S.B. No. 2846, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2846, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1312-98 and S.B. No. 1465, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1465, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 1946, 2761, 3094, 2460, 2914, 3137, 2770, 1601, 2846 and 1465 had passed Third Reading at 1:03 o'clock p.m.

**Stand. Com. Rep. No. 1313-98 and S.B. No. 2454, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2454, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1314-98 and S.B. No. 2816, SD 2, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2816, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPOSITION OF THE BOARD OF THE HAWAII PUBLIC EMPLOYEES' HEALTH FUND," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1315-98 and S.B. No. 2852, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2852, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1316-98 and S.B. No. 2970, SD 1, HD 3:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2970, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO NOISE," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1317-98 and S.B. No. 3035, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3035, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1318-98 and S.B. No. 2582, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2582, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURERS," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1319-98 and S.B. No. 2618, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2618, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICALLY UNDERSERVED," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1320-98 and S.B. No. 3143, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3143, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO UTILITY TRANSMISSION LINES," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1321-98 and S.B. No. 3248, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3248, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1322-98 and S.B. No. 1273, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1273, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF SEXUAL ASSAULT," passed Third Reading by a vote of 47 ayes, with Representatives Menor, Souki, White and Yoshinaga being excused.

**Stand. Com. Rep. No. 1323-98 and S.B. No. 2338, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2338, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF HOISTING MACHINE OPERATORS," passed Third Reading by a vote of 46 ayes to 1 no, with Representative McDermott voting no, and Representatives Menor, Souki, White and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 2454, 2816, 2852, 2970, 3035, 2582, 2618, 3143, 3248, 1273 and 2338 had passed Third Reading at 1:04 o'clock p.m.

**Stand. Com. Rep. No. 1324-98 and S.B. No. 2559, SD 2, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2559, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1325-98 and S.B. No. 2768, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2768, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO HEALTH CARE PROVIDERS FOR WORKERS' COMPENSATION CLAIMS," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1326-98 and S.B. No. 3220, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3220, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1327-98 and S.B. No. 720, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 720, SD 2, HD 2, 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 Menor and Souki being excused.

**Stand. Com. Rep. No. 1328-98 and S.B. No. 2350, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2350, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1329-98 and S.B. No. 2326, SD 1, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2326, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER'S MUTUAL INSURANCE COMPANY," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Halford and Marumoto voting no, and Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1330-98 and S.B. No. 2689, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2689, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1331-98 and S.B. No. 2803, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2803, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Ward rose to speak in support of the measure, stating:

"I rise in support of this bill because it has been two years in the making, and it's probably going to have a good 20 years' impact on the way that small business operates in the State of Hawaii.

"It's enabling rather than disabling, what otherwise our job makers and those who are the creative innovators, the entrepreneurial side, the family businesses and 86 percent of our businesses having less than 20 employees. Presently the rules and regulations are written and enforced to the point they are pushing our small businesses outside of Hawaii.

"Fortunately, Mr. Speaker, this bill should keep an inch and keep them unregulated, or let's say, regulated in a way that's reasonable, that's fair, and in good faith.

"Lastly, I'd like to thank some of the members of the Small Business Task Force, particularly Representative

Thielen's son; Ms. Betty Tatum of NFIB; and for Mr. Tim Moore, who has been flying all the way over from Maui. And particularly the Chair of that group and Representative Herkes, who for the last two years, have seen this through to its end. But hopefully their efforts will continue, and as Vice President Gore said to us at the White House Conference on Small Business in 1995: 'Government should be on your side, not in your face.' And I think that's what this bill is all about.

"Thank you, Mr. Speaker."

Representative Thielen then rose to speak in support of the measure and to disclose a "potential conflict," stating:

"My son, Mr. Greg Thielen, was appointed by the Governor to the Small Business Regulatory Relief Task Force," and the Chair ruled "no conflict."

"Thank you. I am very, very pleased and gratified that this bill is making it through the process. I think that we're sending a very strong message in support of the small business by doing this. And I think all the businesses in our respective districts will thank us for this kind of measure being passed this session. Thank you, Mr. Speaker."

Representative Yamane then rose to speak in support of the measure with reservations, stating:

"My concern is, over the years I've been a representative or has been part of several small businesses, and my concern is the definition in this particular bill calling for small businesses with employees of under 200. My opinion is that the limits for small businesses should be a lot lower than that. Thank you."

Representative Morita rose in support of the measure with reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Morita's remarks are as follows:

"While I believe that our State has to improve its regulatory climate to encourage the development of small business, I do have several concerns about this bill.

"One of my main concerns is the description of a small business as up to 200 employees. Secondly, I am concerned that this bill cripples the ability of agencies to enact rules necessary to protect the environment or to enforce environmental laws effectively by the reduction of penalties for violations in the improper handling of hazardous waste."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2803, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SMALL BUSINESS REGULATORY FLEXIBILITY ACT," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1332-98 and S.B. No. 3000, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3000, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1333-98 and S.B. No. 3007, SD 1, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 3007, SD 1, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Fox rose to speak in support of the measure with reservations, stating:

"This bill is about business development corporations and my concern is that the way it was amended in the Finance Committee is a flawed change to a bill that came out of Economic Development Committee in good shape.

"The problem right now is that business development corporations are not regulated. There's no gatekeeper watching which companies come in and apply for status as business development corporations. The bill makes DBEDT responsible for being the gatekeeper. That is a good thing.

"What happened in Finance that went wrong is that the bill is basically designed to encourage corporations to, in a bank-like manner, loan out money and encourage small businesses that can't get money elsewhere to get loans and to undertake the expansion of the economic activity that way.

"For that purpose, the business development corporations are exempt from taxation. The problem with what we did in Finance was that we took away the tax exemption over a seven-year period, going down 20 percent a year until it disappears. That would cause the business development corporations to cease to function because they need that tax advantage in order to do the good work that they're supposed to be doing.

"Business development corporations were a popular concept about 30 or 40 years ago. That's why it's in our law. I think that we do need to have a gatekeeper like DBEDT to make sure that this provision of the law is not misused, but I think we made a mistake in Finance and we're basically 'killing the goose that's suppose to lay the golden egg'. So I hope that somehow in conference, this is rectified.

"Thank you, Mr. Speaker."

Representative Yamane then rose to speak in opposition to the measure, stating:

"We're supposed to be here, looking at ways to being inventive and helping small business and helping business in general. From what I understand of the BDCs, there's only a few of them here. And if we're going to be giving them credits, I have a problem explaining to my current policyholders in small business why we're giving these people credits and the other businesses that have been here for 20 or more years, they still have to pay the taxes, too. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3007, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Yamane voting no, and Representatives Menor and Souki being excused.

The Chair directed the Clerk to note that S.B. Nos. 2559, 2768, 3220, 720, 2350, 2326, 2689, 2803, 3000 and 3007 had passed Third Reading at 1:10 o'clock p.m.

**Stand. Com. Rep. No. 1334-98 and S.B. No. 2078, SD 1, HD 3:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2078, SD 1, HD 3, pass Third Reading, seconded by Representative M. Oshiro.

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have very strong reservations about this bill, but I certainly want to see it move on to conference. When this bill arrived in the Finance Committee, the House Draft 2 was set to handle the arbitrarily high fees for transferring commercial ocean recreation operator permits with thrill craft and parasailing activities.

"As drafted, when it arrived, it would have replaced the minimum of 10 percent of the transfer price with a maximum of 6 percent. And it also repealed the 10 year maximum period for which a permit for commercial thrill craft activities may be issued. These entrepreneurs that run the parasail and thrill craft businesses on three different islands have been coming to the Legislature for as long as I've been here, which has only been four years, but you've seen them repeatedly year after year.

"This year, because of their input, things were getting very close to where we were looking at possibly passing a bill which would give them some relief. No other ocean marine recreation permits are limited by a time period like the 10-year limit on these businesses. Other businesses of this type can simply renew their permits year after year. No other permit holders continually operate under the fear of losing their businesses because they are threatened with involuntary public auction once their permit can no longer be renewed.

"These entrepreneurs really feel that they are operating under a very heavy dark cloud. This bill would simply give them some parity with other ocean recreation permit holders. Our hope is that in the conference committee, something can be worked out which would give them some relief. The way the bill was amended in the Finance Committee, it actually turned out that it upped it from 6 percent to 20 percent and repealed the provision that would eliminate the automatic auction -- sort of like they're back to square one, slightly better off.

"But I think in this time frame, when we're looking to become business friendly, we want to help our entrepreneurs to invest their capital to succeed, not to drive them out this State. So I just hope that whoever's on that conference committee will try to give these people some relief and pass a business friendly bill.

"Thank you, Mr. Speaker."

Representative Morita then rose to speak in opposition to the measure, stating:

"This bill addresses the transferring for permits which involved public resources. By allowing the transfer of permits, these permits become assets of the business. With regard to our ocean resources, these permits grant the operator the privilege to use public resources for commercial purposes. It's a privilege, not a right.

"If this body decides to allow the transfer of permits, I believe this fee should be set at a higher rate so that the State or the public benefits and not the permit holder. Again, these permits using public resources should not become a business asset."

Representative Tarnas then rose to speak in support of the measure with reservations, stating:

"My reservations being the amount of the percentage in transfer fee. I look forward to going to conference committee to work out and negotiate a deal. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2078, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Marumoto, McDermott and Morita voting no, and Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1335-98 and S.B. No. 2922, SD 1, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2922, SD 1, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Ward rose and stated:

"Mr. Speaker, I rise in strong support with strong reservations on Stand. Com. 1335-98 regarding government, particularly the legislative analyst position.

"Mr. Speaker, you know the saying: 'If we build it, they will come.' Regarding this bill, if we pass it, will we fund it? I think history has been very unkind to the legislative analyst. We have for over 10 years had it on the books, but we've never actually funded it. And this is another attempt to do that.

"To my way of thinking, we need a legislative analyst as much as business needs an accountant. We've been running the business that's \$12 billion per year, and we don't have our own 'number cruncher'. That's what this position is all about.

"So while I'm excited, I'm encouraged that it's here again. I would only say with reservation that if we're not really sure about funding it, we're just kind of playing at it. So rather than go 'seat of the pants', particularly as the economy gets worse, I think we need to 'take the bull by the horns,' keep our books and really pass this with the intent of funding it rather than fanning it with fake praise by bringing it up every year and having nothing happen. These are my reservations, but otherwise I very, very strongly support this measure. Thank you."

Representative Tarnas then rose to speak in support of the measure with reservations, stating:

"My reservations are the provisions in the bill that would abolish the Office of Environmental Quality Control and transfer the functions to Department of Health.

"Mr. Speaker, I think that a more valuable and more effective route to take would be to take the Office of Environmental Quality Control and put it into the Office of Planning so we could have some synergy of planners and maximizing the benefits of the clerical staff there, I think we increase efficiency and cost savings in doing it that way. I recognize that others don't feel that way, but I wanted to state my reservations in hopes that in the conference committee we can come out with that result. Thank you, Mr. Speaker."

Representative Thielen then rose to speak in support of the measure with reservations, stating:

"They're basically because of the Office of Environmental Quality Control. I don't think it belongs back within the Department of Health and I've expressed that concern to members before. I share the views of Representative Tarnas that it makes much more sense

from the consolidation approach and an economy approach to put it in the Office of Planning within the Department of Business and Economic Development. And I think that would help facilitate things and move them faster if we were to do that.

"So let's look for conference committee and hope that we can get that change in there. Thank you."

Representative Morihara rose in support of the measure with reservations and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Morihara's remarks are as follows:

"I concur with my colleague from Kohala. By combining OEQC in DOH, we are giving additional responsibility to a Department that is already overburdened and operating inefficiently. Other departments would be better equipped to handle these responsibilities."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2922, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1336-98 and S.B. No. 2346, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2346, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

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

"This measure, Mr. Speaker, addresses the mental illness in the same manner as any physical illness. In a prior report that was distributed in 1994, recommended the occurrence of mental illness is 4 percent and 2.5 percent of substance abuse in the population covered by private insurance.

"The Legislature has also found that the cost of mental illness to society is comparable to physical illness. Unlike Chapter 431M, Hawaii Revised Statutes, which favors the more costly in-patient treatment, this bill, Senate Bill 2346, emphasizes prevention. And this measure would allow out-patient treatment for mental illness as well as substance abuse. It would also allow the conventional treatment of in-patient hospitalization to one that favors the out-patient non-hospital service.

"This measure provides prevention services while the insured may still be recovering and working rather than waiting for treatment and in the hospital. Prevention once again, Mr. Speaker, is always cheaper than treatment, and I urge everyone to support this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2346, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1337-98 and S.B. No. 379, SD 2, HD 2:**

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

Committee was adopted and S.B. No. 379, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Ahu Isa, Marumoto and McDermott voting no and Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1338-98 and S.B. No. 2092, SD 1, HD 1:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2092, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Yoshinaga rose in support of the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Yoshinaga's remarks are as follows:

"Because Hawaii is so heavily dependent on imported fossil fuels, the use of which contributes to numerous environmental problems worldwide and high energy costs here at home, it is extremely important for our State that we encourage the development of viable alternative energy resources.

"SB 2092 SD1 HD1 extends the energy conservation income tax credit for the installation of wind energy systems, solar energy systems, heat pumps, and ice storage systems from January 1, 1999 to July 1, 2003. Extension of the credits at the current levels are essential for continued progress in energy efficiency and environmental protection. These tax credits benefit Hawaii's resident taxpayers by reducing the net cost for solar and heat pump systems and the monthly water heating costs. Extension of the credits will allow continuation of the puc-approved utility programs of financial incentives which further reduced net system cost.

"The public/private partnership of tax credits and rebates offered by the State and the utilities has stimulated demand for solar and heat pump systems. This increased demand has resulted in the creation of at least 150 new jobs during the past year and a half. Demand is expected to continue to increase with the extension of the tax credits creating an additional 100 plus new jobs. And thanks to these credits, Hawaii is currently the national leader in per capita installations of residential energy conservation systems, which have already saved our state millions of dollars each year by stimulating environmentally sound businesses and employment, and savings in energy costs.

"The environmental benefits of this measure are also tremendous. A single solar system saves the importing and burning of eight barrels of oil every year. One heat pump system saves five barrels of oil per year. Over its life, one solar system reduces power plant emissions of carbon dioxide by 61 tons. Over its life, one heat pump system reduces carbon dioxide emissions by 32 tons. Encouraging the continued development of these systems, solar electricity systems, and wind and ocean energy systems are invaluable to both our economy and our environment. Allow me to outline key benefits:

"Taxpayers will benefit from lower system costs with tax credits and long term monthly savings;

"Utility customers will benefit from even lower system costs with a continuation of utility financial incentives and utility grade systems with even lower monthly energy bills;

"Our economy will benefit from new job creations, a diversified economic base, retainment of money in our

state, an increase in our state's energy self-sufficiency; and

"Environmental benefits include system life, reduction in oil importation, a reduction in carbon dioxide emissions.

"Mr. Speaker, thank you for the opportunity to testify in support of SB 2092 SD1 HD1."

Representative Ahu Isa rose in support of the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Ahu Isa's remarks are as follows:

"Mr. Speaker, I rise in strong support of S.B. 2092, SD1, HD1. Mr. Speaker, Hawaii's energy resources must be protected in a manner that ensures the health, safety and welfare of the people of this State, and at the same time, protect its limited natural resources for future generations. An effective means of protecting this fragile environment is to make the best use of our natural resources in a prudent and efficient manner.

"Mr. Speaker, energy conservation income tax credits have been a successful, beneficial, and cost-effective means of increasing the use of solar and wind energy. An extension of the income tax credits provided for these systems will continue to promote their widespread use and reduce the use of imported fossil fuels.

"Mr. Speaker, the policy of this State, since 1976, has been to provide tax credits for energy conservation systems. This policy has served the State well. Hawaii now leads the nation in per capita installations of residential systems, and is the national leader in solar energy applications. These installations have saved the people of the State of Hawaii millions of dollars each year due to reduced imported oil and reduced monthly utility bills.

"Because the state of Hawaii is blessed with wonderful solar energy, the potential to benefit from this resource should be encouraged and supported since these resources have an even greater potential of contributing to the State's increased energy efficiency and sustainability.

"Mr. Speaker, this bill extends these energy conservation tax credits an additional four and one-half years, and I wish it could have been extended for an additional ten years.

"This is a good bill, Mr. Speaker, and I urge my colleagues to please support it wholeheartedly. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2092, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX LAW," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1339-98 and S.B. No. 2413, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2413, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Tarnas rose to speak in support of the measure with reservations, stating:



"My reservations actually have to do with a similar situation. In this bill, the Coastal Zone Management Program is proposed to be moved to the Office of Environmental Quality Control. I think that's the wrong move. Again, I think the OEQC should be moved to the Office of Planning.

"The Coastal Zone Management Program, Mr. Speaker, has a much broader scope of responsibility than the Office of Environmental Quality Control. So we would be taking something with a broad scope and putting it onto something which has a more narrow scope. I don't think there will be any cost savings. In fact, I think we'll have trouble in both programs in achieving their goals and objectives.

"Again, I think we need to reconsider this. Let's actually have some consistency in our positions here as well and move OEQC over to OP and actually have successful consolidation of our government programs and cost savings therefrom. Thank you."

Representative Thielen then rose to speak in support of the measure with reservations, stating:

"My reservations on this measure are exactly the same as just expressed. Thank you."

Representative Tarnas then rose and asked for a ruling on a potential conflict of interest, stating that his wife works for the Coastal Zone Management Program, and the Chair ruled "no conflict."

Representative Yoshinaga rose to speak in support of the measure and asked that her comments be inserted into the Journal and that the comments of Representative Tarnas be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Yoshinaga's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of SB 2413 SD2 HD2, specifically regarding the environmental self-audit provision.

"There's no doubt that the primary question before this Legislature is the economy. That it - or should be - the foremost thought in everyone's mind.

"Where the environment is concerned, economic considerations are no less of a factor. In fact, my Committee has been actively searching for new and innovative approaches to environmental protection which benefit everyone concerned.

"Some of those innovative ideas were too radical for some to mentally digest. Some met opposition from those who favor the status quo. But some of the ideas are moving forward - like the concept of environmental self-audits.

"The philosophy is simple: if we believe that we all live together on this island, and we all want a clean, healthy, and attractive environment, then we must assume that everyone wants to take the right actions.

"Since we have never had the funds to create an agency full of environmental police to go out and enforce the laws, one of the most efficient ways to ensure compliance with the laws is to encourage environmental self-audits in which potential polluters actually look closely at their own operations and find ways to reduce emissions (of all kinds--air, water and waste).

"The problem is that we have not encouraged that activity with any kind of motivation or reward. In fact,

we have actually discouraged it by threatening to use whatever data is found in a self-audit as the basis for environmental violation fines.

"If we want to move forward with environmental protection in these hard economic times, we need to shed that mind set and embrace the concept of self-audits. And we need to actually make a show of good faith by encouraging the process and offering at least limited indemnity for violations discovered in the course of a self-audit.

"Mr. Speaker, embracing new ideas come hard for all of us. It was no different with this concept. It actually took two months of hearings and discussions before we were able to persuade some members of this body that this is the right direction to take environmental protection.

"I want to thank everyone who helped to share this idea through the legislative process during the past two months. It has been a difficult path, but one which I am confident the House can defend in conference - and which will benefit environmental quality of our state when it finally becomes law."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2413, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Lee voting no, and Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1340-98 and S.B. No. 2987, SD 2, HD 3:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2987, SD 2, HD 3, pass Third Reading, seconded by Representative M. Oshiro.

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

"Thank you, Mr. Speaker. Let me start by thanking the members of the Human Services and Housing, Health, Judiciary, and Finance Committees, as well as the Department of Human Services, Family Court, and our CPS Reform Roundtable for helping to craft this omnibus bill.

"Mr. Speaker, on a recent walk-the-talk, we were able to visit little Reubyn Buentipo at a nursing home where he now lies in a coma. I am pleased to report that he is recovered from many of the physical injuries. He's gained weight and looks like almost like any other five year old. We were able to pray that God would provide a miracle and heal his damaged brains so that he could one day play and laugh like any other five year old.

"I was told by a pediatric intensivist that because of his age there is still hope for his brain to heal and for him to emerge from his comatose state. And little Reubyn has come a long way since I first saw him a few days after the severe beating which led to his hospitalization. At that time he looked very frail and near death.

"It was then that I learned about the horror and gut wrenching account of the torture his tiny little body was subjected to throughout his four years of life. If indeed, you can call it a life.

"What is even more troublesome, Mr. Speaker and colleagues, is the would've, should've, could've incidents we heard when details of his case were revealed. Senate

Bill 2987 responds to many of the concerns which surfaced as a result of reviewing recent cases of severe abuse and even death of young children here in Hawaii.

"It includes making a child's health and safety a priority greater than unification. To require reports of the Child Protection Multi-disciplinary key to be submitted to the courts and to require CPS to be open, accessible, and communicative to persons affected.

"We can be proud of the collaborative efforts of this Legislature, the Department of Human Services, Family Court, and the many private agencies and child advocates who stepped forward to respond to this crisis. The fact remains, however, that government cannot assure the safety of all children, and this bill only addresses those children who are already victims of abuse.

"The most strategic action we must take is in prevention and early intervention of child abuse and neglect. As many as 40,000 to 50,000 of Hawaii's children may be abused and neglected each year, but only about 10 percent or 4,000 reports are made to the State's Child Welfare Services. Sadly, many of the children who are abused are under the age of five, and this is a vulnerable age when they can be kept out of sight and are unable to express for themselves what is happening to them.

"For those of you who received the blue ribbon, which is part of a national campaign which designates April as Child Abuse Prevention Month, I ask that you do your part to get the prevention message out into your communities. Clearly child abuse prevention is everybody's business. A simple act of reporting or asking questions could make a difference between life and death. And it could actually save the millions we'll be spending to pay for the care of a child, such as Reubyne in a nursing home.

"Finally, Mr. Speaker and colleagues, we as a State under the nation, need to consider basic human rights for children. Are there any rights for children? Or are they merely chattel subject to their parents whims? It's ironic that we can concern ourselves with human rights policies of other countries, yet there are no rights guaranteed to our own children.

"I will close by again quoting from Gabriella Mistral, Nobel Prize winning poet from Chile, and she says: 'We are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait, the child cannot. Right now is the time his bones are being formed, his blood is being made, and his senses are being developed. To him or to her, we cannot answer tomorrow because his or her name is today.'

"Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I don't think anymore needs to be said. The words that Representative Arakaki has shared is eloquent enough, but I wanted to publicly acknowledge and first of all say, as eloquent as those words were, they cannot match the commitment that Representative Arakaki has shown and the leadership that he has shown.

"So I wanted to publicly say that as we move forward with this measure, and as we begin to address some of these concerns, thank you Representative Arakaki for the leadership, the commitment. And for the members, truly, this is only one step and we cannot through legislation

alone protect our children. It is a societal concern that reaches far beyond this body.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2987, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1341-98 and S.B. No. 3043, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 3043, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Ito rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Ito's remarks are as follows:

"Thank You, Mr. Speaker. The purpose of this bill is to provide immunity for persons, including the State, the counties, boards and government agencies from liability arising out of or based on errors produced, calculated or generated by a government computer system that is not year 2000 compliant.

"Mr. Speaker, the year 2000 is almost upon us. We are only 20 months away. But today, we must pass this bill to avoid the serious magnitude of financial risk to this State and its taxpayers. The tremendous burden of lawsuits brought upon by this failure to comply computers to year 2000 standards would be felt by all sectors of the population. Besides taxpayers, the private sectors who rely on receiving information from the State will also be affected as result of the same government computer system error.

"To protect the State from litigation, this bill would provide immunity to any failure or error that occurs prior to June 30, 1999.

"I urge everyone to save this State from potential litigation. Support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3043, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000 COMPLIANT," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1342-98 and S.B. No. 760, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 760, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Kawakami rose to speak in opposition to the measure, stating:

"Mr. Speaker, I oppose Senate Bill 760, relating to schools-within-schools not because having schools-within-schools is a bad idea, but because I feel that the Legislature's regulation and micromanagement of such programs is a bad idea.

"The development and implementation of innovative alternative organizational schemes should be initiated by individual schools under the oversight of their School Community-Based Management system, the principal, and the Department of Education with Board approval. It is neither necessary nor appropriate for the Legislature to oversee and attempt to codify new educational programs and organizational patterns if this is the school and community's prerogative.

"Schools-within-schools exist today even though they did not receive permission from us. And we have two schools as examples -- Kapaa Elementary on Kauai and Mountain View on the Big Island. The schools-within-schools program is but one of many alternative educational options available. And schools-within-schools are very feasible and work well in larger schools because of the many more resources and student population size necessary to accommodate different focus groups.

"By legislating in this area, we are sending the wrong message. Students and their needs, both in terms of curriculum and their environment, are dynamic and ever changing. We should be trying to keep the system as adaptable as possible so that it can meet those needs. I feel that passing this bill would be taking a step in the wrong direction. Do we not trust our educators?

"In addition to being inappropriate and unnecessary, Senate Bill 760 shifts responsibility and accountability away from the Department of Education and the Board of Education. And lastly, from the language of the bill it is unclear who would be responsible and accountable for the schools-within-schools performance and outcome. For these reasons, I oppose the bill.

"Thank you, Mr. Speaker."

Representative Pendleton then rose to speak in support of the measure, stating:

"Mr. Speaker, this is a very good measure. It is not only pro-school, pro-reform of education, but it is also pro-parent and pro-decision making in terms of having the people who are most affected by these decisions make these decisions.

"Mr. Speaker, the people who testified in favor of this were the League of Women Voters, a University of Hawaii professor, a school principal, three teachers, the president of the student committee and a number of parents of students enrolled at these schools-within-schools. I personally met in a separate forum with a number of these people and spoke with them about the benefits of schools-within-schools.

"Mr. Speaker, a previous speaker alluded to the fact, at least suggested, that the Board of Education will not be able to retain its authority over these kinds of decisions. But Mr. Speaker, if you look at page 1 of the bill, line 7, it says that, well that entire section, section A, says that: 'provided that the public school submits a petition approved by the school principal or a majority of the teaching personnel to the Board of Education.' Sounds like the Board of Education gets to retain some authority and oversight over this area.

"Also it's not the Legislature micromanaging. In order to be a school-within-school, it would have to be brought forward by the school principal or a majority of the teaching personnel. Again, we are creating a vehicle by which they can avail themselves of the procedures to become a school-within-school.

"Also on page 4 of the bill, section (g), says: 'The Board of Education may adopt rules for the

implementation of this section.' Again we aren't just putting this out there for no one to pay attention to, no one to have oversight. The Board of Education may adopt rules for the implementation of this section. Again I don't believe this is micromanaging.

"The Legislature is saying that those people, either the principal or a majority of the teaching staff, can create a school-within-school. We're not mandating them. We're not prohibiting them. We're saying if it is appropriate for that particular school and the principal or the majority of the teaching staff is in favor of it, they can go ahead with it. So for those reasons, Mr. Speaker, I support this bill."

Representative Kawanakoa then rose to speak in support of the measure, stating:

"Again, I hadn't intended to give any remarks. I would ask at this point, though, that my remarks be entered into the Journal," and the Chair "so ordered."

Representative Kawanakoa continued, stating:

"I just want to add a few more points. This measure doesn't close the doors to schools-within-schools in our public school system. It actually opens the doors. It allows more flexibility in providing more opportunity for these innovative teachers and parents and students who want to try something new to improve their community, their school community.

"Mr. Speaker, as you know, we held a forum here at the Legislature to discuss these matters. And many of the teachers and innovators from Kapaa Elementary School and Mountain View joined us to discuss all of their accomplishments and successes that they have had with their programs, schools-within-schools. I should note, with regard to the notion of micromanaging or we're going to get in the way, that subsequent to this hearing, Mountain View School principal suggested that they would close the Connections Program, which is a school-within-school at Mountain View on the Big Island.

"Then what troubles me the most is that study after study has proven that disadvantaged children, children-at-risk, benefit the most from a smaller school, from a school-within-school concept because they get the extra attention. The kids become engaged in education once again and they desire to learn. Again, it's a good measure. It affords more opportunity for schools-within-schools. And I think as legislators, we would hopefully give some directive in making these changes or affording the opportunity of innovation within our public school system. Thank you."

Representative Kawanakoa's remarks are as follows:

"I speak in support of SB 760 HD2 relating to Schools Within Schools.

"This bill was brought to fruition due to facts, facts that do not reflect well on the educational system in Hawaii. According to sources such as the State Fact Finder, Rankings Across America, 1997; 1995 State of Hawaii Data Book; The College Board.; Hawaii has the largest secondary schools in the nation, with 26 schools averaging 1,775 pupils each. Our elementary schools average at 621 pupils each, ranking Hawaii as the third largest in the nation. The impact that these numbers have on our children is easy to see. SAT verbal scores are 42 points below the national average here in Hawaii, while math SAT scores are 21 points below the national public school average.

"The time has long passed for us to respond to these statistics. Schools-within-schools has proven to be the correct response throughout the nation and here in Hawaii. It has been confirmed by national studies that youngsters learn more in math, reading, history, and science in small schools-especially disadvantaged students. More than 100 studies have found that student performance in small schools are superior to that in large schools, there have been no findings that the reverse is true.

"In a time when violence is prevalent within the national school system we are forced to look at not only the educational but social impact that school has on our youth. Small schools are more likely to be violence-free, and students are better behaved and more involved. In a time when families are forced to spend more hours at work in order to provide for their family, their children must be given the opportunity to become educated, well-rounded individuals. Small schools help to provide an environment that will facilitate this. SB 760 is the stepping stone that will provide this environment within Hawaii.

"It is now time to act. Our children are in school now."

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

"Thank you, Mr. Speaker. Questions have been raised about the necessity of this measure. I just wanted to refer the members to the policy that some would say is sufficient for schools-within-schools to thrive in our school system.

"It comes under school size standards, and the policy of the Board of Education says that the desired or optimum enrollment limits for elementary schools are 550 students. In the case of the two schools that we are talking about -- Kapaa and Mountain View -- Mountain View has 800 students and Kapaa has even more than that or at least it did when it formed the schools-within-schools there.

"The Board policy doesn't really say too much about schools-within-schools, but I'd like to read to you what I consider sort of a convoluted, difficult to understand policy. In the last paragraph it says: 'that staff and community members in schools, which were constructed prior to and which exceed the standards, are encouraged to analyze the evaluation data in their school performance indicators to decide whether there is merit to the adoption of programmatic measures to create smaller communities of learners, such as school-within-a-school or multi-track year-round education, which may ameliorate the negative effects of student enrollments which exceed the standards.'

"Now what I think the Board is saying here is that it's okay for schools to look at developing schools-within-schools when they determine that the size of their schools may be too large. I believe that the experience of the two schools that we're talking about really indicates the need for the statutory language that we are considering adopting.

"First of all, neither of these schools had a permit from the Board of Education. That should be clear. And in the case of Kapaa Elementary, without any policy at all, the principal there decided to form a set of schools-within-schools so that every student at that school would be in one school or another.

"In the case of Mountain View, this policy that I just read to you had gone into effect. Over the years they now have 180 out of 800 students at that school in the Connections school-within-school. The teachers who were

in the program swear by it. The students enjoy it and most important of all, Mr. Speaker, the parents are very encouraged by it. They participate. There are 100 active parents at Mountain View School. And they're all in this school-within-school program.

"As an example, they've raised in the last two years, \$28,000 of their own money to support this school-within-school by going to farm fairs and raising money that way in the private sector. The difficulty, Mr. Speaker, is that in the case of Mountain View, over the last ten years, Mountain View has had 10 principals. Now the first principal, actually in the last seven years since some form of this school-within-school has existed, they've had seven different principals. Several of them were supported obviously, but the difficulty is that the new principal at that school has come along and determined that it shouldn't continue despite the approval, the involvement, the support that such a sizeable percentage of that school population has for maintaining the school-within-school.

"I hope that I've been able to convince the members that the Board policy is insufficient to make sure that arbitrary and capricious actions of the kind displayed by this one principal at Mountain View, over the objections of the district superintendent, will not be allowed. This language is important for that reason. And built into this language, as other speakers have mentioned, is an assurance that there will not be frivolous..."

At this time, Representative Okamura yielded his time to Representative Stegmaier.

Representative Stegmaier thanked the Chair and continued, stating:

"...that won't be frivolous attempts at creating schools-within-schools. There's a very laborious process. First of all, getting the approval of the people at the school, either a majority of the teachers or the principal, but then entering into a memorandum of agreement with the Board of Education about how that school-within-school operates.

"So what we're saying is that once a concerned group of teachers, students, and parents have formulated a plan, they should be allowed to continue that plan to show that they can be successful. Every five years, there will be an evaluation. We just want to make sure that we are encouraging initiatives like this throughout our school system and for this reason, Mr. Speaker, I recommend that we pass this measure out."

Representative Kahikina then rose to speak in opposition to the measure, stating:

"Mr. Speaker, here we go again trying to do what an elected Board of Education apparently is not doing. We have on the books right now School-Community-Based-Management, and it empowers the community, the grass roots, of the level of democracy in the community. In School/Community-Based Management, they talk about six elements: the principal, the teachers, the support staff, the parents, the community representative, and where it is available, the students get involved.

"In this measure, Mr. Speaker, it talks about only two elements of the School/Community-Based Management getting involved. It says that the public school submits a petition approved by the school principal or a majority of the teaching personnel. There's nothing talking about parent involvement, nothing about student involvement, the community involvement, the support staff involvement. We have the empowerment right now. We have an elected Board of Education that is elected to these types of policymaking.

"Mr. Speaker, for those reasons, and also I would like to request that the words of the beautiful Representative from the beautiful island of Kauai be entered in the Journal as if my own," and the Chair "so ordered." (By reference only.)

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

"I think the Chairman of the Education Committee had some very fine comments and very fine reasons for going ahead with this measure. I listened to his reading the Board of Education's policy and tried to follow all of those, I guess it was a single sentence, trying to follow that very confused section, I was left with thinking it was drafted by a committee of lawyers. It didn't really make sense. It didn't get to the point. And it really didn't provide the direction that we need.

"I think we need to provide that direction within this legislation. I am also rather disturbed at an e-mail received from the principal of Mountain View School and the numerous grammatical errors and spelling errors that were in that communication. Something should be done in a better way. I think that this bill will lead us to that better way, and I certainly applaud the Chair of Education for moving ahead with this measure. Thank you."

Representative Yonamine then rose to speak in opposition to the measure, stating:

"No one here is against schools-within-schools. It's always teacher generated. They see a need for an educational unit within the school. Some special classes and programs around a particular curriculum theme and they go ahead and have it conceptualized, formalized and they go through the SCBM and through the principal and get that approved.

"So we're talking about, but we're not talking about two schools, a school whose problems with the principal can already be addressed administratively and through Board policy. If they have done their job, they should do so. So we're not talking about two schools, we're talking about 240 schools, 238 other schools and this is where we're coming to, the point that we are micromanaging.

"First, school-by-school should be left to each individual school to decide and almost always it is teacher generated. Secondly, the policy was already in place and administrative rules and regulations in place which allow schools to develop schools-within-schools if they want to, plus any other types of programs and curriculum changes that have taken place in the schools.

"So what we're talking about is, let's look at the two schools and that's the issue, that there are problems with them, that they can be handled administratively and through the school board's policy. All we're saying right now is this: Please, we have the elected school board, let them decide for themselves what the policy should be. If there's any improvements that need to be taken, they should do it. But right now what we're doing is telling them to do it, and I think that is wrong. Thank you."

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

"It's about time you heard from somebody whose constituents go to that school that's the subject of this debate. I agree with a lot that's been said except, you know what? All those are working. I've talked to the district superintendent, I've talked to the elected school board member. This program has been working well for

years. I have been there. I sat in these classes with these students, involved parents, involved teachers. And the Chairman of the Education Committee said exactly what happened -- a series of principals all in support. Suddenly you get one that says: 'I don't want it.'

"I was talking to the district superintendent who said: 'I talked to the principal today about the future of this program, and while we were talking the principal cut the program off.' Right out from under the rug of the district superintendent.

"What we're trying to do here is to say all these things are in place and they didn't work and this bill will make them work."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 760, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS-WITHIN-SCHOOLS," passed Third Reading by a vote of 38 ayes to 11 noes, with Representatives Abinsay, Ahu Isa, Ito, Jones, Kahikina, Kawakami, Nakasone, Suzuki, Tom, Yamane and Yonamine voting no, and Representatives Menor and Souki being excused.

**Stand. Com. Rep. No. 1343-98 and S.B. No. 2966, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2966, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," passed Third Reading by a vote of 49 ayes, with Representatives Menor and Souki being excused.

The Chair directed the Clerk to note that S.B. Nos. 2078, 2922, 2346, 379,2092, 2413, 2987, 3043, 760 and 2966 had passed Third Reading at 1:50 o'clock p.m.

**Stand. Com. Rep. No. 1344-98 and S.B. No. 2820, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2820, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Third Reading by a vote of 47 ayes to 1 no, with Representative McDermott voting no, and Representatives Cachola, Hiraki and Kahikina being excused.

**Stand. Com. Rep. No. 1345-98 and S.B. No. 1559, SD 2, HD 3:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 1559, SD 2, HD 3, pass Third Reading, seconded by Representative M. Oshiro.

Representative Whalen rose to speak in opposition to the measure, stating:

"Thank you. I'll try to keep it brief because I know I'm not going to stop this bill. As things go along, there's always one or two of these bills that really irk me because we say one thing and then we do something totally different.

"Obviously, lead paint is a problem. Children who eat paint off the walls or chew on pencils, five or six a day, they can get sick and brain damage etc. from the lead. But here we're filling it in with the severe restrictions of asbestos removal and we're including it in people. A guy uses his garage as a shop and paints houses to make a

living; now he is falling under these restrictions. And when the testimony from the DCCA or the Department came and testified, they said we can do this -- green light, go ahead, pass the bill -- because we think we can develop the directive in that reasonable time frame, etc.

"When asked about how we would impact on the businessman, whether it's a big union company or a one man operation: 'I don't know.' But what's it going to cost them? 'Don't worry, he won't have to go to the mainland, he can get his training here.' Okay, but how much is it going to cost them? 'I don't know.' How is it going to affect their ability to make a living? 'I don't know, but the bill is good because we can regulate.'

"This bill is flying through and I just want to note that the penalties for negligent violation, in other words, basically here's the law, you don't know anything about it, but you violated it. It's not less than \$2,500 or no more than \$25,000 per day of a violation. And it goes all the way up to, we're talking like a couple hundred thousand dollars a day for other violations. I don't know when we're going to get the message that what this State is regulating is too great an extent and not take into consideration the effects.

"Certainly we don't want kids chewing on lead paint and we'd like to do something to monitor it. But obviously from the Department's position on this, they have not given any thought to the practicality of how this is going to affect business. And the very broad nature of the way the bill is written, it will definitely lead to an impact on people painting homes. And secondly, the way it's written as well with the availability of an inspector to go into any building, except for single family dwellings, and a lot of us don't live in single family dwellings, allow them to go and make inspections and whatever else is outrageous.

"Certainly this statute doesn't negate our Constitution, but once again in our zeal to regulate, I think we've lost touch with reality, and that's why I oppose it."

Representative Yoshinaga then rose to speak in support of the measure, stating:

"Just briefly, Mr. Speaker, at your Energy and Environmental Protection Committee hearing to which this measure was referred to Finance Committee, the number one health risk in our State, currently listed by the Department of Health, is the asbestos and lead paint problem facing our citizens as well as, frankly, focused on our children's health. And so I would like to ask all colleagues to support this measure.

"And certainly just in response to the appearance that we are over-regulating, frankly, this measure is to initiate a special fund, which federal monies are available for dealing with this health risk for State implementation. Those monies are available and this special fund would provide the vehicle to, frankly, deal with our number one health problem in the State. Thank you."

Representative M. Oshiro then rose in support of the measure and asked that his comments be inserted into the Journal and that the remarks of Representative Yoshinaga be entered into the Journal as if his own, and the Chair "so ordered." (By reference only.)

Representative M. Oshiro's additional remarks are as follows:

"Federal law, now commonly referred to as Title X (the Residential Lead Based Paint Reduction Act of 1992), requires the states to address the problems of lead paint in housing. Title X was implemented with the primary

intent of addressing problems of lead paint in urban housing projects, but would apply to all housing as well. As background, lead was commonly used in paint as a whitening agent and for the strength and durability that it added. Lead is still used in some paint for similar purposes, but is limited primarily to marine paint.

"The danger of lead paint occurs when children breathe paint dust particles and the lead accumulates within their bodies. Based on data, we now know that homes built before 1977 are very likely to contain some type of lead paint. However, those at most risk are those that are very dilapidated.

"Title X was also instituted to allow consumers to obtain information concerning potential lead paint hazards in a dwelling that they intend to purchase. In addition, it should be noted that there are other disclosure requirements in the real estate laws as well. In Hawaii's implementation of the federal law, there needs to be a mechanism in place to allow the certification of persons who can identify lead hazards and recommend effective methods of mitigating the hazards.

"Lead paint abatement is not as simple as covering existing paint or removing the paint by scraping or sanding. In some cases, removal of lead paint before repainting could actually exacerbate the situation. This bill allows the Department of Health to establish such an accreditation program for lead paint inspectors and abatement specialists. It should be noted that the Environmental Protection Agency is mandated to implement a program if Hawaii opts not to do so. However, there are probably only a few businesses that have the resources to attend a training program at the EPA offices in San Francisco.

"This bill allows the accessibility and availability of a local program that will have primacy over the federal program and may even begin a small lead paint inspection industry in Hawaii. Further, with the establishment of the special fund in this bill, the opportunity to receive federal EPA grants also becomes available."

Representative Yamane then rose to speak in support of the measure, stating:

"This bill is a long time coming. When I first got here four years ago, I introduced the bill. And the Department of Health decided that they were going to wait for the federal guidelines. So because this bill is a direct result of the federal study that was just completed, talking about being over-regulated, the State of Hawaii had a chance four years ago to at least institute some preliminary regulation on lead paint in the State of Hawaii.

"If you talk to the people that have been around this State for the last 50 years, back during the war, World War II, there were a lot of buildings in the State that used lead paint, a lot of military buildings, a lot of private buildings. The paint that was shipped to Hawaii had at least as high, if not higher, lead content than lead paint on the mainland for the simple reason of protection -- protecting the material underneath the paint because lead was a good protector.

"If you talk to people that are not environmentalists but some health people, there is no idea, there's no study in the State as to how much lead paint there is. There is a lot, but as to the amount, it's unknown. And potentially, it could be the biggest health hazard we have here in the State.

"So the concern about this bill, it's a first step. We should have it in place, and for all the respect I have for

Representative Whalen, I understand where he's coming from, but my complaint is more with the Department of Health. This bill is at least a step in the right direction.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1559, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL HEALTH," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Whalen voting no, and Representatives Cachola, Hiraki and Kahikina being excused.

**Stand. Com. Rep. No. 1346-98 and S.B. No. 2349, SD 1, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2349, SD 1, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Tarnas rose to speak in support of the measure with reservations, stating:

"The Task Force is on-going and I think we need to work as a community in order to address air quality concerns. And I just want the conference committee and this body to remember that as we move forward. Thank you."

Representative Yoshinaga rose to speak in support of the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Yoshinaga continued, stating:

"I'd like to briefly point out one issue on this measure. I would just like to point out to my colleagues that as the Chair of your Energy and Environmental Protection Committee, I gave my prior concurrence to the deletion of Part 3 of this bill, which would have specifically delineated air quality standards and the inclusion of DBEDT as a member of the Air Quality Task Force that this body passed out last session.

"The reason that we wanted to pass this measure as Part 3 was to clarify the duties of the Air Task Force as well as to amend it to provide specific standards that the Air Quality Task Force would review in terms of air emission standards to be applied. However, due to the fact of our economic situation, as well as the fact that the Air Task Force is pursuing its current mandate under our statute, I believe that deferral of this can wait until next session.

"Thank you, Mr. Speaker."

Representative Yoshinaga's additional remarks are as follows:

"Mr. Speaker, this bill is a strong pro-environmental bill. This bill will enhance the State's environmental efforts. In Part I of SB 2349 there is a provision that creates an educational fund through the collection of various fees and licenses. This fund will help, among other things, educate and heighten the public's and industry's awareness of the environment.

"Additionally, included in Part II of SB 2349 is an important provision creating a task force to seek financing from a matching-grant program that encourages international partnerships in environmental and economic development. This provision is important for a variety of reasons. This program is a prime example of how, with the proper foresight and planning by the State, businesses

can be created through environmental protection. This provision uses the availability of existing grant monies to help finance a public/private partnership in the development and the sale of Hawaii's environmental technology and the exportation of that technology to emerging Asian countries. These countries are currently developing environmental management techniques, urban environmental infrastructure, and innovative policy frameworks in order to sustain a clean revolution. Hawaii, by its cultural and geographic nature, could well become the environmental technology leader in asian-pacific basin.

"After consultation regarding Part III of this bill, I gave my prior concurrence to the deletion of Part III by the Finance Chair. Part III of the bill was merely a house keeping measure to clarify the duties of the air task force and to include a representative from the Department of Business, Economic Development, and Tourism (DBEDT) onto the Air Quality Advisory Task Force (AQTF). The intention was to specifically include DBEDT onto the AQTF. This would have allowed a voice on the AQTF that would enable the Task Force to more fully address the economic development issues arising from their mission to monitor the air quality impacts of emission sources in Campbell Industrial Park and Kahe Valley. Fortunately, as the present statute reads, there is a possible manner in which to include a member of DBEDT as a 'member of the community. Part III also would have clarified specific air standards to be studied. However, the current statute already mandates that the air standards be addressed. Therefore, Part III was not immediately urgent and can wait until next year.

"Mr. Speaker, SB 2349 SD1 HD2 is a positive leap forward for the State's environmental policy efforts. This bill has important and farsighted provisions that will potentially pay large dividends for the people of Hawaii and their environment.

"Mr. Speaker, I thank you for the opportunity to speak in favor of SB 2349 SD1 HD2."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2349, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL HEALTH," passed Third Reading by a vote of 48 ayes, with Representatives Cachola, Hiraki and Kahikina being excused.

**Stand. Com. Rep. No. 1347-98 and S.B. No. 2037, SD 1, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2037, SD 1, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Meyer rose to speak in support of the measure with reservations, stating:

"The purpose of this bill is to ensure that emergency health care will be provided to patients with emergency medical conditions by requiring that emergency health services be covered by accident, sickness insurance contracts, which will benefit societies and HMOs without regard to pre-authorization requirements. This, I think we would all agree, is a good thing.

"The problem I have is on page 5, Section (f), which says: 'A health plan shall reimburse an emergency provider and an emergency department for any items or services not necessary to stabilize the patient but that are determined to be medically necessary by the emergency provider, if the emergency department: after a

documented good faith effort is unable to reach the members health plan: within thirty minutes from the initial examination of the member; or if the member needs to be stabilized within thirty minutes of stabilization.'

"An example of this was brought up in the Finance Committee that one of us could go in there with what we thought was a heart attack and it was truly an emergency for us, we thought. We get in there and they stabilize us, take our blood pressure, vital signs, and they say: 'You know you're hyperventilating, you don't really have an emergency.' And then we say: 'But you know I've had this thing on my back; I don't know whether it's herpes or what. It creates a lot of pain for me.' They can go right on and take care of that and maybe a few other things while you're there.

"My fear is that one of the desires with this bill is to expand the utilization of emergency medical providers. And my concern with that is that if people start to do that, that will undoubtedly raise the cost of our health premiums and that's of great concern to me. I hope that in the conference process, that others will look at this provision and perhaps amend the bill.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2037, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 47 ayes to 1 no, with Representative White voting no, and Representatives Cachola, Hiraki and Kahikina being excused.

**Stand. Com. Rep. No. 1348-98 and S.B. No. 2386, SD 2, HD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2386, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COORDINATED CARE ORGANIZATIONS," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Takamine voting no, and Representatives Cachola, Hiraki and Kahikina being excused.

**Stand. Com. Rep. No. 1349-98 and S.B. No. 2399, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2399, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Ward rose in support of the measure with reservations and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Ward's remarks are as follows:

"Mr. Speaker, this is a good conceptual start at cleaning up elections, but we need to make the eligibility requirements more stringent. The eligibility requirements have the potential for abuse. Look how easy it is to qualify for \$10,000. You just need to get 30 contributions of \$5 each. Five of the contributions can be from your immediate family or yourself. Elections shouldn't be bought for a price, but neither should they be given away."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2399, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by

a vote of 48 ayes, with Representatives Cachola, Hiraki and Kahikina being excused.

**Stand. Com. Rep. No. 1350-98 and S.B. No. 2207, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2207, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Fox rose to speak in support of the measure with reservations, stating:

"This bill is a test. The subject is U.H. flexibility. We're really talking about autonomy. This is the ERTF bill that gives the University of Hawaii autonomy. Earlier this month, we had the Director of Budget and Finance come in and speak to the Labor Committee. And the point he made there, Mr. Speaker, was that the U.H. is really something we keep our hands off now. It's part of the budget that we don't touch anymore because we're in the age of autonomy for the University of Hawaii.

"Within a few days later, the Budget and Finance Department came into the Finance Committee and they simply couldn't keep their 'cotton pickin' hands off this bill. They made a series of suggestions, and I'm not talking specifically to the merits of their suggestions, but the fact that we're suppose to be giving them autonomy, yet we come in and make changes because Budget and Finance doesn't want to quite give as much autonomy as in general they're suppose to be doing.

"One of the things they did was they put a ceiling on the retirement benefits that the University of Hawaii could offer. We know it's a national competition, international competition, for professors, and they should be able to formulate what retirement levels they want. They clarified, that's the word that's used in the Committee Report, that the University of Hawaii can give them funds, but not to deal with any sort of deficit situation even though this is their own special funds. We've made sure that they would not get into their funds for that reason.

"We deleted an exemption to Chapter 37D that would have allowed the University of Hawaii to go in and make its own agreements on projects if they were \$3 million or less. That seems to me to be a true test of getting into the area of autonomy. We let them function for \$3 million or less. That's certainly a reasonable level for a large university like the University of Hawaii.

"And then in just a little, dinky way that shows that we still keep our hands on the University of Hawaii, the University of Hawaii asked to be able to hire people who are not citizens. And we said: 'Thanks to the instructions of the Director of Budget and Finance, yes, you can do that for faculty, but you can't do it for other personnel.' So I caution members that if we really are going to grant the University of Hawaii flexibility, we ought to pass test number one which is the original bill and let the University of Hawaii have those provisions that it sought to have in its bill and the Budget and Finance Department took away. As we move into conference, I hope we move in that direction.

"Thank you, Mr. Speaker."

Representative Morihara then rose to speak in support of the measure, stating:

"I thank the Representative's comments on that and I think he's made those comments with the best of intentions. I do want to point out that regardless of those



provisions that were effected by Budget and Finance, the text in the major portions of this bill -- the legal standing, the procurement, the concession agreements, the consolidation of special funds -- are major, major improvements for the University. And we'd love to see these and we are in total support of that, I think with the ERTF.

"I know that some of the amendments were made in a very well meaning way. I think we have to address those again in conference, some of them dealing with adoption of a retirement system, the ratio of funding, and some of the provisions that were talked about. But those are provisions that were not in the original bill, and I think we've worked hard as a body, the House along with the Senate, to improve the bill and get it this far. So I look forward to completing our work on it and improving it even more in conference."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2207, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 48 ayes, with Representatives Cachola, Hiraki and Kahikina being excused.

**Stand. Com. Rep. No. 1351-98 and S.B. No. 2625, SD 1, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2625, SD 1, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Case rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, there is much in this bill that is good and I commend those responsible, including the Economic Revitalization Task Force and our Education Chair, for their efforts.

"My primary reservations are with Part II, which requires the Board of Education to consult with the principal/vice principal union to establish a procedure allowing the Department of Education more flexibility in transferring and assigning educational officers. This is another of several examples in which the ERTF working groups' recommendations--here to take educational managers out of collective bargaining--were far superior to the sometimes timid proposals ultimately forwarded by the ERTF.

"I can just imagine the result of this particular legislation. The BOE, concerned about many management issues, for example the issue that we heard about earlier today on the Big Island, approaches the principal/vice principal union and says: 'Excuse me, would you mind terribly if we assign, transfer, promote, demote, hire, fire, and compensate based primarily on merit and the needs of our children and of the educational system as opposed to employee preference and seniority?'

"This proposal is just a nice way of skirting the central issue which the ERTF education working group, which included educational officers, ultimately confronted: that principals and vice principals are management. Thank you."

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

"Thank you, Mr. Speaker. I'm not going to make it long, but this is an omnibus bill. There's a lot of good things in it. I think it's got nine bills wrapped into one.

A lot of very good things, but I have some philosophical and implementational differences with some of the measures in this bill. So I'm just going to have to vote with reservations because of that."

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

"Just to point out to the members that included in this House Draft 2 are various ideas and language from House measures that, when going through the committee process on the Senate side, have fallen into the wayside. Among them are the one just mentioned by a previous speaker requiring the Board to consult with the union to establish a procedure allowing the Board of Education more flexibility in assigning educational officers.

"While this may not go as far as we would like because we do have a collective bargaining agreement that we have to honor, what I have hopes for is that the collective bargaining agreement will be amended to allow schools much greater flexibility in choosing their own leaders. That remains to be seen, but at least there's cooperation on the part of representatives of the unions and others, including the ERTF's procedure, which would signify a desire to make an amendment of that type to the collective bargaining agreement.

"Other items are: creating a teacher-parent-student partnership to determine roles, responsibilities and expectations of each one of those parties; transferring the responsibility for after-hours security of schools and libraries from the Department of Public Safety to the Department of Education; and authorizing the establishment of the comprehensive student support system. All are very worthy measures that we want to keep alive for conference.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2625, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Cachola, Hiraki and Kahikina being excused.

**Stand. Com. Rep. No. 1352-98 and S.B. No. 2213, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2213, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

Representative Ward offered the following amendment to H.B. No. 2213, SD 2, HD 2:

"SECTION 1. Senate Bill No. 2213, SD2, HD2 is amended by deleting Part I in its entirety and replacing it with House Bill 3199 as amended, and by amending section 1, page 3, lines 2-8, to read:

'In its recent decision in Konno v. County of Hawaii, 85 Haw. 61, 937 P.2d 397 (1997), the Hawaii Supreme Court "emphasize(d) that nothing in this opinion should be interpreted as passing judgement, one way or the other, on the wisdom of privatization," and acknowledged that "(w)hether or not, as a policy matter, private entities should be allowed to provide public services entails a judgement ordinarily consigned to the legislature(.)'"

"SECTION 2. Senate Bill No. 2213, SD 2, HD 2 is amended by amending section 2, page 4, line 18 to read:

'76, '77, and '89, and customary or historical past practices, shall'"

"SECTION 3. All sections have been renumbered appropriately."

Representative Ward moved that the amendment be adopted, seconded by Representative McDermott

Representative Ward rose to speak in support of the amendment, stating:

"Mr. Speaker, remember at the beginning of this session, there was the excitement that we were going to fix the economy and we were going to fix the privatization bill. I know this House last year left with the disappointment that the Senate spoiled the privatization effort because of the language that they turned around and twisted.

"This is the chance to do what I think is the purpose of these three things with an amendment:

"First, it puts us back on track. There's no other bill that can actually give us the language to nullify the Konno decision. If we don't nullify the Konno decision, all of the privatization talk is just that. It's going to tie us up. It's going to slow down our economy. It's going to put the privatization option out to a committee which is primarily dominated by members of the union. What we've got to do is to make sure that we're very clear on what we want to do and how we want to do it.

"The present language is weak and ineffective and, quite frankly, it will be excruciating to even decipher what that committee is going to do it, how it's going to do it, as it ties up the whole effort of doing business. And to quote the lady from Maui who says: 'Without privatization, the State is going to run out of money,' Mr. Speaker.

"And fortunately, both sides of the aisle -- Democrats and Republicans -- agree that this is the year that we want to fix the economy. And both sides of the aisle agree that the people of Hawaii need a tax cut, but we can't have a tax cut without cut in government spending. You can't have a cut in government spending without reduction in the public work force. And you can't have a reduction in the public work force without real privatization. And we can't have real privatization without nullifying the Konno decision. And we can't nullify the Konno decision until the Legislature passes House Bill 3199, House Draft 2, which this amendment speaks directly to, Mr. Speaker. And then and only then will we have real economic development.

"To my way of thinking, this session, Mr. Speaker, I apologize before saying it, I don't think the general excise tax increase is going to go through the House and the Senate, but the bill that we have this session will be..."

The Chair interrupted Representative Ward, stating:

"The Chair would appreciate it if you would confine your remarks to the amendment. We'd like to keep the quorum here and would appreciate it if you would recognize that."

Representative Ward continued, stating:

"That's why I apologized ahead of time, seeing as I was going to say what I just said. Because without that in, the 'bellweather' this session, Mr. Speaker, is going to be privatization if we 'eighty-six' the Konno decision. This amendment speaks directly to that and will rectify that. If privatization fails, Mr. Speaker, the Governor's

Task Force will do nothing more than muscle the giant sucking sound of Hawaii's economy going fully down the toilet and that is to be very frank, but Gary Rodrigues' hand is on that lever.

"If we don't have the guts to stand up to Mr. Rodrigues, notwithstanding all the garbage that's piling up in our neighborhoods now, we will not have real privatization, we will not have real vitalization, and that's what this bill is all about, Mr. Speaker. Without real privatization, there'll be no economic revitalization. Thank you."

Representative Say then rose to speak in opposition to the amendment, stating:

"Not getting into any power of political volley at this particular point in time, I'm a little disturbed and appalled by the floor amendment that is being proposed to all of us here today.

"The first thing I ask all of you is this: Did you read the bill before you proposed the amendment? I don't think so. Everything that is proposed in House Draft 3, Mr. Speaker and members of this House, is already in the current House Draft 2 in reference to House Bill 3199, House Draft 2.

"In fact, Mr. Speaker and members of this House, the current bill has the same provisions that aren't included in the proposed draft. I thought these provisions were to make the current draft a much more stronger approach to take than what the Senate has proposed to this House. So all of you take a look at page 11 of House Draft 2, line 8, section 3 of this bill. I ask all of you to read this section. It is not even included in the proposed draft that we have before us today. Don't you recall last week in the Bulletin or the Advertiser, there was a response to the House Draft versus the Senate Draft in regards to privatization? That the Governor and the mayors of the four counties were in support of the House Draft.

"I don't know what kind of games we're here to play today, Mr. Speaker and members of this House, but we're here to do business, and all I ask all of you is to take five minutes to compare the proposed draft to the current bill that we have before us. You'll find that everything, line by line, is included in the draft proposed by the House Finance Committee. Thank you."

Representative Moses then rose to speak in support of the amendment, stating:

"Thank you, Mr. Speaker. I just want to remind the House that we all voted for House Bill 3199. It's been amended by the Senate. It no longer resembles what we sent over there. I think we ought to give our Senate colleagues another chance to do what is right.

"Mr. Speaker, without judicious and efficient use of state funds by allowing some of our government services to be privatized, we won't have the funds to do those things that government is here to do for the people of Hawaii. We are required to do that and we must do that. Thank you, Mr. Speaker."

Representative Ward, in rebuttal, stated:

"I rise in appreciation to the Chair of the Finance Committee. I would like to point out for him and other interested parties who actually have read the bill and would like to read it again. If you look at page 11, on line 13, section 4, we basically are turning the future of our economy and our government privatization effort over to a seven member committee. That is where 'this dog don't hunt.' That's where the rub is, Mr. Speaker.

"This seven member committee is turning this Legislature over to a committee to run, or what otherwise we should have obviated the Konno decision and made it very clear that privatization has been, for the last 40 and 50 years, the policy of this State and should continue.

"Who are the members of the committee? Seven members, three representatives from the affected public employee bargaining units and then those who are the Director of Finance, Comptroller, the Attorney General, and the Director of Human Resources, who would be political appointees. What does that say about privatization? The deck is stacked against it.

"Well, in all due respect for the comments of the Finance Chair, this is much better than what the Senate did. The Senate took 3199, which was a reasonably excellent bill, and they turned it into mush. The attempt is to turn this bill, which is now mush, into something that's stronger even though it's much better than what's already in position.

"My point is, Mr. Speaker, this issue will be the bellweather, it'll be the landmark of this session. And we're edging near a 'do nothing' session because of our lethargy. This bill must be fed in and if we don't do it now, I would appreciate the vehemence that the Finance Committee Chair spoke with, that if we put it into conference committee, to make sure it's unequivocal that privatization puts us back on track, puts us back to normal to know that if we're going to fix the economy of Hawaii without growing government, privatization is the only way to go.

"From the Communist World to the Third World, everywhere in the developed world, this has been the methodology. If we've done it with faint praise and keep it as weak as this language, then it's not going to happen. So my point in amending this is to encourage perfection, betterment, and not being satisfied with mediocrity, second best, and otherwise letting a committee of union operators run the privatization efforts for the future of the State of Hawaii. Thank you."

Representative Kanoho then rose to speak in opposition to the amendment, stating:

"Section 2 actually takes the provisions of House Bill 3199 and includes it in with the passage of this bill, privatization. Therefore, it becomes effective as is recorded here and in 3199.

"Section 4, as has been just referred to, merely formulates a committee to enter into a managed process to look and come out with recommendations for the Legislature to consider. And those recommendations would be given to this body 20 days before the convening of the 1999 session. So that committee has no impact on actual implementation of any privatization process, but would still be left up to the discretion of this body. Thank you."

Representative McDermott then rose to speak in support of the amendment, stating:

"Mr. Speaker, this amendment takes the privatization issue out of the hands of some bureaucrats and turns it back to the elected officials and not the union bosses. And I represent tax-paying families and not union bosses. Thank you."

Representative Okamura then rose to speak in opposition to the amendment, stating:

"Mr. Speaker, the bill, as the Finance Committee has recommended in their draft, contains all the relevant language of 3199, which will address the Konno decision regarding privatization. That is exactly what is in the bill.

"The other aspect on managed competition is just giving the State another tool to address competition. It allows the private sector employees to bid with the public sectors employees to see who can provide the services at a cheaper rate and at the best quality. It's just another tool that's given, but it has nothing to do with the Konno decision."

The motion to adopt the amendment was put to vote by the Chair and failed to carry by voice vote. (Representative Souki was excused.)

Representative Kawanakoa rose to speak in support of S.B. No. 2213, SD 2, HD 2, stating:

"Yes, Mr. Speaker, I believe there are provisions in the original bill that are very important that we want to establish that your Minority is in full support of, especially with regard to 'gap accounting.' I believe that's in this measure also. 'Gap accounting' being generally accepted accounting principles that we can begin to measure the effectiveness or ineffectiveness of government services.

"I think it's critical that we move in this direction. Certainly, it's a positive step. I'm glad to see that we're moving forward with regard to finally getting a handle on where our costs are in government so we can make these informed decisions in the future with regard to whether to use the private sector or the State or the government agency. I think it's a wise decision. It's something that was recommended by the ERTF, one of the recommendations that we wholeheartedly support. Just wanted to bring that to the attention of this body. Thank you."

Representative Meyer then rose to speak in support of the measure with reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Meyer continued, stating:

"I just have a few things to say. I guess my disappointment with this is on the privatization issue, that this doesn't address the problem quickly and fairly. There is a need for action much sooner. According to this bill we will get a report 20 days prior to the convening of the Regular Session in 1999. That's more than nine months away, yet the privatization quandary is real and on-going.

"Each day that passes adds additional expense to the running of government because we cannot enter into reasonable contractual relationship, as necessary, to gain efficiency and economy in government operations. Department of Human Resources Development Director, Mr. James Takushi, stated it directly in his testimony before the House Finance Committee that 'an immediate resolution to the privatization issue is needed.'

"We need to encourage the revitalization of Hawaii's economy as soon as possible. This urgency is real. That's my reservation about the bill as written at this point in time. Thank you, Mr. Speaker."

Representative Meyer's additional remarks are as follows:

"I am very happy to see that we are moving toward a more accurate, efficient, and cost-effective manner of doing business in Hawaii. The bill addresses two issues that are of considerable importance to the State of Hawaii.

"The first is to transform the State's budgeting, accounting, and procurement systems by incorporating principle of full-cost budgeting and accounting, performance-based budgeting, and allocation principles. A committee would be created to implement a prototype budget, accounting, and procurement transformations in three departments to be selected by the committee.

"Performance-based budgeting is similar to, and compatible with, our current budgeting system under Part IV of Chapter 37, HRS. According to the Director of Budget and Finance, Earl Anzai, the State plans to move to full-cost budgeting in the next biennial budget by either showing full costs for display purposes or by selecting certain departments as pilot agencies. Either way, SB 2213 anticipates the State's direction.

"The second issue deals with the privatization concerns raised by *Konno v. County of Hawaii*. The managed process committee created by SB 2213 will develop a process enabling state and country governments to implement public-private competition for government services through a managed process that determines whether a particular service can be provided more efficiently, effectively, and economically by a public agency or a private enterprise.

"But it is here that the bill falls short in two areas. First, the make-up of the managed process committee consists of four government agency heads and three union members. It seems to me that such a composition provides an inordinate amount of representation for the unions and absolutely none for the private sector. How is privatization to be addressed quickly and fairly by a committee without any representation from the private sector?

"Second, the need for action is immediate. Unfortunately, the managed process committee is not required to submit its report until 20 days prior to the convening of the regular session in 1999. That's more than 9 months away! Yet, the privatization quandary is real and on-going! Each day that passes adds additional expense to running the government because we cannot enter into reasonable contractual relationships as necessary to gain efficiency and economy in government operations. Department of Human Resources Development Director, James H. Takushi, stated it directly in his testimony before the House Finance Committee. He testified that an immediate resolution to the privatization issue is needed. 'We need to encourage the revitalization of Hawaii's economy as soon as possible. This urgency is real.'

"So it is with some mixed feelings that I support SB 2213. But, it is the best vehicle we have right now to attempt to deal with these issues."

Representative Case then rose to speak in support of the measure, stating:

"Mr. Speaker, three times now I've heard some basic confusion from the members of the Minority Party as to what this bill provides. I refer them first to Section 2, which contains the language of House Bill 3199, word for word, as the Chair of Finance has already pointed out.

"I next refer them to Section 6, which provides that the provisions of the chapter added to the Hawaii Revised Statutes by Section 2 of this act 'shall apply to contracts

in effect on the effective date of this act or entered on or after the effective date of this act.' I finally refer them to Section 23 of the bill, which specifies that 'this act shall take effect on July 1, 1998. Thank you."

Representative Yonamine rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Yonamine's remarks are as follows:

"This need to protect Hawaii's ability to continue privatization practices emerged from the Hawaii Supreme Court's decision in *Konno v. County of Hawaii* last year. The Konno decision cast a cloud over the government's legal right to privately contract-out for the goods, services, and construction the State provides to the public.

"During these tough economic times, the State and counties are unable to provide many of these long-established government services without the cost-effective practice of privatization. The Konno decision has generated an increasing amount of litigation challenging the government's contracts with for-profit and non-profit agencies.

"S.B. 2213 clarifies the State's understanding of the law prior to Konno. This bill allows the State or County to use public funds to pay for private contracts when privatization will, one, prove less costly and, two provide equal or better quality of services than a government entity. The bill's intent is not to increase privatization but simply to legalize the way the State and counties operated prior to the Konno decision. This bill allows the government to provide the highest quality of goods, services and construction at the lowest possible cost.

"Opponents argue privatization replaces public employees with less costly private employees. In support of finding a balance between the cost-saving efficiency of privatization and the basic merit principles and policies of civil service, this bill creates a committee to distinguish those services which may be serviced more efficiently, effectively, and economically by a public or private enterprise.

"During these tight economic times, we owe it to the people of Hawaii to make the most efficient use of the State's limited funding. This bill sets forth an appropriate balance which enables the State to continue to offer Hawaii's people needed service while initiating an approach to determining the role of privatization in Hawaii's future. Therefore, I support the passage of S.B. 2213 SD 2, HD 1, to blow away the Konno cloud and reinstate statutes for privatization while clearly maintaining the historical and customary work performed by our dedicated civil servants."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2213, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Takamine and Ward voting no, and Representatives Cachola, Hiraki and Kahikina being excused.

**Stand. Com. Rep. No. 1353-98 and S.B. No. 719, SD 2, HD 2:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 719, SD 2, HD 2, pass Third Reading, seconded by Representative M. Oshiro.

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

"Mr. Speaker, the purpose of the bill is to give our judges and justices a well deserved and long overdue pay raise. And as House Judiciary Chair, I would like to take this opportunity to especially thank the Chair of the House Finance Committee, Chairman Say, for giving this bill a chance to pass into conference.

"I always said that Chairman Say is a big shoe to fill in the House Finance Committee. It takes even a bigger man to look at a bill and give it a second look and give it a second consideration and reconsider one's position, depending on whether there's money available. And I'd like to thank Chairman Say for that.

"I think we all know some very basic facts about this bill. We're the only State that has not given its judges a raise since 1990. The other 46 states have given their judges two, not one, but two raises during that same period. We have lost nine experienced judges since 1992 and another is leaving shortly.

"This does not promote an experienced Judiciary, and when we lose good judges our whole democratic process suffers. As far as I'm concerned, it's wrong to deny these important public servants a pay raise.

"Mr. Speaker, critics of this bill may wonder why judges should get a raise in light of our economy. Well, I wonder why they didn't get a raise when we weren't in financial constraints. Critics may wonder why judges should get a raise when no one else is. Well, I wonder why they didn't get a raise when everyone else did.

"Mr. Speaker, passing this bill will not cost as much as people might think for the simple reason that we don't have many judges or justices in the State of Hawaii. They don't have a strong voice. They don't have numbers like other groups. They don't have that kind of voice to ask for a raise which makes it easy to deny them because their voice is so small. It's easy to deny them what they justly deserve, but that does not make it right.

"Consider the role of these hardworking men and women. They ensure justice for all. Members, I think they deserve some justice, too. Thank you."

Representative Case rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, my reservations have been previously stated but I will restate them briefly. Without concurrent reform in judicial retirement benefits, the stated purpose of this bill, to increase judicial retention, will not be realized. Unless such reform is incorporated by final reading, I must oppose this measure.

"I also believe it necessary to distinguish judicial pay raises, which I support in concept, from pay raises for other government employees, which I cannot support at present. Judges are the most highly skilled, highly specialized state government employees; they are drawn from the most narrow and highly defined qualification base. If retention is a problem, replacement is not a viable alternative to adequate monetary compensation. By contrast, virtually all other State employees, from Governor or department director or legislator on down (or up according to your perspective), are replaceable. Their functions can and will be fulfilled by others even if current employees leave for monetary reasons. Thus, there is a compelling state interest in assuring adequate judicial salaries which is not matched elsewhere in state government. Thank you."

Representative Thielen then rose to speak in opposition to the measure, stating:

"Mr. Speaker, I have several reasons for deciding to vote 'no' on this bill. The easiest one is that we're leaving the amount blank for their salaries. I don't like signing a blank check. I never have and I just can't really do it here. We're sending a bill into conference committee with the salary of the Chief Justice at a blank figure. Salaries of Associate Justices in the Intermediate Court, Intermediate Appellate Court judges on down the line at a blank figure. I'm very uncomfortable with doing that.

"The second thing is there is noted by the previous speaker that we haven't dealt with the problem of the early retirement. Retirement isn't changed or tied in with the length of service or with age.

"And the third thing, which I think is even a larger factor for me, I strongly believe in public service and believe that it is the responsibility, the obligation of those people who are educated in the legal system, and in other areas whether it's social work or whatever other area, that they should give back to the community. In giving back to the community, judges and justices would be accepting a salary that is maybe not as large as you would get at a large law firm in town, but they would be performing their community service for the betterment of this state.

"I think that community and responsibility is a very important factor and it can't be measured in monetary terms. But it can be measured in a commitment to the betterment of Hawaii. So for all of those mixed up reasons, I cannot vote in favor of this bill."

Representative McDermott then rose to speak in opposition to the measure, stating:

"I said it before, Mr. Speaker, but I'll say it again. There's no way we should be giving raises to anybody right now, particularly not in this economic condition.

"Mr. Speaker, I represent working families. That's my constituency. I know who they are. They don't make \$80,000 a year. I can't support this, however, I can see how some people may support it because some judges have been legislating from the bench -- privatization, same-sex marriage, reinterpreting rules regarding constitutional conventions -- they have been pulling double duty, but I don't think they deserve a pay raise. As a matter of fact, I said before and I'll say it again: I'd like a refund. Thank you."

Representative Tom then rose to speak in rebuttal, stating:

"Just a brief response. One of the Representatives talked about leaving amounts blank. Well, if that were the case that they cannot support a bill that leaves amounts blank, then they should be voting against a lot of bills that leave dollar amounts blank. These are matters to be determined by the amount of money we have and at conference time. I think people ought to know better.

"Secondly, the title says here 'Judicial Salaries.' I'm not going to hold salaries to a group that deserve it, hostage to retirement. I said earlier, it takes a big man like Chairman Say to take a second look at the salaries bill. Maybe it takes other big men to do the same. And I don't think we should be holding one hostage to the other.

"Let's talk about public service. You know that these judges and justices go out and talk to schools and other

groups all the time, something that they've never done before. So let's not bicker about public services and what these people do and don't do.

"Finally, we all represent working families. You don't think these judges have families too? Let's be clear about that. They're people, they're human beings like everyone else. They work very hard and they're working families too. So let's not distinguish them from other families that we represent.

"Thank you, Mr. Speaker."

Representative Thielen then rose to speak in rebuttal, stating:

"When I talk about the commitment to public service, what I mean is that you're willing to take a salary that is less than you might be paid at one of the large law firms in town, because you believe that is a responsibility to give back to the community. A lot of us were very fortunate in being able to go to law school. And as part of that privilege, I think that we have a very, very definite responsibility to give back to the community, whether through pro bono work, as I think some of my colleagues here in the Legislature do in the interim, or through other means. I think when you choose to put your name in for a judgeship that you also are doing that as a commitment to public service in the recognition that the salary may not be that large.

"I also have to mention that I think \$80,000 is a large salary, particularly in today's time and era. But leaving that aside, I'm talking about a public commitment to accept a more modest salary and have the benefit of giving back to the community for the rewards you've had in being able to go to law school and be able to be selected for that position. Thank you."

Representative Stegmaier then rose and asked the Clerk to register an aye vote with reservations for him, and that the remarks of Representatives Case and Thielen be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Kanoho then rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I do have the highest regard for the judges as individuals and for the work that they do. And with due respect to the Chairman of the Judiciary Committee and the Chairman of the House Finance Committee, I cannot in good conscience support a consideration even for salary increase at a time that we're considering laying people off, cutting programs, and hurting a lot of people who are in need. So therefore, I must take that position in opposition. Thank you."

Representative Santiago then rose and asked the Clerk to register a no vote for him, and that the remarks of Representative Kanoho be entered into the Journal as if his own, and the Chair "so ordered." (By reference only.)

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

"As has been clearly pointed out, there's a lot of blanks to this. There may not be a salary increase. I suppose, potentially, there could be a salary decrease. So at this time it may be premature for me to make a solidified vote on this matter. Thank you."

Representative Meyer then rose in support of the measure with reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Meyer's remarks are as follows:

"Although judges have not had a raise since 1990, their salaries cannot, in any way, be seen as low. Present salaries: Chief Justice of Supreme Court--\$94,780; Supreme Court Associate Justices \$93,780; Chief Judge Intermediate Appellate Court--\$91,280; Associate Justice--\$89,780; Circuit Court Judge--\$86,780; District Court Judge--\$81,780. The bill is requesting a unspecified raise over a two-year period.

"Today, we are faced with difficult financial times. Times when many of our people not only are not getting any salary increases but are possibly taking a cut to keep their job or are being fired or furloughed. We face a real revenue squeeze which has required us to implement some rather drastic measures such as putting a freeze on collective bargaining contracts, having to eliminate state jobs and, generally, downsizing government in order to help gain some control over our government's expenditures.

"During such challenging economic times, I have a problem seeing the logic or the justice in this bill even though I understand the perceived need for these raises. I also have a problem that the Legislature has not addressed the Governor's concern with special treatment of judges dealing with retiring after 10 years of service. We should have done this. It is only my belief that the Governor will again veto any bill we pass on a salaries increase for judges. I, therefore, will vote for SB 719 SD 2 HD1 with reservations.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 719, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES IN THE JUDICIARY," passed Third Reading by a vote of 41 ayes to 7 noes, with Representatives Jones, Kanoho, McDermott, Santiago, Thielen, Ward and White voting no, and Representatives Cachola, Hiraki and Kahikina being excused.

The Chair directed the Clerk to note that S.B. Nos. 2820, 1559, 2349, 2037, 2386, 2399, 2207, 2625, 2213 and 719 had passed Third Reading at 2:42 o'clock p.m.

At 2:43 o'clock p.m., Representative Okamura asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:55 o'clock p.m., the Speaker resumed the rostrum.

**Stand. Com. Rep. No. 1354-98 and S.B. No. 2308:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2308, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRADE, VOCATIONAL, OR TECHNICAL SCHOOLS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Cachola and Goodenow being excused.

**Stand. Com. Rep. No. 1355-98 and S.B. No. 2828, SD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2828, SD 1, entitled: "A BILL FOR AN ACT RELATING TO

PHARMACIES," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Cachola and Goodenow being excused.

**Stand. Com. Rep. No. 1356-98 and S.B. No. 2180, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2180, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Marumoto and Whalen voting no, and Representatives Arakaki, Cachola and Goodenow being excused.

**Stand. Com. Rep. No. 1357-98 and S.B. No. 3126, SD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3126, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Third Reading by a vote of 47 ayes to 1 no, with Representatives Whalen voting no, and Representatives Arakaki, Cachola and Goodenow being excused.

**Stand. Com. Rep. No. 1358-98 and S.B. No. 1122, SD 1, HD 1:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 1122, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Yoshinaga rose in support of the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Yoshinaga's remarks are as follows:

"Mr. Speaker, as we know all too well, the downturn of our State's economy has affected virtually every one of our industries. Hawaii's construction industry has not been excluded. We have found that it has been severely impacted, especially by the length of time involved in the issuance of state permits, specifically the excessive length of time needed for the review process for noise permits under Chapter 342F, Hawaii Revised Statutes.

"Even the issuing agency of these noise permits, the Department of Health, agrees that the current 180-days allotted for review of applications is too lengthy. Because long delays in issuing permits can be burdensome to the developer, shortening the length of the review period will allow development projects to proceed in a more timely manner, and will bolster our State's construction industry and the economy as a whole.

"This measure does not lead to a weakening of our State's environmental health protection for noise. Although it reduces to 30 days the period in which the Director of Health is required to approve or reject a noise permit application, it also allows for an extension of up to 90 days by the Director for applications which require a public information meeting or hearing. It also allows for an additional 90 day extension for applications in which extraordinary circumstances exist. If the Director fails to act within 180 days on applications of extraordinary circumstances, then the application shall be deemed approved.

"This measure encourages the Department of Health to streamline its permitting process, yet still makes room for the Department to uphold its standards in determining

whether a project should rightfully receive a necessary noise permit. And it is good for our economy. It addresses a very real problem faced by an industry which currently plays a very large role in Hawaii's prosperity. I fully support this measure.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1122, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE POLLUTION," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Cachola and Goodenow being excused.

**Stand. Com. Rep. No. 1359-98 and S.B. No. 2333, SD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2333, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Cachola and Goodenow being excused.

**Stand. Com. Rep. No. 1360-98 and S.B. No. 2769:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2769, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Cachola and Goodenow being excused.

**Stand. Com. Rep. No. 1361-98 and S.B. No. 2849, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2849, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Cachola and Goodenow being excused.

**Stand. Com. Rep. No. 1362-98 and S.B. No. 3076, SD 1, HD 1:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 3076, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Yonamine rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, this is a good bill. I think it's about time that DHS and DOH start moving into reorganizing itself so you do have a unified contract office. But the problem with it is, it doesn't go far enough. Because you remember when we were trying to convert Chapter 42 into 103D on the purchase of services, we were talking in terms of someday all of the contracts -- federal and state funded, beyond the administrator -- will be unified and coordinated and followed through under a gigantic office, the Office of Contracts.

"So conceptually, this is a step in the right direction. Now the problem with this is: what's going to happen with the range of services from pre-birth all the way to senior citizens, and it will be DOH and DHS's? But the problem is, the same target groups are also in the programs that are funded through Department of Labor, Department of Education, and even into Judiciary. So what we're doing is, we're not quite coordinating all of those contracts that should be integrated into one giant

variety of interests. Like with youth services, for example, all of youth services should be under one contractual office, not just DOH and DHS.

"So I would suggest, too, that as we take this further that no work should be done, in terms of getting all the departments who are in state or federal contracts, to organize themselves in such a way that they'll be able to some day be put into one unified contractual office.

"Now the implementation of it is this: after six months, the department heads, both of them, would come in with some type of implementation plan. Now we're asking them to do an awful lot. And inadequate as it is, when they come in, in six months and maybe a year later, they would come in with an implementation schedule. I would suggest that they be given a little more time but that all departments be put under this reorganization scheme. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3076, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Cachola and Goodenow being excused.

**Stand. Com. Rep. No. 1363-98 and S.B. No. 3230, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3230, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Cachola and Goodenow being excused.

The Chair directed the Clerk to note that S.B. Nos. 2308, 2828, 2180, 3126, 1122, 2333, 2769, 2849, 3076 and 3230 had passed Third Reading at 2:59 o'clock p.m.

At 2:59 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:01 o'clock p.m.

**Stand. Com. Rep. No. 1364-98 and S.B. No. 3025, SD 1, HD 1:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 3025, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Pendleton rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have strong reservations regarding this bill, which relates to the Milk Control Special Fund, not because of any concerns I have about milk control, but mainly because of the special fund. In fact, primarily because of the special fund.

"Mr. Speaker, my thinking on this matter has been greatly influenced by some reading, and I probably should have reviewed it to the members. The first of the reading is from the Legislative Reference Bureau, not known to be a partisan or ideological bureau, did a study on our special revolving trust funds in the State of Hawaii in 1993. And the Legislative Reference Bureau had some very, very interesting things to say, Mr. Speaker, about various funds: special funds, revolving funds; and because

of what they had to say, I'm going to be voting with strong reservations on this particular measure.

"The LRB report, Mr. Speaker, says that too many funds 'decrease the ability of the State to budget wisely.' On page 38, this Legislative Reference Bureau report also says: 'The problem with an excessive number of funds is that they tie up State money and exclude it from the General Fund to the detriment of the many other State programs that compete for the limited amount of General Fund money.' Again, that's an LRB study of 1993, page 38.

"The LRB report also referenced or alluded to a 1980 national study. And according to this 1980 national study..."

Representative M. Oshiro then rose on a point of order, stating:

"I think we're going to tolerate him citing to the 1993 study, but when you go back to a 1980 study, I think we're going a little too far."

The Chair responded: "Okay, Representative, will you please proceed, I'm sure you'll confine yourself to the bill."

Representative Pendleton continued, stating:

"Mr. Speaker, I'm speaking as to my serious reservations regarding the special fund. LRB uses statistics from various types of dates in coming up with their 1993 study based on a national study done in 1980. 1980 was the last national study on this topic. If I'm not permitted to reference that study, I cannot refer to any national study on this topic, Mr. Speaker. I think it's germane; I think it's relevant.

"The 1980 National Study of State Funds looked at all 50 states. It stated, and again this is a quotation on page 38, Legislative Reference Bureau. It found that Hawaii has 'the largest number of State funds. Hawaii's 4,000 funds dwarf the majority of states which had less than, at the time, 100 funds.' Now I checked with Marion Higa on this issue. She had raised concerns about the proliferation of special funds. And I said: 'That's a 1980 study, has the number dramatically decreased since then?' Her answer was 'no.' I said: 'Have you changed your ideas, your concerns about the proliferation of special funds?' Her answer was 'no.'

Mr. Speaker, I also consulted with the Tax Foundation of Hawaii on the issue of special funds. They, too, expressed concerns at the time, the 1993 LRB study, and they continue to express those concerns about the proliferation of special funds. Mr. Speaker, the reason why I think special funds should concern us is because we are unwittingly creating spliced funds, which are less accountable to the people because they are less accountable to the State Legislature.

"Such funds can raise fees and in fact, raise hidden taxes as a way without much public notice, discussion, or debate. We need to maintain control over our budget and that's why I'm seriously concerned about the proliferation of special funds.

"Thank you, Mr. Speaker."

Representative Jones then rose to speak in support of the measure, stating:

"Basically, special funds come under the purview of our Finance Committee as well as the subject matter committees."



Representative Meyer then rose and asked the Clerk to register an aye vote with reservations for her, and that the remarks of Representative Pendleton be entered into the Journal as if her own, and the Chair "so ordered." (By reference only.)

Representative Marumoto then rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm not at all clear whether the monies that will be generated from this fund is collected from the very people that it suppose to regulate. It would pay for the salaries of the employees and the fringe benefits and the administration of this program: motor vehicles, contracts for services, and everything that has to do with it. This bill makes me very wary of this feature. I feel more comfortable in voting 'no'. Thank you very much."

Representative Kawanakoa then rose and asked that the remarks of Representative Pendleton be entered into the Journal as if his own, and the Chair "so ordered." (By reference only.)

Representative M. Oshiro then rose to speak in support of the measure, stating:

"I'd just like to state for the record that the support for this bill came from the industry that would be regulated, and that's the Hawaii Fresh Milk Industry. They came forward and supported this bill. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3025, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Fox, Marumoto and Thielen voting no.

**Stand. Com. Rep. No. 1365-98 and S.B. No. 3024, SD 1, HD 1:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 3024, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Pendleton rose and asked the Clerk to register an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer then rose in support of the measure with reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Meyer's remarks are as follows:

"Over time, a good deal of dissatisfaction has been expressed by people who are required to keep their animals in our Animal Quarantine.

"Now, SB 3024 proposes to place the operation under yet another special fund. Theoretically, there will be less oversight and, therefore, potentially less response to users of the station and less -- not more -- fiscal accountability. People don't have a lot of faith in our bookkeeping system. They also are not convinced that the Animal Quarantine people will be doing what they have the funds to do.

"More special funds and more lack of accountability are not what we need. Hawaii already has a very large number of special funds in proportion to other states. The financial picture of the State is distorted by these

special funds because it is more difficult to be scrutinized by the Legislature.

"In the past and the present, government has been criticized for creating so many Special Funds. Even the idea of moving operations from the General Fund to a Special Fund in order to bring down General Funds expenditures for the State doesn't really work. Special Funds still require General Funds to seed them when they are created.

"We need the services of the Animal Quarantine. Therefore, I am voting yes with reservations on SB 3024."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3024, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Fox, Marumoto and McDermott voting no.

**Stand. Com. Rep. No. 1366-98 and S.B. No. 705, SD 2, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 705, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS FOR THE JUDICIARY," passed Third Reading by a vote of 51 ayes.

**Stand. Com. Rep. No. 1367-98 and S.B. No. 2211, SD 2, HD 1:**

Representative Okamura moved that the report of the Committee be adopted and S.B. No. 2211, SD 2, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Moses offered the following amendment to S.B. No. 2211, SD 2, HD 1:

"SECTION 1. Senate Bill No. 2211, SD 1, HD 1 is amended by deleting the language of the bill in its entirety and replacing it with House Bill 3599 as amended."

Representative Moses moved that the amendment be adopted, seconded by Representative Halford.

Representative Moses rose to speak in support of the amendment, stating:

"Mr. Speaker, there once was a task force that recommended county boards. The year was not 1998. The task force was not the ERTF. And the county boards were to be elected. This amendment would allow for elected boards, several boards, in fact, eight within the State.

"In 1992, then Lieutenant Governor Ben Cayetano, headed a task force that voted 11-2 to recommend eliminating the, then current, statewide Board of Education in favor of elected county boards. They got it right. Elected plus county. Not appointed plus county, which is the ERTF recommendation. Not appointed plus statewide, which is the law we're trying to amend. The people spoke in opinion polls and the election booths. They don't want appointed in any form. Elected boards at lower levels are the most accountable to the people.

"Some brief history, Mr. Speaker. In 1959, the Constitution at Statehood had appointed boards. In 1963, the State moved to elected boards. In 1978, the Con Con voted to keep elected boards. In 1992, there were polls taken, the Advertiser/Channel 2 poll had 80 percent of the

people favoring elected boards. The Star-Bulletin poll 68 percent of the people for elected boards.

"Governor Cayetano in the Advertiser, in 1992, he said, 'the school's woes are caused by a bureaucracy that defuses and dilutes responsibility for operational control. Delivery of essential school services is also impeded by a bewildering maze of State bureaucracies. Precious little authority is vested at the level where education takes place, the school,' said Cayetano.

"Thank you, Mr. Speaker."

Representative Stegmaier then rose to speak in opposition to the amendment, stating:

"I have three reasons for being in opposition to the amendment, which would establish elected local boards. The audit said it would establish an unnecessary layer of bureaucracy. By that I mean that each one of the separate boards, and I guess in this proposal there would be eight altogether, would necessarily have a staff. There would have to be clerical support. There would have to be legal advice. And as this amendment suggests, there would have to be a separate superintendent for each one of the county boards and the districts that they would run.

"I checked on the cost of our present State Board of Education, the running of that. We're talking about \$184,000 for attorneys, administrative assistants and clerical staff. There would be, of course, board compensation. Right now there is for the members of the State Board and that would be the case with each one of the county boards. So we're talking about, depending on how many members times eight, times \$100 per meeting; overtime compensation is another aspect of the cost. We're talking about mileage for those who have to travel a distance, supplies, etc. for each one of those county boards. Mr. Speaker, we're talking about \$419,117 a year, which is what it costs to run our single Board, a significant increase over that to run, to employ the support staff for each one of these county boards. So that's one expense that I believe is prohibitive, that takes away from the expenditure of monies at the school level. In addition, there's the expense of running elections.

"Right now the election of our State School Board costs, depending on the election, between \$298,110 up to \$398,000. There would be a primary for each one of those elections, a general. We're talking about a significant expense to run the elections for all of these county boards. Altogether, Mr. Speaker, just in terms of the expense and the bureaucratic layer that would have to be established, I estimate that we're talking close to one million dollars or more. Monies that would be taken from the Department of Education budget to fund policymakers at each one of our counties.

"The real problem with that, in addition to the monies and the people, is that the very nature of county boards would take authority away from the individual schools. Otherwise, why have county boards? They'd have to have authority. Right now the thrust of the schools-within-schools, SCBM and so forth, is to give as much authority to the individual schools.

"This would be stepping back, retreating from that effort that we've made over the last 10 years. There would be interference in the activities of the schools necessarily. What else would those county board members do? There would be micromanagement. If there is complaint about micromanagement at the State Board of Education concerning our schools, imagine what it would be like at each one of the counties.

"For these reasons, Mr. Speaker, while I understand and appreciate some of the thought behind county boards, when you think about it in terms of actuality, I think it would be counter-productive. And for that reason, I recommend to the members that we vote this amendment down. Thank you."

Representative Herkes then rose to speak in opposition to the amendment, stating:

"I rise in opposition for no other reason than that I think the proposal is flawed. For example, the composition of the school boards. The first one is the area in and around Hilo on the Island of Hawaii, and I'm not sure what that means. Are we talking about the city of Hilo, or are we talking about the district of North Hilo, or the district of South Hilo, or a combination of the two?

"The second school board district 'shall be comprised of the area in and around Kona on the Island of Hawaii.' And what is Kona? Are we talking about the town of Kailua, Kona? Are we talking about the district of North Kona, South Kona? And what about all the other areas in between? For example, the eastern boundary of Ka'u is about 30 miles away from the city of Hilo. The western boundary is about 30 miles away from Kailua, Kona, and the high school is right in the middle. So where does that fall?

"I think the proposal is just badly drafted and should be voted down."

Representative Fox then rose to speak in support of the amendment, stating:

"I think that the Economic Revitalization Task Force understood that the current situation is not working. It recommended two changes: one, to go to county boards; and two, to go to appointed boards.

"The Governor himself recommended county boards and elected boards. I think that gets it more right. I think that the trouble with the county board for an island with a population of Oahu is it's not getting down really to the grass roots level, down to the local level. It's not really providing local power over schools that I think the ERTF is really trying to get at. And the problem on the Big Island is that the island is just simply too large for a single school district, if you're going to break it down to where you get really local control. So the Big Island should be divided into school districts.

"I think this proposal really gets it right, but you can't have it unless the people vote for it. This is a proposal to put before the people the opportunity to have their schools down at a local level. And the reason this gets it right is that when you have district level school districts like you do in most of the rest of the country, the people get to know their school board members. That's the advantage of getting down to the smaller level. We can now have elections not where they run island-wide or statewide, but where you really have a chance to get to know your district person, just as we get to know the people in our districts because we represent a smaller area. It makes sense to get it down to the lower level.

"Governor Cayetano had it right in 1992, the ERTF had it right when it suggested going to county boards. This amendment has it even more right because it gets the right size and returns to 1992 Lieutenant Governor Cayetano as opposed to 1998 Governor Cayetano by having an elected board, as the people have repeatedly said they want, rather than an appointed board. So this is a chance to really do it right. Offer the people of Hawaii a real choice for better education -- local school boards.

"Thank you, Mr. Speaker."

Representative Halford then rose to speak in support of the amendment, stating:

"The fundamental issue of this amendment is improved education. Certainly not the cost of democracy. I would agree that the cost of our State government by a benevolent dictator would be less than we pay today. But this is a good measure, Mr. Speaker. In fact, this amendment proposes county boards as recommended by the ERTF.

"Additionally, it recommends elected boards which we have now. Mr. Speaker, I would like to ask at the appropriate time that we have a roll call."

Representative Kahikina then rose to speak in opposition to the amendment, stating:

"Mr. Speaker, if it is our effort to improve the school quality, we've got to change right there in the classroom. And how do you do that? By raising the standards, challenging our kids, freeing our teachers, and getting the community involved. Not by making more layers of bureaucracy.

"Thank you, Mr. Speaker."

Representative Ward then rose to speak in support of the amendment, stating:

"Mr. Speaker, when all of the hustling and the bustling and the politics of education are put aside, there's three things that correlate with student performance, all studies, all times, and in the end: first, is parental involvement. You don't have the parents involved, students don't learn anything. Secondly, you don't have the community involved, and that's what this bill is all about, getting at the community level. And thirdly, if you don't have the teachers involved, which this bill is all about.

"Those are three correlates, three structural relationships where no matter how much we 'huff and puff' around the size of this appointed board, until we get parental involvement, teacher involvement and community involvement, we're just pretending. So starting from the macro community involvement at the community level of the Board of Education, this is what it's all about.

"Stated differently from the opposition of the Chair of the Education Committee, if someone came into this Chamber and said: 'For one million dollars, I'll take your educational system,' we'd say he has a cheap deal. We already spent how many, \$300 to \$400 million a year? A million dollars -- that's a bargain for cost and wisdom. I think our Legislature should look at this more seriously, and just wanting to 'stop beating the dead horse' about, we're going to fix it by appointing the boards, Mr. Speaker, is a dead end. That horse doesn't run, the dog doesn't hunt. Thank you."

Representative Yamane then rose to speak in opposition to the amendment, stating:

"I have some serious concerns, especially where we're suppose to be with representative districts that have approximately the same voting group. And yet, if I look at this based on geography, as general as the Representative from the Big Island mentioned, if you split the Big Island in half, let's say we split it in half, and we have a district for Central Honolulu, does that make one person one vote equivalent? Somehow I think there's a little bit of discrepancy here: who's voting for what and who's voting for the same superintendent, who I assume

has the same power. So if you're going to break it up by geography, let's try and make that population -- the voting population of the geographical district -- at least similar.

"Thank you, Mr. Speaker."

Representative Pendleton then rose to speak in support of the amendment, stating:

"I'd just like to say a few remarks in response to some of the points made. Two points I'd like to respond to. One is that this adds an additional layer of bureaucracy. You know, those same questions were put to the members of the ERTF. If you recall, their proposal was to move from a State decentralized single, unified Board of Education to county base. Everyone said: 'Well, doesn't that create additional layers of bureaucracy?' Tom Leppert and a number of people said: 'No, it doesn't create an additional layer of bureaucracy. You have a Board of Education which articulates and conceives of the policy raised by public schools, which is now closer to the schools over which they have authority and jurisdiction. You bring it from the State level down to the county level.'

"Well, our proposal is in the same vein. It brings the decision makers closer to the people who are being affected by those decisions. How can you say that adds an additional layer of bureaucracy? We're not maintaining the Board of Education level at the statewide level. We're just bringing it down closer to the schools, closer to the keiki. There is no court of appeals with the Board of Education as it were. If we were trying to do something like that, then you could say we're trying to add other layers of bureaucracy, but we're not.

"The other point that a Representative mentioned had to do with I guess, one vote one person, or one student in terms of the population of various counties and boards here. Well, the ERTF was asked that question: 'If Oahu is going to be one school district on Oahu with the hundreds of thousands of people and then Kauai and Maui to be their own, what about the differences in population? The ERTF member said, and again Tom Leppert said in a public statement: 'What we want to do is move these decision makers closer to the keiki.' And for geographical reasons, they decided to go with county rather than district level boards. So they've responded to those remarks in a public debate."

Representative Okamura then rose to speak in opposition to the amendment, stating:

"Mr. Speaker, just to clarify, the whole issue of county boards, and the prior speaker did mention that the election of these eight county boards would still have to meet the requirement of the 'one man one vote'. In the past, there were numerous bills introduced in the Legislature looking at the current State Board of Education and looking at getting it down to the local level and getting it so that members are elected from their respective districts.

"And when they did that though, the smallest area school district is the island of Kauai. And if we went on that basis, that's why it is the way it is now, where you have the current school board elected. All of the Neighbor Island voters elect all of the Neighbor Island school board members. And so you could conceivably, if you have eight school boards, you could have the majority of voters on an island elect all of the school board members from another island, even though the majority of the people on that particular island, say Kauai, did not vote for those candidates, and that's the problem. I think

it's a major problem and I really think this should be looked at further. Thank you."

Representative Tarnas then rose to speak in support of the amendment with reservations, stating:

"I think this amendment is moving in the right direction. The details definitely have to be worked out and the amendment does not provide all the details including, as the Chair of the Education Committee has pointed out, the fiscal issues that need to be addressed here. There's the 'one man one vote' issue. What I'd like, Mr. Speaker, is for us to have taken an idea like this and taken it through the committee process so we could actually work out the details. Because I have gotten the strong message within my community and in looking at the previous works for education reform that creating an elected school board at the county level, is something that would benefit our community and benefit our educational system.

"The details are not fully worked out within this amendment so I do have reservations about it, however, in general I think it's heading in the right direction. Thank you sir."

Representative Kawanakoa then rose to speak in support of the amendment, stating:

"I'm a bit confused about some of the concerns about the 'one man one vote,' and I guess a constitutional mandate for that. As I see it, people in the County of Maui vote for their county council. As I see it, the people on the Big Island vote for their county council and their mayors. I see no harm or no difficulty in having various school boards divided by counties and having each person that lives within that jurisdiction, one man one woman per vote, elect their members to their county boards. Seems pretty clear to me and fundamental that this is allowable under our current laws and our current Constitution. And I find that argument to be perhaps frivolous at this point.

"But with regard to the overall understanding of the measure, we are just truly looking to bring representative democracy to its constituency. I think other jurisdictions have noted that many other states have county-based educational process. I believe we're the only state in the nation that has a statewide Department of Education. I don't know why we're always bucking the trend when other jurisdictions seem to have better educational systems. We should be looking to, I don't want to say our elders, but to the experience and the success of other jurisdictions and garner what we might from them as the pride here in our islands can be done and should be done. Thank you."

Representative Okamura then rose to speak in rebuttal to the amendment, stating:

"Just a clarification again. It's possible to believe what the Minority Leader says, like you can have a separate council right now on Kauai County, Maui County, etc. So if we were going to have all separate boards of education different, separate systems of education for all of the eight county boards, you could do that. I don't think that's what we want. We don't want separate boards. We still want a statewide source, because in some of the Neighbor Islands they don't have the funding that the population base does on Oahu. So it's not going to be possible to set up these separate forms as separate county councils in that manner. Thank you."

Representative Stegmaier then rose to speak in rebuttal to the amendment, stating:

"Thank you, Mr. Speaker. The Majority Leader points out a very important aspect of our centralized system, which is that we preserve equity among all the counties and all the islands for basic resources. I wanted to clarify, in opposition to this amendment, that the Economic Revitalization Task Force came before the Education Committee and stated support of an appointed State Board of Education, in the person of Judge Walter Heen. So whatever might have been their original proposal, as a result of the discussions that they've had with legislators, they've modified that and are now in support of an appointed State board.

"Going back to this matter being closer to the schools, this proposal doesn't bring us close enough to the schools. That's the problem with it. We've done a lot to have decision making take place at the schools. This would be a reversal of that trend. Mr. Speaker, I had several years of experience as a member of the Honolulu School Advisory Council, sitting in judgment of making recommendations about the Honolulu schools. And I can tell you that I experienced significant distance from the schools, just as would the members of a county school board. It's better that we provide as much authority and resources and discretion to the school level. This amendment doesn't do that. Thank you."

Representative Kawanakoa then rose to speak in rebuttal to the amendment, stating:

"Thank you very much. Just a further clarification with regard to our concern and this amendment and to bring county boards for our Board of Education or district areas. We find that we believe, as was mentioned by the Majority Leader, that statewide funding would still be appropriate because there is discrepancy between the various counties. And I would simply point to the fact that the TAT is divided up amongst the various counties. It's the counties that are sponsored by statewide entity, so I believe it's possible. I see no discrepancy with the ability of the State to otherwise fund the various counties accordingly by one student per one dollar or whatever manner you may have. Thank you."

Representative Say then rose on a point of clarification, stating:

"Will the sponsor of the proposed amendment maybe yield to a question? Page 1 of the proposed amendment, lines 11 and 14, there's a major flaw in the number. Could he clarify it for the members of the House?"

Representative Moses: "Mr. Chair, you're talking about the fact that we're talking about eight boards?"

Representative Say: "Eight local boards and then line 14, seven local boards."

Representative Moses: "The eight local boards are based on basically the seven districts within the State. However, splitting the Big Island district into two because, in fact, the Kona side of the island wants that split. They deserve that split. So that's why we have eight boards even though we have seven districts currently."

The Chair responded: "Representative Moses, you're recognized. You wish to have some final discussion on it so we can get on with the roll call vote."

Representative Moses continued, stating:

"Thank you, Mr. Speaker. I have already addressed one of those issues and that's why we have eight boards and seven districts. I just want to remind those of you who might be anticipating voting 'no' on this. First of all

let me say, I'm a father of seven, all of my children have gone, are going, or will go to public school here. For six years I've been the SCBM Chair of my school's council. And so I do want the people to have a say. That's why I proposed getting these boards now where the people know who they're voting for and they can meet them in Safeway and say: 'You know what, we need to fix this problem.'

"As far as the funding, I think it would remain per capita. Nothing would change there. Every student gets an equal share of the pie. Those of you who think you're going to vote 'no' on it, remember when it comes for the main motion you have to vote 'no' on that for the reasons you've already stated. You've stated, you talked about the cost. Well, the ERTF proposal has four boards, they're appointed, but it's four boards. You get the cost. None of you are going to talk about that, right?"

"Next you talked about micromanagement, four boards, right now we have one. You're going to have four cases of micromanaging. And 'one man one vote', how do you justify that? The ERTF already justified that, didn't they? But you've brought it up so you're now going to have to vote against the main motion. Remember the bill before you calls for four boards with associated costs."

The Chair interrupted Representative Moses, stating:

"Will you please confine yourself to the amendment and not to the main motion. We have not gotten there yet."

Representative Moses continued, stating:

"Thank you, Mr. Speaker. And it calls for an appointed board instead of elected by the people of the State. Thank you."

At this time, Representative Halford requested a roll call vote.

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 to adopt the amendment was put to vote by the Chair and failed to carry on the following show of Noes and Ayes:

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, Takamine, Takumi, Tom, White, Yamane, Yonamine, Yoshinaga and Souki.

Ayes, 13: Representatives Aiona, Fox, Halford, Kawanakoa, Marumoto, McDermott, Meyer, Moses, Pendleton, Tarnas, Thielen, Ward and Whalen.

Representative Thielen rose to speak in opposition to the measure, stating:

"I have a slightly different approach. My comments relate to a matter that has been before this body. An elected school board was perceived as something that would be popular with the voters in the 1960s. At that point we had a Republican Governor Quinn. The Democratic House, Democrats controlled the House, approved the elected school board measure in 1962. And this was Governor Quinn's re-election year.

"Senator Russell, who was a Republican in the Senate, killed it in the eleventh hour in Senate maneuvers. The death, however, brought the bill alive in 1962 as a campaign issue that helped defeat the Republican Governor Quinn and elect Democrat Governor Jack

Burns. The Democrats then delivered on their elected school board promise.

"It seems to me as if this Democrat controlled Legislature is forgetting this history lesson. And maybe in the long run, we will see a reversal on the top floor then. Thank you, Mr. Speaker."

Representative Moses then rose to speak in opposition to the measure, stating:

"What will it take before we stop putting this issue on the ballot? Opinion polls certainly haven't done the job. Not the 80 percent opposed in 1992, or the 78 percent opposed in 1994. Not even election polls with 176,242 opposed and 41,281 blank but considered no, to just 158,675 in favor. Not even history stands in the way of pushing for a statewide appointed board. As you heard, it was after all the Democrats that created the elected board in the 1960s. There was a Waihee led Con Con that continued it in the 1970s. Listen to the people. You listened to them in the 1960s, listen to them today.

"An appointed board is less accountable to the people. The people know it. Your constituents know it. Let them know that you know it; vote 'no' on this bill."

Representative Takai then rose to speak in support of the measure, stating:

"Thank you. The Representative from Kapolei made references when we were discussing the amendment to this bill about four boards in the State. And I just wanted to point out that the bill that we're looking at right now just concerns one Board of Education for the entire State. As a matter of fact, it changes the elected Board that we currently have to an appointed board.

"And also, Mr. Speaker, I just wanted to add that we had a town meeting with some of the educators in our community a few weeks ago. And they were quite surprised in realizing that the Board of Education, currently elected, has tremendous power because we have given the Board of Education and the Superintendent of Education lump-sum budgeting. And I asked a question to about 80 members that were present that night, who our elected Board of Education member was for the Central District. Not one of them stood up and said that they knew.

"I think very few people even mentioned at that meeting that they had an opportunity to talk with members of the Board of Education. I think that the elected Board, as it currently is right now, is not working. And for those reasons, and for many others, I support an appointed board. Thank you."

Representative Tarnas then rose to speak in opposition to the measure, stating:

"To improve the education system, decision-making should be moved closer to the community directly served by the schools. An appointed statewide school board, I believe, is a step away from this local control.

"As long as we make sure that statewide parity of funding is maintained, especially, in rural areas, and statewide standards for teachers and student performance are maintained, local control through elected county boards will work very well. For this reason, I must oppose this measure. Thank you."

Representative Pendleton then rose on a "potential conflict," stating that his "wife is an elected member of the Board of Education," and the Chair ruled "no conflict."

Representative Pendleton continued, stating:

"Mr. Speaker, I then wish to say a few words in opposition to this constitutional amendment. Mr. Speaker, I have no philosophical problem with allowing the voters in Hawaii, the parents of public school children, to vote and to speak on a constitutional amendment. But we've put this before them in the past and they've stated strong and clear that they want to be able to vote for the people who serve on the Board of Education.

"Again, I don't see how removing direct accountability from a member of the Board of Education to a parent of a public school student moves us in the right direction. So for those reasons, I oppose this measure."

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

"Mr. Speaker, I believe that, in hearing the discussion here today, almost all of us are in opposition to the present statewide elected board system. We all find it lacking. So the real issue is, what can we do to improve the present elected statewide board to make it more workable? We've tried looking at various types of elective strategies and we've come up short.

"To make a board representative and to make it workable as an entity, we just have not been able to fit the two requirements together. And that's why we're looking now at an appointed State board. And I believe that because it would be less costly than the local boards because there's a chance for greater accountability than our present elected State board. Since the appointments will be made by the Governor and by the advice and consent of either the House or the Senate, there would be an accountability to those individuals for the work of the appointees.

"There would also be no additional bureaucratic layer that was mentioned that would inevitably come about by county boards wanting to grandize power. There would be a reversion to a strong district office, but that's counter to what we've been doing, which is to give power to the schools.

"Ultimately the choice is between an education policy board that will hopefully continue to empower our schools, and an education policy board that is mired in red tape that would take authority away from the schools. I believe that we're headed in the right direction, and I would suggest the members vote in support of this and let the people decide. Thank you."

Representative Ward then rose to speak in opposition to the measure, stating:

"Mr. Speaker, three brief points. First, if the principle is correct that I heard the previous speaker say, if elected officials don't work, we'll appoint them. I think that's what they tried in probably the socialist societies or in places where there's subsidized economies or command economies.

"Secondly, 80 percent of the people cannot identify, by name, their Representative or their Senator. Unfortunately, our egos are always hurt by that, but that's the reality of elected politics. Sometimes we're confused as councilmembers. Sometimes councilmembers are confused with Senators. Such is the reality of the elected elected ball game.

"And thirdly, Mr. Speaker, probably most importantly related to what Representative Thielen said: 'Those who

ignore history are condemned to repeat it.' That's what we're doing right now."

Representative Meyer then rose in opposition to the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Meyer's remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 2211. Hawaii voters have elected their State Board of Education since 1963. In 1992, a Honolulu Advertiser/Channel 2 News poll revealed that 80% of the voters preferred an elected BOE. Only 12% preferred an appointed board. 8% were unsure. A similar survey that same year by the Star-Bulletin showed that 68% of those polled wanted to keep an elected board, while 25% wanted an appointed BOE. Two years later, the overwhelming majority still preferred an elected BOE according to the Advertiser. 77% favored retaining the elected BOE with only 17% in favor of an appointed board.

"Accountability to the people is best achieved by elected officials who are responsible to a constituency...just as we are here in this body...not through politically inspired appointments.

"The people have spoken again and again on this issue. SB 2211 does not express the will of the people. The will of the people--overwhelmingly--is for an elected BOE.

"I vote with the will of the people. I vote 'no' on SB 2211."

Representative Morihara then rose in opposition to the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Morihara continued, stating:

"Briefly to summarize that I believe that the ERTF got the subject right the first time and that appointed county boards were probably the best alternative."

Representative Morihara's remarks are as follows:

"Through all the work of the ERTF, with speakers being brought in to discuss education, the one trend happening nationwide and expounded upon by the speakers was the move toward local governance.

"The original proposal was to develop county boards. This move toward local governance would be a positive step in developing a responsive system of governance. Unfortunately, that was removed from the bill. Without that change in the level of governance, I do not see it as worthwhile to put on the ballot a measure that has already been rejected by the electorate previously."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2211, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 35 ayes to 16 noes, with Representatives Aiona, Fox, Halford, Kawanakoa, Lee, Marumoto, McDermott, Meyer, Morihara, Menor, Moses, Pendleton, Tarnas, Thielen, Ward and Whalen voting no.

### THIRD READING

#### S.B. No. 2710, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2710, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

SEARCH WARRANTS," passed Third Reading by a vote of 51 ayes.

**S.B. No. 2332, SD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2332, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," passed Third Reading by a vote of 51 ayes.

**S.B. No. 2611:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2611, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM TRANSFER-ON-DEATH (TOD) SECURITY REGISTRATION ACT," passed Third Reading by a vote of 51 ayes.

**S.B. No. 2819:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2819, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES.," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 3025, 3024, 705, 2211, 2710, 2332, 2611 and 2819 had passed Third Reading at 3:52 o'clock p.m.

**S.B. No. 2259, SD 1, HD 1:**

Representative Okamura moved that S.B. No. 2259, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Kawanakoa offered the following amendment to S.B. No. 2259, SD 1, HD 1:

"SECTION 1. Senate Bill 2259 HD 1, is amended by amending page 2, lines 9-14, to read:

'income tax relief for individuals; part III [amends the general excise tax (GET) by increasing the GET tax rate from 4 percent to 4.5 percent and exempting] exempts exported services from the GET; [part IV amends chapter 238, Hawaii Revised Statutes, by providing for the use taxation of imported services;] and [part V contains] parts IV and V contain other general provisions.'"

"SECTION 2. Senate Bill 2259 HD 1 is amended by deleting section 4, 7, 10, 11, 12, 13, 14, 15, and 17 of the bill in its entirety."

"SECTION 3. Senate Bill 2259 HD 1 is amended by renumbering the section to properly reflect the changes made and to renumber appropriate section throughout the bill."

"SECTION 4. Senate Bill 2259 HD 1 is amended by amending section 5, page 20, line 12 of the proposed draft (section 6, page 21, line 19 of the HD 1) to read:

'applicable rate shall be four percent[, except that for the']"

"SECTION 5. Senate Bill 2259 HD 1 is amended by amending section 5, page 24, line 19 of the proposed draft (section 6, page 26, line 3 of the HD 1) to read:

'imposition and payment of the tax at the rate of four percent[,'"

"SECTION 6. Senate Bill 2259 HD 1 is amended by amending section 6, page 25 lines 5 to 15 of the proposed draft (section 8, page 29, lines 2 to 12 of the HD 1) to read:

'SECTION 6. [Section 10, 11, 12, 13 and 17 of this Act amend existing statutes to provide for a new GET rate of 4.5 percent applicable to taxable periods beginning after December 31, 1998. the increase in the GET is to shift taxation away from income and production and on to consumption. It also partially compensates for the revenue loss anticipated from the ERTF recommendation to reduce personal income tax rates. Section 16 amends section 237-16.5, Hawaii Revised Statutes, to increase the sublease deduction to account for the GET rate.

Sections 14 and 15 repeal portions of the law that reference the 4 percent rate and are inoperative.] Section [25] 16 of the'

"SECTION 7. Senate bill 2259 HD 1 is amended by amending section 6, page 25, line 20 through page 26 line 1 of the proposed draft (section 8, page 29, lines 17 to 20 of the HD 1) to read:

**'PART III**

'section 46-16.7, Hawaii Revised Statutes. [Section 15 of the Act repeals section 237-29.6, Hawaii Revised Statutes, relating to an exemption for exported computer services, which is duplicative of section 9 of this Act that exempts all exported services from the GET.]'

"SECTION 8. Senate Bill 2259 HD 1 is amended by amending section 9, page 28, lines 10 to 14 of the proposed draft (section 18, page 73, lines 2 to 5 of the HD 1) to read:

'state sellers and local sellers of services. Sections [19 to 24] 10 to 15, provide for the use taxation of imported services. [Because the use tax is a complement to the GET, section 20 of this Act amends the top use tax rate from 4 to 4.5 percent.] Section [25] 16 repeals section 238-2.5, Hawaii Revised Statutes,'"

"SECTION 9. Senate Bill 2259 HD 1 is amended by amending section 11, page 37, line 2 of the proposed draft (section 20, page 81, line 16 of HD 1) to read:

'(3) In all other cases, four percent of the value of the'"

"SECTION 10. Senate Bill 2259 HD 1 is amended by amending section 11, page 38, line 3 of the proposed draft (section 20 page 82, line 17 of the HD 1) to read:

'(3) In all other cases, four percent of the value of the'"

Representative Kawanakoa moved that the amendment be adopted, seconded by Representative Fox.

Representative Kawanakoa rose to speak in support of the amendment, stating:

"Thank you, Mr. Speaker. I think we all know what this amendment entails. Last Thursday, we had described that today would be a 'showdown', an opportunity for everyone to vote their conscience. We wanted to give every member of the House a clear line of action to take on whether or not to support the increase in the General Excise Tax.

"The amendment before you simply excises the excise tax. It takes the excise tax out of this bill because there's many good aspects of this bill. There are many good provisions before us today that we want to see pass over to the Senate or go into conference. Quite frankly, the

increase in the excise tax is much too dangerous a measure to hide behind the other eight or so measures that fell before us today.

"You know on the Opening Day of the Legislature, Mr. Speaker, we drew a line in the sand. We clearly indicated our opposition. Not to the ERTF; not to all of the great recommendations, the some odd 60 proposals, and we happen to have something from the Bank of Hawaii that was distributed on our desks today. I don't have mine right here before me under the pile, but great recommendations. The ERTF came out with splendid ideas, things that we've been offering for many years, Mr. Speaker. Things that we wholeheartedly support but we cannot -- we truly must not support an increase in the general excise tax.

"It's that plain. It's that simple. And today we've offered for everyone here, again, the opportunity to vote against the excise tax. That's what this amendment is all about, Mr. Speaker. This amendment is allowing the Representatives that are present today to vote against an increase in the general excise tax. A vote for this amendment is a vote against the excise tax. It's that clear. It's that simple, Mr. Speaker.

"And I would encourage all of my members to please don't fall into the trap of, well we can take it out in conference. We have to keep the options open. Let's move it out of the House to the Senate and we'll discuss it all later in conference. This issue is much too important to leave to a conference committee and a couple of negotiators. I ask you to vote your conscience today, this last reading. This may be your last chance to establish your vote with regard to an increase in the excise tax. And Mr. Speaker, at the appropriate time I'll ask for a roll call.

"Thank you very much, Mr. Speaker, thank you colleagues."

Representative Takai then rose to speak in opposition to the amendment, stating:

"I would like to ask permission to ask a question of the introducer of this amendment."

The Chair responded: "Will the introducer approve a question?"

Representative Kawanakoa responded: "I'll certainly approve the question. I'm not sure if I'll answer it."

The Chair responded: "Please proceed and do the best you can, Representative."

Representative Takai asked:

"The amendment is quite long and as I understand it, it only makes a change by deleting the increase in the general excise tax. My understanding is the increase in the general excise tax equates to \$162 million. My question is: how do you make up for that \$162 million, or is that just a big hole in this amendment?"

Representative Kawanakoa responded:

"You know, what I don't see before us is the budget. I see a tax measure here, Mr. Speaker. So how do we make up for it? We've given you many ways and rationale to reduce the cost of government. We've given examples on the floor of the Legislature. It's actually been codified in one of our amendments with examples to find the tax savings. The argument that I'm expounding to, with respect to a big hole in this amendment -- no, all

that can be rectified through the budget and through other means.

"We've repeatedly given you examples and means by which to rectify our government and the waste within government, to reduce those costs through privatization, through other measures that could otherwise come up with the extra dollars that I believe you are alluding to, making the budget out of balance."

The Chair responded: "Okay, in the interest of time, I think the Representative has attempted to answer the best he could under the situation."

Representative Kawanakoa asked: "I'm sorry, what did you say? I couldn't hear you."

The Chair responded: "I said that you have given an answer to the best of your ability, considering what's available in front of you right now."

Representative Takai continued, stating:

"Thank you, Mr. Speaker. I see now why I also oppose the general excise tax increase. However, Mr. Speaker, I think that a decrease in the individual income tax by the same amount that is proposed in the current amendment. . .are my eyes a little bit irresponsible?

"I don't think we can afford to get rid of the general excise tax increase and at the same time keep the decrease in the individual income tax at 25 percent for the first two years and 35 percent in years three and up. Thank you, Mr. Speaker."

Representative Tarnas then rose to speak in opposition to the amendment, stating:

"As you know, I have been a consistent opponent to an increase in the GE tax. However, I also have presented alternative plans. And the key feature of an alternative plan is a modest reduction in personal income tax. And unfortunately, the amendment before us doesn't modify the personal income tax reduction from the original version of the bill. So I cannot support it because of that flaw. However, I do continue to have my opposition to the GE tax increase."

Representative Say then rose to speak in opposition to the amendment, stating:

"Mr. Speaker and members of this House, Senate Bill 2259, House Draft 1, really substantially preserves the Economic Revitalization Task Force's proposals and the subsequent revision that you see here today.

"One, it reduces the personal income level for all of our taxpayers in the State of Hawaii. For the first two years, a 25 percent reduction, and the third year a 35 percent reduction. For the first two years, \$158 million, then you subtract another \$48 from the federal withholdings, and \$252 million for the third year.

"It is awfully difficult to stand on the floor to speak about a measure of this magnitude, but being courageous and tough, I believe that the floor amendment before us is an act of irresponsibility. Why not repeal the whole section of Senate Bill 2259, SD 1, HD 1, where you don't take credit for the other nine measures, Mr. Speaker?"

"Today, members and the Speaker of this House, I'm not going to talk about the GET because I'm going to talk about the positive aspects of the Economic Revitalization Task Force proposal."



Representative Moses then rose on a point of order, stating:

"Will the present speaker please keep on target as far as the amendment. We're not talking about income tax and other things, we're talking about eliminating the general excise tax increase."

Representative Say responded:

"And I'm talking on behalf of the people of the State of Hawaii. Currently the maximum personal income tax level of 10 percent changes in the taxable income level of \$20,500 for singles and \$31,000 for joint and head-of-household filers. Under Senate Bill 2259, SD 1, HD 1, the maximum tax rate of 8.5..."

Representative Thielen then rose on a point of order, stating:

"We're dealing with an amendment that deals with the general excise tax increase and our amendment proposes to eliminate that general excise tax increase. That is what is before the body at this point."

The Chair responded: "Representative, make your speech to the merits of the amendment or demerits of the amendment."

Representative Say continued, stating:

"Mr. Speaker, for the clarification of the members in the audience in the gallery and this floor, it does address the excise of the excise tax impacts on the lowering of our personal income tax. Correct me if I'm wrong, Mr. Speaker and members of this House, you can't have the two separated. Or are you saying that?"

Representative Kawanakoa then rose on a point of order, stating:

"I believe that we have in time and in process our plan that does show other means besides reducing the impact of reducing the income taxes. Reduce the size of government. There are other options besides what are being afforded."

At 4:03 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:06 o'clock p.m., Representative Say rose and stated:

"Mr. Speaker and members of this House, I rise in opposition to the floor amendment once more. First of all, I'd like to say to all of you, I apologize. This is a major issue for all of us, which I can really agree and sincerely understand what the Minority is trying to do on behalf of the people of the State of Hawaii, and they inform myself.

"But, Mr. Speaker and members of this House, there are two major flaws in the proposed amendment that is before us. The House Draft 1 of the bill repeals a provision in the HRS that provided the general excise tax exemption for exported computer services. The floor amendment draft that you have in front of you removes this section of the bill. The reason why this specific GET exemption for exported computer services was repealed is because the House Draft 1 provides a GET exemption for all exported services. Thus computer services will be automatically included. The element that you're looking at is to excise the excise tax and I can respect the Minority Leader's position.

"And last but not least, I would want to state on the floor of this House, for the record, I don't know if this amendment is being taken very seriously by the Minority. I ask all of you this afternoon to turn to the last page of the proposed floor amendment, page 109, lines 7 and 9. What do you see in the bill, Mr. Speaker and members? Question marks. I realize that we should be the first and not know what these sections are all about, but if they were truly serious to make an attempt of a floor amendment, this bill would never pass legal muster.

"And so I ask all the members of this House to look at it very carefully. Are they addressing the context of the measure when it comes up for its Final Reading? Thank you."

Representative Suzuki then rose to speak in opposition to the amendment, stating:

"Mr. Speaker, a vote for this amendment is a vote against giving Hawaii's economy a fighting chance for economic revitalization. I think we cannot stress this point any firmer. The general excise tax increase can also be viewed as a financing mechanism because of the manner in which the tax is levied. As such, the general excise tax is a consumption tax that is levied on every consumer, including visitors who purchase goods and services in Hawaii.

"This shifting of the tax burden away from Hawaii residents amounts to 30 percent of the general excise tax. This means that \$53 million of the \$177 million that the half percent general excise tax will generate will be paid for and financed by the visitors. \$177 million is the latest estimate of the Tax Department. We were using \$162 million previously.

"Stated another way, this means that although our taxpayers must shoulder \$124 million in additional general excise tax, which is a net amount between the \$177 million and the \$53 million, our taxpayers will receive \$177 million, the full amount of benefits that's embodied in Senate Bill 2259, SD 1, HD 1, which we'll get to after we vote on this amendment. Thank you."

Representative Ward then rose to speak in support of the amendment, stating:

"Mr. Speaker, what we see is the will of the majority of people being voiced by the Minority and having the Majority oppose it. Mr. Speaker, people do not want their GE tax increased. The poor, the elderly, the realtors, the small business -- everybody -- are on record, even in the surveys that have been taken. That 62 percent didn't even believe that the ERTF would stimulate the economy.

"The only ones who want a general excise tax increase are the biggest businesses in the State of Hawaii. And ironically, one of those, the Bank of Hawaii, is in the process of considering to relocate its corporate registration to the state of Delaware. Why the state of Delaware? Taxes are cheaper, regulations are less. If they ship to the state of Delaware, they can expand more quickly and more rapidly than the way that the State of Hawaii allows them.

"So Mr. Speaker, taxes are chasing away big and small. Taxes are chasing away perhaps some of the people in this body come remembering in November of what takes place today, because today is the historical moment. It is my faith in the Senate being strong, that they will not agree to whatever this body passes through the voice of the Majority, which is the minority of the people of the State of Hawaii. But this is the last chance that everybody in this body has to register to their

constituents for November that they are against raising the taxes of the people of Hawaii.

"This is the last chance. This is Election Day. This is Judgment Day. This is where, as the leader said earlier, everyone should search their conscience. Just 'going along to get along' to get this thing through conference is dangerous. Doing the right thing is voting against it and if you pass it and then your election is threatened, what's the Minority going to say? The majority of the people don't want this, and the Minority is saying what the majority of the people are thinking.

"So Mr. Speaker, in conclusion, we can cut government. We have a plan to do that. We've voiced it time and again. We can be more efficient. We can learn from what Japan did by cutting its taxes and then by raising its taxes and saying: well, let's cut taxes first rather than raising taxes first and get it right the first time."

Representative Fox then rose to speak in support of the amendment, stating:

"Various questions have been raised about technicalities in relation to this amendment. This bill is positioning for conference. We have a chance by voting in favor of this amendment to position a bill for conference that does not have the excise tax. That's really the message that the House of Representatives wants to send to the people of Hawaii.

"I'd just like to make three brief points: the first is that we understand that an income tax cut will help Hawaii's economy. The ERTF has said so. The Governor has said so. The Senate has said so. The House has said so.

"Second, and this is important, we don't need to pay for an income tax cut by raising the general excise tax. We can take away proposed credits that are embodied in this bill worth \$62 million. We only then need \$100 million in savings to get the general excise tax off the table. The Senate has found \$66 million more in savings with its budget. We may not agree with their specific cuts, but if they can find \$66 million, so can we. That means we only need \$34 million more than the Senate to take the House's position, our own GET increase off the table.

"Thirty-four million dollars, we've showed many different ways to do that. The creativity of this body can easily come up with the \$34 million additional dollars. We don't need the general excise tax.

"Finally, my third point, raising the general excise tax is an economic mistake. The general excise tax is a consumption tax. Raising a consumption tax in a down economy is a mistake. This is Herbert Hooverism. This is the error that Japan made last year that's hurting us in Hawaii today.

"Now, we have instructive materials here. They're trying to figure out why this excise tax hangs on. Are there brains behind the idea of keeping the excise tax on the table? Well, we have some clue in this material that was dropped on our table today from the Bank of Hawaii. This report says, in talking about the ERTF's work, 'the idea was to tilt the balance of Hawaii's tax system toward greater reliance on consumption taxation.'

"In other words, the idea of taxing consumption is a deliberate idea of the ERTF. It says, 'taxing consumption is thought preferable to taxing income because it does not deter savings.' The idea is that you want to tax consumption -- people's spending money -- and thereby

encourage people to save. The only trouble is, this isn't a very bright idea when your economy isn't working too well because people aren't spending.

"I have here some information supplied to me by the Hawaii Association of Realtors from the Ministry of Finance in Japan. The Ministry of Finance material describes the tax plan of the Japanese government. Under this reform the income tax is cut while the consumption tax is increased in order that the burden created by the aging society be shared by all members of society. This is a deliberate plan to reduce income tax, increase consumption tax as a way to encourage savings so that the aging people will pay a larger share of the tax burden since they would have to pay it when they spend.

"This permanent tax cut in Japan amounted to a \$3.5 trillion cut per annum in the income tax, which corresponds to the revenues to be generated by the increase in the consumption tax. The Japanese recommendation in 1994 was to cut the income tax by 3.5 trillion yen and match that with a 3.5 trillion increase in the excise tax. This was thought to be an improved version of how to deal with the situation in Japan.

"Well, Mr. Speaker, as we all know the increase in consumption kicked in last year and the Japanese economy went down. They're still feeling the pain today. Let's not make the same mistake in Hawaii that Japan made just last year. Don't raise our excise tax.

"Thank you, Mr. Speaker."

Representative M. Oshiro then rose to speak in opposition to the amendment, stating:

"I think there's several reasons. First off the bat, I think the fact that this bill is brought to us on the floor as an amendment, it's not a full explanation of where the \$160 some-odd million come from, apart from a budget. It's irresponsible. I think those proponents are bringing this forward without manifesting some specificity as far as where the cuts would come from. Mere examples and speculative ideas and suggestions without getting down to the real 'nuts and bolts' of where the money is coming from is mere wishful thinking of where the money would come from."

Representative Whalen then rose on a point of order, stating:

"I believe. . . are we talking about the amendment still? I withdraw my point of order. I'm sorry, I lost track of time over here."

The Chair responded: "Okay, Representative Marcus Oshiro, I think you got the hint."

Representative M. Oshiro then continued, stating:

"I just wanted to point that out for them so they understand the responsibility that they'll have when they need to go out there.

"Mr. Speaker, I'd like to address a couple of points and I've been hearing this all session long. And it's regarding the fiscal policies of Japan. I think when some of these ideas are expressed on this floor, they're expressed in a vacuum. And they're expressed without really explaining some of the other components of what occurred in Japan in 1994.

"And it has always bothered me, but I had a chance to talk to Dr. Naya last week in one of the Finance hearings. And I asked Dr. Naya about my concerns and he said: 'Yes, there are some other facts that should be brought to

the members' attention.' I think in 1994, when Japan did make these broad tax changes, they permanently lowered the income taxes. And they did so by broadening the brackets of raising the minimum thresholds.

"In 1994, the Japan government also temporarily lowered income taxes by 15 percent for two years. And Dr. Naya told me that the fact that it was a temporary lowering of income taxes versus a permanent lowering of income taxes, in which we are looking at today, is significant.

"The third item that he shared with me is that they did raise the consumption tax. It was raised from 3 percent to 5 percent and that became effective April 1997. Mr. Speaker, Dr. Naya also instructed me and informed me that we should remember a few things about Hawaii and Japan and to avoid comparing apples and oranges. He informed me that Japan is a national economy and not a state economy, and that Japan controls its own money supply. We don't have that privilege nor ability.

"He also mentioned to me that Japan exports account for 10 percent of their gross product, versus Hawaii whose exports account for 50 percent of our gross product. He also mentioned to me that Hawaii is subject to both national policy as well as international policy.

"And finally, he reminded me that the permanent questions of Japan's income tax reduction were designed to be revenue neutral, that is, to have balanced out at the end of the day. And that versus their consumption tax, which was an increase. So there was a lost there.

"These are significant differences, Mr. Speaker. In both the ERTF's proposal and our House proposal before us today, it's not revenue neutral. There is a net tax decrease under our proposal.

"Thank you, Mr. Speaker."

Representative Santiago then rose to speak in opposition to the amendment, stating:

"Thank you, Mr. Speaker. You know one of the things that I've been very hopeful for and that I've requested is that somehow, as this debate continues on, that we rise above the petty politics. I really requested that before and it hasn't gotten through. I've heard so often today that we should vote for this amendment or beware in November. I am disappointed and somewhat insulted by the implications."

Representative Kawanakoa interrupted Representative Santiago, asking:

"Are you speaking for or against the amendment?"

The Chair responded: "He did state against the amendment."

Representative Santiago continued, stating:

"I'm against the amendment. And again I'm insulted, because to think that those of us who come here to serve the people, to do what we believe is in the best interest of the people, will simply vote because of our fear of being turned out of office, I think, is very, very petty and wrong.

"I think all of us know how difficult a vote like this will be in the..."

Representative Marumoto interrupted Representative Santiago, stating:

"Would the speaker please address the amendment before him."

Representative Santiago continued, stating:

"The amendment before us, as has been stated by the introducer as well as many of the members who are supporting it, is about not supporting the .5 percent increase. As I have stated, I don't think that this amendment before us is a good one. I'm voting against it and I'm asking the members to vote against it. And I'm asking us to do that not based upon the arguments that I had heard earlier. And the arguments that I heard earlier was because the people out there are going to punish those of us who do this in the next election.

"So as I'm trying through this, if I may proceed and explain that none of us would like to raise the general excise tax. I don't think it's something we want to do. I think it is, as has been explained, something that we believe is the most responsible position to take. In addition, as has been explained by the Representative from the Salt Lake area, I also believe that this measure is the measure that looks at stimulating the economy in the best way forward because it is looked upon as a package.

"And I really again say, you can't look upon this one measure in a vacuum. You can't focus in on just the .5 percent increase in the general excise tax without looking at all of the related measures as we go through. And again, I just request that somehow we find it within our hearts, within our minds, and our ability and our spirit to rise above the petty politics. And I appreciate the comments..."

Representative Fox then rose on a point of order, stating:

"Can the speaker please address the Speaker."

Representative Santiago continued, stating:

"Mr. Speaker, I will address you. And, Mr. Speaker, I must say that I do appreciate some of the comments that I heard that I believe have been based upon some of the true beliefs because it is clearly stating where there's a difference between members of the Minority and some of the members of the Majority, and I do appreciate that, Mr. Speaker. Because it helps to reinforce why I'm here and why I'm voting against this amendment. Thank you."

Representative Pendleton then rose to speak in support of the amendment, stating:

"Mr. Speaker, this amendment would have the effect of excising, that is removing, the excise tax from what would otherwise be a very, very good taxation bill, which would reduce taxes. I'm in favor of everything else except for the excise tax and that's why I support this amendment.

"Just a few points, Mr. Speaker. One, I am supporting excising the excise tax, or I am opposing any increase in the GET because I think, not necessarily that it's a popular thing to do, I don't know, I haven't done a poll on this particular issue, but I think it is the right thing to do. We all know that consumption taxes are levied without regard to ability to pay. That is, people pay consumption taxes without regard to their income. In other words, a consumption tax would be levied with respect to a given item without regard to whether that person is very poor or working class, and that's why I oppose a shift towards consumption taxes. If you want to levy a tax to have the government perform core functions, provide core services, you levy those taxes in a fair and

equitable manner, which takes into account the ability to pay. You don't go at it with a consumption tax approach because that is how you hurt the people with the least ability to pay, namely the working middle class.

"Now my second point is that the Taxation Working Group, Mr. Speaker, the Taxation Working Group which gave expert advice to the ERTF did not recommend an increase in the GET. Their own working group, when they said we want to bring in some experts, we want to bring in some additional input giving some expert advice on taxes, they didn't recommend a GET increase. That was only brought in overall because, I think unwisely, the ERTF people felt that they needed to counterbalance some of the tax reduction proposals. And their representations elsewhere, if you look at all of the income tax proposals that we're putting forth, we're going to have to counterbalance that and make up for some of the revenue loss of the GET increase.

"That's an interesting proposal when you look at our tax tie. We're not running; we're not going; we're not adopting all of the ERTF's tax reduction proposals. We're not accepting all of their reductions, proposed reductions, in various taxes. For example, the corporate tax which they recommended. We're not going with that. And so right away we're picking and choosing. And the strange thing is that some of the tax reduction proposals we've decided not to accept, not to move forward, not to enact into law, and yet we're holding on as though the GET increase is the heart of the ERTF's proposal. I don't believe it was the heart of the proposal. If you ask any of the ERTF people, and you ask them what is the key stimulus tax proposal, I don't think they would say that it was the GET increase.

"We've had some discussion. My colleague and good friend from the North Shore has talked about doing what's right and not going down to bitter partisan politics. And I do wish we could vote on the GET in a bipartisan fashion and in a nonpartisan fashion. But when we look at the merits and we ask: What is good for Hawaii? What is pono? What is right for the working families of Hawaii? I don't think that raising the GET tax answers that. It's not right for the people of Hawaii.

"Let me close with just a few quotations from a well-respected statesman, Mr. Speaker, who lived a number of years ago and spoke these quotations from the 1960s. He said: 'The purpose of cutting taxes now is not to incur a budget deficit, but to achieve the more prosperous, expanding economy which can bring a budget surplus.' Later this well-respected elected official said: 'Our tax system syphons out of the target economy too large a share of personal and business purchasing power.'

"And finally, when asked in response to questions: 'So is this a partisan issue? Is this an issue that boils down to conservative versus liberal, Democrat, Republican?' This elected official said this: 'What is at stake in our economic decisions today is not some glad warfare of rival ideologies, which has swept the country with passion, but the point is the management of a modern economy. What we need is not labels and cliches, but more basic discussion of the sophisticated and technical questions. Political labels and ideological approaches are irrelevant to the solutions.' All of those quotations, Mr. Speaker, are taken from John F. Kennedy, Democrat President."

Representative Case then rose to speak in support of the amendment, stating:

"I do so without partisanship, but simply to express the collective wisdom of my constituents, the sum total of my

own life experiences, and what I understand of how other states and countries have addressed similar circumstances.

"Mr. Speaker, we have all received a postcard from the Hawaii Government Employees Association stating that if only we were to increase the general excise tax to 5.35%, 'kindergarteners could keep their small class size, prenatal care programs could continue to help high-risk pregnant women, ...peer education students could counsel troubled teens,' and the list goes on. But I say simply that without true economic revitalization, the private economic activity that pays for those programs will continue to falter and those programs will surely die.

"Targeted, fair and substantial income tax reductions have revitalized other economies and will do so here, and I support those aspects of this bill. But tax increases of any sort do not revitalize economies and will not do so here.

"How, then, am I to justify the proposed GET increase? Some argue that similar increases have been used as economic regeneration tools elsewhere. But careful examination will show that (1) other factors accounted for economic recovery in those situations, and (2) those tools may have had some utility only in short-term economic downturns where, unlike our situation, no fundamental long-term structural economic changes are underway.

"There is also the argument that by increasing the GET and reducing our income tax we are shifting our tax focus from income to consumption and additionally 'exporting' a portion. But, whatever the source, excessive revenues are still being siphoned out of private economic activity as opposed to reinvested in jobs and improvements, and exporting simply diverts indirectly into excessive government spending out of local pockets monies which would otherwise be diverted directly.

"Finally, there is the argument that we have no other options: the 'we don't want to but we have no choice' justification. If true, I would look my constituents in the eye and explain a yes vote in good conscience.

"But it's just not true. We have many options remaining; here are ten possibilities, some combination of which could certainly supplant the proposed GET increase:

1. Further vertical elimination of non-essential, non-core government programs;
2. Real cost-saving privatization, not the illusion proposed by others.
3. Elimination of unfair and unwarranted tax deductions, exemptions and credits which narrow the tax base and increase the burden on most;
4. Civil service and collective bargaining reforms that effect efficiency and modernize our state work force;
5. Non-essential government employee attrition and mandatory furloughs;
6. Fair taxation of high income pensions consistent with other states;
7. Non-funding of proposed government employee pay raises for the current and future bienniums;
8. Redefining government employee health and pension benefits including raising the age of retirement;

9. Redefining special needs under Felix to refocus on the truly needy; and
10. Across-the-board salary reductions for the members of all three branches of state government

"Of course, each option is controversial to its own impacted special interest group. The leaders of some government employee unions, for example, have consistently opposed each and every proposal to change the state government status quo in any way and have instead been the leading proponents of the GET increase.

"But I say again with the utmost conviction to our hardworking government workers in the field--you teachers, law enforcement officers, social workers and others--that if the status quo does not adjust to the times with economic revitalization the primary goal, our very ability to fund your jobs, benefits and programs will certainly continue to erode out from underneath all of us. And I say to your leaders that if you continue to ignore reality and obstruct necessary compromise and adjustment, you do your members a grave disservice and you forfeit your right to participate in the solutions.

"Mr. Speaker, perhaps the seduction of the proposed GET increase is that its impact is diffuse, but that is precisely its problem; it negatively impacts virtually all citizens of Hawaii, ultimately limits severely our ability to provide core government services, and only postpones and increases the difficulty of inevitable change. When the air clears by session end, I am convinced, true economic revitalization requires a substantial income tax reduction as proposed in this bill, without a GET increase, and utilizing instead some combination of the painful but long-delayed, long-avoided options outlined above. Because this bill does not face these facts without this amendment, I must regretfully support the amendment and oppose the bill.

"Thank you."

Representative Halford then rose to speak in support of the amendment, stating:

"Briefly, that the general excise tax is the most pervasive and the most regressive tax that we have. This amendment simply gives us the opportunity to state specifically that we do not want to raise the general excise tax, this regressive tax this session. Thank you."

Representative Moses then rose to speak in support of the amendment, stating:

"Thank you, Mr. Speaker. Hawaii's General Fund budget was presented by Mr. Earl Anzai, the Director of Budget and Finance, and Dr. Seiji Naya, DBEDT, on the sixth of April to the Labor and Public Employment Committee of this House. First of all, I believe many of you members are irresponsible, a word I keep hearing in this session. Irresponsible! You are irresponsible to ignore the facts before you and raise the people's general excise tax.

"Here are the figures: we've talked on the floor about how to save the money so we can have the income tax reduction and no general excise tax increases. You keep saying: 'Tell us what they are, tell us what they are? We keep telling you what they are. Right here, Budget and Finance...'"

Representative Herkes then rose on a point of order, stating:

"Would the speaker please address the Speaker."

Representative Moses continued, stating:

"Your Committee on Labor and Public Employment was privileged to hear from Director Anzai and Dr. Seiji Naya. They also said: We've heard all these numbers about volunteer retirements, people who die or who leave government service, and they had objections with the Minority's numbers. So they gave us the numbers and I wish to give you the numbers, Mr. Speaker, because as we've heard from my dear friend and colleague from Waikiki, we are only now \$34 million away from balancing the budget without a general excise tax increase.

"What we heard on Monday the sixth was there are 995.74, I don't know how we do that, voluntary discretionary separations in State government. Only 80 percent of those, they say, come from General Fund. So that brings us down to 796.59. The savings by not replacing these people who have left and are discretionary and are from the General Fund is a mere \$32,517,820, Mr. Speaker. A mere \$32 and a half million. That means that using the figures we've already had, and we've heard from the Senate, that we are only \$7.5 million from balancing the budget without a general excise tax increase."

Representative Yamane then rose to speak in opposition to the amendment, stating:

"I don't know who's being irresponsible, but certainly that word has been used on both sides of the aisle today. And I'm in opposition to this amendment for one simple reason, Mr. Speaker. The Finance Chair has provided all of us, through the course of these last three months or so, a budget bill. And this taxation bill is an integral part of that budget bill. So I feel I'm being responsible by following the budget bill if that budget bill balances because that is our first responsibility, contrary to what some people may say.

"So for those of us or those members who feel that we should take out this excise tax increase that helps to balance the budget, then I would suggest that you provide us, those of you who want this amendment to go through, you folks provide us a budget bill like the Finance Chair has. And until that time happens, Mr. Speaker, I will have my faith in the Finance Chair. Thank you."

Representative McDermott then rose to speak in support of the amendment, stating:

"With all the rhetoric, it is getting hot and heavy here this afternoon. Mr. Speaker, I don't rise out of any partisan loyalty. My record is clear since I've been here. I've voted against every tax increase and most fee increases except those on criminals and convicts. That's not a fair accusation to label all the members of the Minority because my opposition is based on conviction and principle.

"However, it is fair to say that I am concerned what my bosses think -- my bosses in Halawa, in Foster Village and Aiea. I work for them. They pay my salary. They don't want me to raise their taxes. No one has told me to raise their taxes except these form letters I get from a couple of the unions. But you know what? None of them are from my district.

"Now that being said, there was a previous comment: why don't we prepare a budget bill. Give me the staff. I'll prepare a budget bill that has tax decreases, balances the budget, and there's no tax increases. You see, we can all agree to disagree. We're all adults here. We can look at things -- 'is the glass half full, is it half empty?'"

We're all adults and we can see things differently. It's just a matter of perspective.

"Mr. Speaker, I want to 'tickle your fancy' for a second if I may. You know that we have a program that if you were on Maui, a Maui couple making \$50,000 a year, and I have the documentation in my office, they qualify for a State rent subsidy program. You know how I found this out? Not from any investigative technique that I have or my staff. My constituent saw the ad in the paper and called them up and told me about it."

The Chair responded: "Representative, thank you very much, but I think you're going beyond the excise tax. But thanks for tickling my fancy."

Representative McDermott continued, stating: "I support the amendment."

Representative Stegmaier then rose to speak in opposition to the amendment, stating:

"Mr. Speaker, as an opponent of the general excise tax increase, I can't support this floor amendment because of its reference to specific income tax reductions that I do not believe can be sustained at this time. I will, however, be voting against the main motion which increases the general excise tax. Thank you."

Representative Morita then rose in opposition to the amendment, and asked that the remarks of Representatives Tarnas and Takai be entered in Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Moses then rose and stated:

"Thank you, Mr. Speaker. I apologize to this body because I made some misstatements in my last discussion of the budget bill. I said we still needed about \$7.5 million. I was incorrect in my math. Actually, we only needed \$482,180 and as the Representative from Salt Lake just indicated, there's a \$2 million rent subsidy. So we're now in the black \$600,000. We don't need a general excise tax increase."

The Chair responded: "Thank you very much, Representative, I'm sure you're a very good accountant."

Representative Kawanakoa then rose and stated:

"I know we've had a lot of discussion, but I still am in support of the amendment and in opposition to increase the general excise tax.

"You know it was questioned to me as the draft and/or the person who proposed this amendment, whether or not I was serious because there were some question marks in the back page. Mr. Speaker, we just passed a salary increase to the Judiciary with blanks. I'm dead serious about this amendment.

"Let me also note, there has been some discussion about partisan politics, Mr. Speaker. There's been some discussion about the use of the word 'irresponsible.' And now I need to clarify that I believe that an increase in the general excise tax is not the right way to go. I'd believe that whether I'm a Democrat, whether I'm a Republican, whether I'm Independent, Green, any political affiliation. I believe that as a father, as an attorney, as a husband. I believe that as a citizen of the State of Hawaii.

"But now to put on my hat as Minority Leader, Mr. Speaker, I have to point out that for the past 10, 20, 30 years, both houses of this Legislature and the Executive have been in the control of the Democrat Party."

Representative M. Oshiro then rose on a point of order, stating:

"This has nothing to do with the bill and is more like a political speech."

The Chair responded: "Please confine yourself to speaking in favor of the amendment. It has nothing to do with the parties at hand. Please proceed with why your .5 percent is good for the State of Hawaii."

Representative Kawanakoa responded: "Excuse me, Mr. Speaker, I believe the .5 percent increase is not good for Hawaii."

The Chair responded: "I'm sorry Representative, I got it wrong."

Representative Kawanakoa then continued, stating:

"The use of the word 'irresponsible' on the Minority because we don't have a plan, because we don't have a budget, I simply have to point out to you, Mr. Speaker, that if we were the majority, we would have a budget. We would have a balanced budget. We would have a healthy economy. To put the blame at the feet of the Minority is absolutely absurd. The drain for what has happened with our economy, the state of the economy, the reason why families are having to leave our islands, bankruptcies are at an all-time high, jobs are being lost by the thousands, is clearly because of the leadership that is in this State."

The Chair interrupted Representative Kawanakoa, stating: "Representative, you're out of order. Will you please confine yourself."

Representative Kawanakoa responded:

"Mr. Speaker, I conclude my remarks. I believe I've made my point with regard to the use of the word 'irresponsible.' I do not believe we are irresponsible. I believe it is absolutely critical that we do not increase the general excise tax, especially in a down economy. There are other plans available. The Senate has a plan, your Minority has a plan, Mr. Speaker. There are other options and these can be clarified in conference.

"Thank you very much, Mr. Speaker."

At this time, Representative Kawanakoa requested a roll call vote.

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 to adopt the amendment was put to vote by the Chair and failed to carry on the following show of Noes and Ayes:

Noes, 38: Representatives Abinsay, Ahu Isa, Arakaki, Cachola, 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, Takamine, Takumi, Tarnas, Tom, White, Yamane, Yonamine, Yoshinaga and Souki.

Ayes, 13: Representatives Aiona, Case, Fox, Halford, Kawanakoa, Marumoto, McDermott, Meyer, Moses, Pendleton, Thielen, Ward and Whalen.

Representative Say rose to speak in support of the measure, stating:

"Mr. Speaker, before I speak on this measure, can I raise on a point of personal privilege?"

The Chair asked Representative Say to "state your point."

Representative Say continued, stating:

"I take it very offensively on behalf of the Finance Committee, the Majority and Minority, but especially, Mr. Speaker and members of this House, my staff -- the Finance Committee staff that has shared the information and knowledge to all of the members of the Finance Committee. I take offense from members of this floor that say that they can do a better job than the staff that I have here today."

The Chair responded: "Okay, Representative, noted, thank you very much. Will you please proceed."

Representative Say continued, stating:

"To encapsulate what we have here today is a monumental task for all of us to consider. The continuing stagnation of Hawaii's economy and the litany of losses of jobs underscore the urgency of trying to address the change in our tax structure.

"The Task Force tried and developed a set of tax and other proposals which totaled 15, which would implement this process and create an environment of productivity. Mr. Speaker and members of this House, income tax reduction was a component of this particular tax proposal. It's clear to the people of the world in the global economy that Hawaii's government is paying attention to the cost of labor and the rate of return to business.

"At the same time, Mr. Speaker and members of this House, businesses are looking to government to provide the public services and infrastructure which support the operations. After we've had this floor amendment that we just considered, the general excise tax increase is one that all of us should hold dearly to the total package. Why I say this? The increase, Mr. Speaker and members of this House, you should all realize is not going back to fund government services. It is going back into the pocketbooks and wallets of our State taxpayers.

"As I stated earlier in my presentation on the amendment, \$158 million for the first two years, \$252 in the third year. We've lowered the rate from 10 to 8.5 percent at the highest level and the in the third year it drops to 8 percent from the present 10 percent.

"Mr. Speaker and members, I'm also cognizant of our small businesses in the State of Hawaii. Yes, I do wear a hat of a small businessman. And when I talked to the Majority Caucus yesterday, I wasn't ashamed of sharing my feelings about the proposal because, yes, I am getting a lot of calls from my clients. How will they benefit? Presently in the State of Hawaii, there are 72,000 sole proprietors and they will find their savings in their personal income.

"Six thousand partnerships and 6,000 S Corporations -- all of these small businesses will have their income taxes reduced. The rhetoric, Mr. Speaker and members, about the low-income residents and retirees will benefit tremendously, you think I'm not concerned, Mr. Speaker and members of this House. I've got Palolo Housing, I've got Ahi Street, New Jersey Avenue. A refundable tax credit offered in this bill goes to all low-income families and individuals. And it will also help all retirees with a double credit for exemption. We discussed it on another day when we talked about the exportability of the GET.

"Mr. Speaker and members of this House, this proposal, in regards to the general excise tax and the personal income tax, will save the people of the State of Hawaii \$568 million over the next three years. Mr. Speaker and members of this House, I'm also not ashamed of incorporating nine other measures that was incorporated into Senate Bill 2259, House Draft 1. Why? These are the economic incentives that may kick-start this economy also. The general excise tax exemption for an aviation training facility that the community college, for the past five/six years, has been requesting through the provost or chancellor, Ms. Joyce Tsunoda.

"Another big one for those who are attorneys and real estate brokers, an exemption for the real estate investment trusts, which has gone..."

At this time, Representative P. Oshiro yielded his time to Representative Say.

Representative Say then continued, stating:

"...forward during the past six years in regards to real estate trusts. That would be at a minimal cost to the State of Hawaii as an extraction. We have incorporated Senate Bill 1012, House Draft 1, which deals with the income steadying for tourism-related services as well as goods. We also support our tourist industry in attracting the industrious to the State and also visitors. That would cost us, as part of the General Fund, \$10 million.

"One that I personally have a conflict of interest, Senate Bill 2065, Senate Draft 1, Mr. Speaker and members of this House, a GET exemption for sales between wholesalers, the original package doctrine that the Finance Committee heard. Another bill that I think all of us would support, in regards to Chair Herkes past support of legislation, the GET exemption, Mr. Speaker and members, for related telecommunication entities in the State of Hawaii, a \$2 million loss.

"A big one that the Finance Committee did discuss was the GET exemption for lease employees, Mr. Speaker and members of this House, to allow small business to contract out for payroll, workers' comp, unemployment insurance, etc., which the Department of Taxation in their testimony said it had a very, very minimal loss.

"Other House bills that did not surface from the Senate: creating equity and parity for cooler beverages and the exemption from the conveyor's tax for property transferred from individual to business entities owned wholly by families and individuals. Mr. Speaker, today, yes, it's monumental, but I am very, very comfortable, very confident in supporting a measure of this nature.

"Why? It's because I'm not doing it for you on this floor. I'm doing it for the Minority Leader's son, like my two sons, to see if I can create that opportunity within the next decade for them to have the opportunity of living in the State of Hawaii.

"It's interesting to note, Mr. Speaker, that all we talk about is the negatives, negatives, negatives. But thanks to the Majority members of the Finance Committee and the Minority, we have tried to address the 10 concerns of our Representative from Manoa. But it was very, very controversial for a lot of the members of the Finance Committee. I think Barbara, Colleen, Galen, and Gene would support that. I have the highest regard for the members of the Finance Committee because of their deliberation, participation, and communication in coming up with a final decision.

"I don't know where to begin to ask all of you, and like how I pleaded to the members of the Majority Caucus yesterday, what we do today will have a major impact in the future. And for me, Mr. Speaker and members of this House, at this point in my career, I'm not willing to sacrifice my two sons, in deferring those hard decisions which I have, as the Chair of Finance, tried to do these past five/six years.

"It's not only the 15 proposals that we have here, Mr. Speaker, in regards to ERTF. It's other measures, which I gave a speech to the Bishop Exchange Club in regards to legal problems for commercial industrial properties. I told them, very candidly and honestly, where the House's problem is in regards to some of our labor laws. You have given me the opportunity, along with leadership, to address these hard decisions with the Majority members of Finance and the Minority. And they have seen that -- to be above water of everything."

At this time, Representative Garcia yielded his time to Representative Say.

Representative Say continued, stating:

"You have given me the opportunity now. Because this is so monumental, Mr. Speaker, I want to go on record, on behalf of the Majority Caucus, thanks to you and the leadership, we have tried to address those hard, hard decisions in trying to develop our economy.

"Why should I be crucified three/four years ago in regards to trying to address the 20 percent/PASH decision? And now Representative Case has taken the ball. Let's be honest, you want investment into the State of Hawaii, we've got to address these types of decisions. Not only the ERTF proposals, but all other decisions that we have to, because I'm not going to defer anything at this point where I know it's real critical for the next millennium. Members of the Finance Committee recognize that.

"We've tried and I ask all of you to look into your hearts. Why can't you communicate it with your Senators, too? I've tried, but we get nowhere. This is a calling for me in challenging the Senate this afternoon because tough decisions will have to be made. And thanks to the Majority Caucus and you, Mr. Speaker, you have given me that opportunity.

"And so in finalizing, Mr. Speaker, for Senate Bill 2259, House Draft 1, it is a beginning. It is a beginning where we can continue on the deliberation. And I ask, on behalf of the next generation, to please consider this as a package.

"And in closing, one of my staff told me, I don't think some of the members understood what I said when we had the first passage of the bill in regards to the ERTF proposal. In regards to Reverend Osumi's Today's Thoughts: There were three blind men--Terry Tom, Yamane and Say--who once touched an elephant. Tom touched a leg and said 'it is like a tree.' Yamane touched an ear and said 'it is like a leaf.' And Say, he touched a tail and said 'it is like a rope.' All judged the elephant, not being critical to the Minority, by a part of it. In life, Mr. Speaker and members of this House, we often make the mistake of judging the whole by the parts.

"Thank you very much."

Representative Pendleton then rose to speak in opposition to the measure, stating:

"Mr. Speaker, I want to make it absolutely clear that there are good aspects to this package and I think as a

whole, again, there are many good things. For example, I very much favor the reduction in the personal income tax rates. I think that was good. Unfortunately, there was something here that I think is very harmful to our economy, Mr. Speaker, and that is the increase in the general excise tax. I wish we could vote on parts of the bill separately but we have to vote either up or down, and I need to oppose the general excise tax increase. And so I will be voting against this measure.

"It is interesting to note, Mr. Speaker, that I believe that were these two separate bills, where we have the tax reduction proposals in one bill and the GET increase in one bill, we would not be able to get the votes, garner the support to get the GET increase through. The only reason we are able to cajole and persuade and coerce members of this body to support the GET increase is because it is here mixed together. Whenever you talk to them separately, whether on the floor or in the elevator..."

Representative M. Oshiro then rose on a point of order.

The Chair responded: "You are speculating. You know you're not suppose to speculate as to the merits."

Representative Pendleton continued, stating:

"I will confine myself, Mr. Speaker, to the merits of this bill. Mr. Speaker, what's interesting is that this bill includes, I guess, the remnants of the ERTF tax reform proposals. Unfortunately, it doesn't have many with a good proposal, and I'm curious as to why they're not included. The ERTF had many working groups, many people participated. Some of the best, the brightest, the sharpest individuals were involved in that, served on that, concerned about Hawaii's keiki.

"Some of the recommendations they put forth, Mr. Speaker, which are not included in this particular bill, are the reduction or at least the reduction in the pyramiding in the GET on the services side. I don't see that here. That was something that the ERTF people said was critical to stimulating the economy. And that's one of the reasons why they said they need the GET increase to offset the tremendous revenue loss from reducing the pyramid on the services side. But the reduction of the pyramid on the services side is not here in this bill.

"Another thing was the corporate tax cut. They said this is important to send a strong signal to the other 49 states that we are serious about stimulating our economy, that we are genuine in our concern to attract business to create a business friendly environment. We want to send a strong signal, a clear message, to the other states. That's why we need to raise the GET. We need to raise it to offset what would happen if we lower the corporate tax. But I don't see the corporate tax reduction here, Mr. Speaker.

"Also they discussed bringing down the personal income tax eventually down to 7 and 6 percent. We are bringing the personal income tax reduction down to those levels. Because they are bringing the personal income tax levels down to 7 and 6 percent, they said we need to raise the GET. But we're not bringing the personal income tax rates down to that level, and yet the GET is still in there.

"Mr. Speaker, I wish in many ways we would adopt. . . well, let me just say this, Mr. Speaker. I really wish that these were two separate bills. I don't believe that the GET is good. I wish that I could be voting in favor of the personal income tax reduction. I've supported it, spoken in favor of it, and embraced it, but I have to vote 'no' on the entire package because it includes the GET increase.



"Thank you, Mr. Speaker."

Representative Tarnas then rose to speak in opposition to the measure, stating:

"Mr. Speaker, I recognize that the goal of this tax package is to provide significant income tax relief for Hawaii's tax payers, while offsetting resulting losses in government revenues by increasing the General Excise tax. But Mr. Speaker, small business owners and community members from my district, as well as potential off island investors and economists, have told me that a GET increase is not a good idea.

"Instead they emphasize to me that a positive business climate can be created by a modest reduction in personal income tax, meaningful regulatory reform, and reductions in government expenditures. I agree with these business people and economists and my community members that a GET increase is not useful. This alternative tax reform strategy will be enough, I believe, to send a meaningful message that Hawaii is open for business to build a sustainable economy for our future. For this reason, I must vote no. Thank you."

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

"First of all, Mr. Speaker, I would like to commend the work and leadership of Finance Chairman, Representative Calvin Say, and his staff. I know that they labored hard and long hours throughout the past few weeks to be able to present to us today a measure that is reasonable, fair, and feasible. They deserve our recognition, Mr. Speaker, and appreciation of their commitment and hard work.

"Mr. Speaker, as a member of the Finance Committee, I have had the opportunity to learn, examine and understand the purpose of this measure as a total package and I would like to repeat it again, as a total package. This is a bold measure yes, but we need to act boldly, Mr. Speaker, because we are tasked with the huge responsibility to help improve our economy. And we need to act now.

"Mr. Speaker, like everyone else, I was concerned about the proposed increase of the GET. There was so much concern about affecting the poor and hurting the people as we went on to refine the bill. In its current form, Mr. Speaker, this measure will provide a substantial reduction, as explained by our Chairman of the Finance Committee, of income tax rates. The lowest for those in the lowest income tax brackets. And this will actually put more money into people's pockets.

"I also believe that refundable low-income tax credits will be additional tax relief for the lower income taxpayers. These are major tax reforms contained in this measure, Mr. Speaker, which will more than offset the raising of the GET by a mere one half of one percent. And I firmly believe that these and other provisions on this measure will help our economy and will benefit our people in the long term. And for the record also, Mr. Speaker, I, too, am not doing this for anyone except our children. I'm not doing it for my Chairman of Finance. I'm not doing it for you, Mr. Speaker. I'm not doing it for myself. I'm not doing it for anyone here. I'm doing it for the children of the State of Hawaii. And this is the very reason why I am supporting this measure.

"Thank you, Mr. Speaker."

Representative Moses then rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Just like Representative Calvin Say's elephant, the 12 members of our caucus had an opportunity very similar. We touched the rear of a donkey and we said it was like an assault on the people to raise the general excise tax. It doesn't take a rocket scientist to realize that raising taxes in a poor economy hurts people. People pay the general excise tax everyday, when buying milk for the children or buying gas to drive from Kapolei to Downtown.

"Even if the other tax aspects of this bill save them some money, and I do emphasize if, the savings are diminished by the general excise tax increase. So people have less to spend all year long because unlike government the people don't have special revenue bonds and special funds to use. They spend less at their local market. Less at the clothing store. Less because government will be taking more.

"Mr. Speaker, is this what you envisioned when you proposed the general excise tax increase. Because I can tell you that by doing that we're putting the screws on the working people of this State and we're squeezing any spending they might have done out of them. Mr. Speaker, an opinion poll was taken of people that attended the ERTF rally the other day. These were all supporters of the ERTF package. The first finding is that there was a strong reluctance among those supporters to any tax increase. Forty-four percent said they would do it only if there was no other choice. We've already shown you that there are other choices. Twenty-seven percent who felt raising the taxes was okay were offset by 24 percent who said no. So there was a 'net wash' there, and these are among the supporters of the proposal.

"You've already heard what Mr. Earl Anzai and Dr. Seiji Naya have said. They said it in Labor Committee last Monday. 'None of the general excise tax increase will go to fund any programs or to save any jobs.' It all goes to partially offset the income tax decrease. Representative Say said that last Thursday. Representative Paul Oshiro said that last Thursday. Representative Say just said it again today. None of the general excise tax increase saves jobs or saves programs for all of you who are concerned about cuts in welfare or social services.

"Last thing, Mr. Speaker, this is a phone message reflective of many that my office has received. This man called to say, he left his name and number by the way, that his union wants him to tell us to vote for the general excise tax increase. This is a quote, 'but he liked your no vote and wants you to keep it up.' And I will, Mr. Speaker."

Representative Jones then rose to speak in support of the measure, stating:

"Mr. Speaker, I became a member of the State House of Representatives in 1994. The State was in the middle of a major revenue shortfall at that time. We had a \$600 million deficit. So in the 1995 legislative session, we made huge cuts to the State Budget, large cuts to our budget and programs. Many programs were downsized. Many cuts were made to balance the budget, but we did not increase our GET.

"In the 1996 legislative session, the Legislature was again faced with a huge revenue shortfall. And once again, many programs were cut from the budget. Several hundred million dollars were cut in that year. We cut into our welfare program. We cut into our General Assistance programs. Cuts were made in our health programs, in our agriculture and other economic development programs. Mr. Speaker, but once again in 1996, we did not increase our GET.

"Mr. Speaker, last session, the 1997 session, we made more downsizing, more layoffs, more cuts to our programs. We made a lot of across-the-board cuts and many people were laid off. But again, Mr. Speaker, we did not touch the GET. Mr. Speaker, as we go into this fourth session of legislative cutbacks, again we're making more program cuts. And this time, we're making not only across-the-board cuts, but we're making a lot of vertical cuts. We're eliminating entire programs. This is the first time in history we're eliminating so many programs from the budget just to balance the budget.

"Mr. Speaker, after four years of cuts and program downsizing, we are now cutting into basic human services designed to protect our people. We're cutting into our safety nets for the elderly, for our needy..."

The Chair interrupted Representative Jones, stating: "You need a good pair of glasses, I think, Representative."

Representative Jones continued, stating:

"...for our young, as well as the educational and our economic development programs. Mr. Speaker, I wrote this as they were talking. I was getting so upset so I had to put things in perspective. Now I'm having a hard time reading my writing, but I'll get there.

"So after four years, we cannot keep on cutting. It's not bad if we know exactly where to cut. It would be fine to keep on cutting, Mr. Speaker, but we don't know exactly where to cut. Our information is not that reliable. Our analysis is not that accurate. So now, Mr. Speaker, we're at the point where our program cuts may do more damage than good to our community. That's the level we've reached after four years. So rather than keep on cutting our programs, Mr. Speaker, we go on eliminating more of our safety nets.

"Mr. Speaker, after four years of cutting back on our programs, I feel we really need to take a hard look at the GET.

At this time, Representative Lee yielded her time to Representative Jones.

Representative Jones continued, stating:

"And rather than to go and cut where we think may be okay and do more damage than good to the community, I urge our colleagues to support this measure as well as the other items in this bill."

Representative Kawanakoa then rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. You know I wanted to just make a couple of statements on some of the remarks about cuts, cuts, cuts. I got here in the Legislature the same year as the prior speaker, and every year that I've been here I voted 'no' on the budget because, quite frankly, the budget has increased every year that I've been here, Mr. Speaker.

"So all this talk about cuts, well it sounds terrible. Total spending by government has gone up every year. We need to clarify that. There's a lot of great information on our tables, Mr. Speaker, and that Bank of Hawaii has distributed to all the colleagues here today to read, I guess, if we discuss the ERTF plan. I wanted to note that also that I wasn't reading the paper here, Mr. Speaker, although I certainly had ample opportunity to read it. I did want to note that there's some other information I'm sure everyone has seen. They have

attachments with regard to 37 cents a day. That's a 5.35 percent increase that would be on the taxes and the general excise tax and that's part of the discussion today.

"We could go look at that number and it's not accurate. It actually equates to 72 cents a day if we were to increase the general excise tax, and I think that's important because we're talking about children. And today, it says here, for 37 cents a day you can keep a promise to Hawaii's children. Well, this isn't exactly the whole truth. It talks about at the current 4 percent you pay \$400 expenditure on \$10,000. Well, that's kind of hiding the total cost of the general excise tax increase, especially if we went to 5.35 percent.

"It's clear to me that our calculations point out that it comes out to 72 cents a day for a family of four..."

The Chair interrupted Representative Kawanakoa, stating:

"Representative, could you stick to what we're at now."

Representative Kawanakoa continued, stating:

"I want to make sure that when people do vote for this, they understand that some of the advertisements, some of the information out there, as I mentioned before, isn't totally accurate, but we're trying to do our best. I have to vote in opposition to this measure because I stated that we cannot afford an increase in the excise tax. There are other methods. The Senate has a plan. Your House Minority, Mr. Speaker, has a plan that we could adopt in lieu of increasing the general excise tax. The Minority Whip has clearly illicit other ideas with respect to avoiding the increase in the excise tax.

"So while there's good recommendations in this bill, I will grant you we need to vote 'no'. I did need to make those clarifications because even the HGEA, who held out this ad, the average salary is \$42,000 for their employees. So they'd be paying four times the 37 cents a day, which would equate to \$1.48 a day. So with that in mind and those clarifications, I will still be voting 'no', Mr. Speaker."

Representative Yoshinaga then rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Years ago there was a popular expression that went something like this: 'If you are not part of the solution, you are part of the problem.' That statement rings with clarity for us today. It demands that we lead the people as we were elected to do. Lead with new ideas. Lead with a new vision for the future. Lead with a sense of shared sacrifice. After all, we live in the Aloha State.

"Although we sit here daily with statistics and figures and decide that 400 or so jobs need to be eliminated, everyone of those jobs has a face and maybe a husband, or a wife, and maybe children. And as the Aloha State, even if it is not one of us directly affected, we probably know someone who has lost their job, or know someone who knows someone who has lost their job. It may be our friend, or a friend's friend, or a calabash cousin, but we will be affected, like it or not. And I for one do not like it at all. I know, I lost my job in 1993.

"The Economic Revitalization Task Force plan is a bold one, as a prior colleague mentioned. Formulated with the help of business and labor and private citizens, it is not perfect. Not by a long shot. But it is a plan that requires all of us to sacrifice for our family, our ohana.

"And lest any of us forget today, I remind you all that we are ohana. As leaders for our people, we are the caretakers of the public trust and must, if need be, demand sacrifice from each and everyone of us in order to overcome the economic siege which is upon our State. I do not enjoy supporting an increase in the GET. But I hate even more the thought of anymore of our people in Hawaii suffering the pain of unemployment. And unless we endorse the Economic Task Force recommendations as a whole, we ensure its failure from the start.

"So to my colleagues here, I ask you to join with me and the Speaker in support of the Task Force recommendations. And I do not mean to exclude my friends who are Republicans. This is not a Democratic versus a Republican issue. The welfare of all of our people is at stake. And I ask you to join with me in helping to ensure that by our shared sacrifice no one else becomes a casualty of our economy. I ask everyone here to have the courage to tell your constituents that we are in this together. That we are all willing to share the pain to prevent anymore of our friends, or friends of friends, from having to pay the price individually for this economy.

"Let me give you one example of how sharing the pain occurred because a job statistic wasn't seen as a number, but as a face. Recently, Straub announced that rather than lay off workers it was rolling back its payroll across the board by 3 percent. And the lesson to be learned there was the courage and compassion expressed by those employees when asked their feelings about the pay cut. The following day, the Advertiser reported that several of the nurses interviewed reminded us that we live in the Aloha State. And if things are that bad..."

At this time, Representative Chang yielded his time to Representative Yoshinaga.

Representative Yoshinaga continued stating:

"...it was okay to cut payroll and save jobs for others because we are in this together. Think of that. They said it was better that they all take a pay cut rather than have one person lose their job. Well, I, for one, support these employees. I, for one, love living in our Aloha State. And I, for one, feel it my duty as an elected official to share in the pain felt by my constituents, my family and my friends.

"So today it is with some trepidation, I announce that I voluntarily cut my pay 5 percent as a show of support for the sacrifice of the employees of Straub, and in support of the people that are suffering through this economy. I support their courage. I support their compassion. And I support their Aloha.

"If in this small measure I can help to save one job, then that is one less friend, one less mother or father, one less family that will have to suffer the devastating effects of unemployment, which I have experienced. And as an act of support, I urge any and each of my colleagues to search their own consciences and then decide to join with me and show the people the meaning of Aloha. That love sometimes means sharing in the pain.

"Finally, history may teach us a lesson. During the darkest days of World War 2, Sir Winston Churchill was called upon to rally the spirits of a battered England. In a memorable speech, he called upon the people to sacrifice for the common good. And even though the war in Europe was nothing less than a catastrophe, he told them: 'The test of a man is not how he is when things are good, but how he is when things are not.'

"My colleagues and my friends, this is our test. Join with me and let's all become a part of the solution. And I urge all of my colleagues to vote in favor of this measure. Thank you, Mr. Speaker."

Representative Whalen then rose and called for the question.

At 5:33 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:35 o'clock p.m.

Representative Menor then rose and stated:

"Yes, Mr. Speaker, just very briefly. I just would like the Clerk to register an aye vote but with strong reservations on my part in regards to the excise tax proposal."

Representative Takumi then rose in opposition to the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Takumi's remarks are as follows:

"Mr. Speaker, I commend the Finance Committee and its chair for the sincere effort they made in trying to craft a tax reform package that was fair, equitable and provided for the means to kick start the economy.

"However, I must reluctantly oppose this bill because although I am in favor of cutting income taxes, I am not convinced that the only option available to us is to raise the general excise tax. There are several reasons for my opposition:

- \* It is clear that even with the tax credits offered, an increase in the GET will have a negative impact on those who are on fixed incomes. First, tax credits will be given at the end of the year where an increase in the GET has to be paid every time you purchase goods and services. This poses a burden for those in our community who basically live month-to-month;
- \* It is estimated that up to a third of the elderly have no savings account which means they do not file any state income tax return since they have no interest-bearing accounts. This means that many of them will probably never apply for the credit. This was the case when we had the \$25 food credit. Not all who qualified for the credit received it;
- \* All of us who are working will receive a tax cut in our incomes. It doesn't seem fair that working people will get a tax cut while many on fixed incomes will, in fact, experience a tax hike. It seems all the more unfair when it affects retirees who worked hard their whole lives and now end up paying more; and
- \* An increase in the GET is regressive and hurts the poor more than the rich. Ideally, taxes should be progressive on the premise that those who make more should pay more.

"There are other options that would allow us to help grow the economy, cut taxes and eliminate the need to increase the GET. These include:

- \* Increasing the hotel room tax another percentage point. This tax is a 'progressive' tax; that is, in general, people who travel can afford to pay the tax. Poor people, however, have to buy groceries and pay the GET;

- \* Taxing time-share apartments, which don't pay the hotel room tax;
- \* Stretching the income tax cuts for five to seven years instead of the propose three years. This would result in savings for all working people;
- \* Decreasing the level of income tax cuts particularly those at the upper end;
- \* Restructure government to eliminate duplication of services and overlapping jurisdictions;
- \* Encouraging targeted businesses with tax credits, streamlining approval for permits, etc., which will lead to more increased business activity and more tax revenue; and
- \* Tax out-of-state workers who earn wages while working and living in Hawaii.

"I believe that the tax system should be as progressive and possible; that is, those who have the least should pay the least; those who have the most should pay the most. Economic revitalization is best served by cuts at the lower income level to increase local purchasing power. Cuts from those who make less than \$40,000 a year (85% of taxpayers) would be spent locally on food, clothing, shelter, entertainment, etc., which would help local businesses. The tax structure should be used to encourage new and locally-owned businesses and not those businesses that take the profits right out of the State.

"There is no doubt that we are all in agreement that something must be done to revitalize the economy. The puzzling question is what should we do? I believe that increasing the GET is something we should not do. Thank you"

Representative Hiraki then rose in opposition to the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Hiraki's remarks are as follows:

"Mr. Speaker, I want to clarify that I am voting against the measure because the bill contains an increase in the excise tax. I do not support the provisions in the bill that reduces taxes. Thank you."

Representative Morita then rose in opposition to the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Morita's remarks are as follows:

"Mr. Speaker, I stand in opposition to this bill.

"There are many good proposals within this package; however, I cannot support the increase in the general excise tax and the substantial income tax reduction. Although general excise tax increase may be described by some as a small amount, I believe the effect on business and consumer confidence will be devastating. This GET increase sends a mixed, confusing message. The substantial income tax reductions offered will cost the general fund over \$109 million during the first three years which the state cannot afford at this time. I believe making the commitment towards tax reform stretched out over a longer period of time will be less devastating to essential government services.

"We have not produced a careful strategy to address economic diversification to improve our tax revenue base that will go beyond the next election. I do not believe the public does not expect instant cure or miracle. But, I

believe the public would be supportive if we took small, positive steps towards long range plans for economic diversification. Economic revitalization will only occur with economic diversification and a fully planned, long-term strategy to obtain business and consumer confidence.

"I would like to reiterate what I said at first crossover. While I would like to be supportive of the House leadership I cannot wholeheartedly embrace a measure that will adversely affect public confidence and defies economic principles."

Representative Thielen then rose in opposition to the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Thielen continued, stating:

"Mr. Speaker, I gather that your relaxed demeanor signals that you have the requisite votes to raise our general excise tax and I'm very sorry. I think it's the wrong way to go, Mr. Speaker."

The Chair responded: "Alright, Representative, you're very presumptuous, but thank you very much."

Representative Thielen responded:

"Call me wrong then, Mr. Speaker. I would really like to be delighted if the vote proves me wrong, but I see that big smile on your face. And I don't think it's a good idea for us to raise the excise tax for the people of Hawaii. Thank you."

Representative Thielen's additional remarks are as follows:

"As explained by the Governor of the Bank of Japan, increasing the consumption tax rate causes personal spending, housing investment and industrial production to decline. Similar to Japan's experience, a general excise tax increase will cause our economy to plummet.

"The Representative from Moiliili said she was suffering the 'pain of the unemployed.' Well, you don't create or even keep jobs by raising taxes. Raising the GET tax will create pain, and more businesses will go under, more jobs will give up on Hawaii and move away. Will the last person to leave please turn out the lights, Mr. Speaker."

Representative Case then rose and stated:

"In opposition please, Mr. Speaker, and may I please also incorporate my remarks on the previous floor amendment by reference," and the Chair "so ordered."

At this time, Representative Yamane yielded his time to Representative Lee.

Representative Lee then rose in support of the measure with reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Lee's remarks are as follows:

"Mr. Speaker, I speak in support of the measure with reservations.

"This measure implements the House Economic Revitalization plan by lowering tax rates as much as 35% over three years and raises the general excise from 4.0 to 4.5%. It also establishes a new refundable low income tax credit as well as other measures.

"Mr. Speaker, lowering taxes is right and good. The people of this state deserve tax relief and our economy needs stimulation and new energy.

"The proposal to mitigate the loss of revenues after cutting income taxes has generated much controversy and debate.

"In general, I am not automatically against tax increases. Several years ago, I supported an excise tax increase to fund mass transit. The economy was strong then and my community wanted transit.

"Today, the economy is weak; many in my community have come out in support of the excise tax because they fear a drastic loss in revenues will lead to cuts in support services, such as child protection and public safety and the loss of jobs and benefits. Others are drastically opposed to the excise tax increase.

"Mr. Speaker, I hope during conference we can come to an agreement with the Senate which will maintain services, yet also stimulate the economy. This will not be easy, and all of us will have to make sacrifices. Perhaps we can arrive at this point through a more balanced and gradual tax cut, as well as implementation of other economic reforms. I am supporting the bill at this time to allow the process to continue. I also hope that as we go along the path to our final destination, the excise tax increase will be left behind. Thank you, Mr. Speaker."

Representative Meyer then rose in opposition to the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Meyer's remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 2259. This bill contains income tax reform for the taxpayers of Hawaii--something I long advocated for and believe is long and overdue. I would have preferred to see a larger cut, but I could accept the tax cut proposed in this bill, because this reform is long overdue!

"However, I cannot, in good conscience, support an excise tax increase of any kind. I have openly opposed any increase in the GET from the outset, and I have seen or heard nothing to this point that would cause me to change my mind at this stage of the process. I still maintain that cutting government spending is preferable to raising new taxes.

"The whole idea behind the Economic Revitalization Task Force proposals was to stimulate the economy by reducing the cost of living and doing business. But, I fail to see how raising taxes on our consumers and on our small businesses will really do anything for our economy.

"Further, this bill not only increases the GET but it also creates a dangerous precedent with regard to the GET. Despite the fact that the standard line has been to raise the GET for everyone, this bill carves out a number of new exemptions such as employee leasing companies and wholesalers.

"For these reasons, I must vote no despite my genuine concern for personal income tax reform."

Representative Marumoto then rose and stated:

"Mr. Speaker, in opposition. I just wanted to remind you that the Bank of Hawaii said this is not a revitalization. Paul Brewbaker, the economist, said this is a tax restructuring, and that's what I believe.

"May we please request a roll call on this measure?"

Representative Arakaki then rose to speak in support of the measure with reservations, stating:

"Can I just simply state my reservations because it's not about the tax increase. I realize that the tax increase is part of the Houses's financial plan to meet our constitutional mandate to balance the budget and allow for substantial reduction in personal income tax levels.

"My reservations, Mr. Speaker, are with the ERTF provisions that this bill purports to implement. It is disturbing to me that we started at 30,000 feet and now we are barely clearing the rooftops. And I have other remarks to support that."

Representative Arakaki's additional remarks are as follows:

"A few weeks ago, Pastor Wayne Cordeiro, told us about the need to, 'Look beyond the curve,' a metaphorical description to not focus on the guardrails or the immediate crisis, but to look at the point we want to reach. This bill and ERTF plan keeps us from going over the cliff, but I have no idea where it takes us.

"Those who would cut and freeze positions and programs 'willy nilly' for the sake of downsizing, are perhaps correct, that if we don't know where we are going, any vehicle, even a jalopy, could get us there. However, if we strive to reach the summit, we may need an all-terrain vehicle, and we must be willing to pay the price.

"There were two important walks that I took over the past week and a half, which forced me to stop and think. These walks helped me to open my eyes and overcome a kind of myopia that crisis, politics and this institution called the Legislature, seem to afflict us in the heat of session.

"The first walk took place in Seattle, Washington at a tour of the Microsoft Plant...which was part of an NCSL/ASI meeting that I recently attended. For those of you who are not familiar with Microsoft Corporation, it is a computer software company, founded by Bill Gates and Paul Allen in 1975, with an annual income of \$11.3 billion dollars, employing 22,000 people worldwide and occupying a 260 acre campus in Redmond, a suburb of Seattle, Washington.

"Mr. Speaker and colleagues, with the depressing economic climate here, I must admit it was refreshing to visit a corporation with facilities and policies geared to visit a corporation with facilities and policies geared to employee productivity, with flexible hours and benefits, no dress codes and excellent compensation. Employee satisfaction can be gauged by the contribution of \$14 million dollars to the Seattle Community, of which \$6 million comes directly from employees, and donation of \$45 million worth of software nationwide. When asked what drives a company like Microsoft, the standard reply from most employees is, 'A shared vision and a common philosophy.'

"Microsoft's vision is: 'A computer on every desk top, and in every home.' When that vision was first stated, in 1975, less than 5% of U.S. homes had PC's. Today that number is over 40% and growing.

"The common philosophy that drives all employees from the hardworking gardener all the way to Bill Gates at the top is 'whatever it takes.' Employees focus on the mission and objective and work together to achieve a common goal. To get to the point Mr. Speaker, I need to ask, 'What vision is expressed by the ERTF proposals and what is the common purpose we share that will move

towards a common goal?' I believe that therein lies the crux of our problems.

"Microsoft did not choose Seattle because of their tax rates, indeed, Seattle has an excise tax rate of 8.7%. In fact, no other state relies so heavily on sales tax as does Washington, which is twice the national average. It should be noted that Seattle's high tax rate includes a variable county excise tax and exemptions on food and certain goods and services and no personal income tax. Washington also provides sales tax deferrals for research and development, new or expanded manufacturing, and high technology firms, however, the state also imposes a business and occupation tax with 13 different rates on various business activities.

"Despite the high tax rates and different types of taxes, Washington State's economy flourishes. Washington State's budget and expenditures clearly reveal their visions and priorities, as 44.5% of general funds is expended on education and 45.8% on Health and Human Services. This illustrates a clear demonstration of the human investment that will bring long term gains. The State of Washington demonstrates a connection to economic prosperity that is not linked to tax rates, but to a common vision and purpose.

"The second walk, barefoot and all, was one which provided a revelation that we need a community revitalization. Mr. Speaker, when do we stop using top down, elitist approach of the ERTF and look to developing a grass roots consensus which clearly demonstrates our community's values and priorities? The ERTF package may be economically sound and financially rational, but lacks the heart and soul of Hawaii's communities. We know that a resurrection without heart and soul produces 'zombies' and we horror picture fans all know that zombies wander around aimlessly, without purpose or direction.

"We as a community need a process to determine the core government functions for health, education, human services, natural resource management, public safety, public transportation and culture. We need to determine the communities' role in these areas and to develop benchmarks and measures of how we as a community, government and the private sector will achieve those benchmarks. Despite my anguish over the cuts in health and human Services, I see this as a real opportunity for our communities to express their values about government's role and responsibilities.

"In simplistic terms and in closing, Mr. Speaker, I ask you and colleagues, when we adjourn sine die, what kind of hope and vision will we be able to express to our young people? If all we have are jobs in the visitor industry, if the only investments we can make are in beauty pageants, if the only hope we have is to lower personal income tax, then there truly is a collective myopic vision, very little hope, and no creativity that we can bequeath to our young people.

"As we move towards conference, let's use this point to take off and soar again at 30,000 feet, to peer into the future for the kind of Hawaii we want for our children, our grandchildren, and indeed, for future generations to come. A few years ago I was explaining the wonderful legislative process to a group of Kalihi students. At the end, one kid raised his hand and said: 'That's good, but what are you doing for our future?' That is the question we need to ask ourselves."

Representative M. Oshiro rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative M. Oshiro's remarks are as follows:

"First and foremost, the proposal to raise the general excise tax (GET) should not be analyzed independent of the reduction in personal income tax and tax credits for both our senior citizens and low income residents. In summary, Senate Bill 2259 SD1 HD1 (in addition to the proposed increase in the GET from 4% to 4.5%) does the following:

1. Lowers personal income taxes for persons in all tax brackets resulting in a 25% income tax reduction for joint filers between \$0-\$60,000 taxable income for the first two years.

"The tax rate is on a sliding scale for various income levels with the tax rate decreasing from 10% to 8.5% for the highest levels of income (in each type of filing category);

2. Provides a second lowering of personal income taxes resulting in a 35% reduction for those between \$0-\$60,000 for year three.

"Likewise, the second tax decrease for year three decreases the rate on a sliding scale down to 8% for the highest levels of income (in each type of filing category);

3. Reduces the capital gains tax rate for individuals from 7.25% to 5.44% for tax years after December 31, 1998. Further reduces the rate down to 4.71% for tax years after December 31, 2000;

4. Provides a low-income refundable tax credit of \$130 per exemption for those with adjusted gross incomes under \$10,000 (this refundable tax credit is gradually decreased down to \$30 for higher incomes up to \$35,000). Senior citizens over 65 years of age will be able to claim a double exemption of this credit;

5. Provides an industry-supported increase in the transient accommodations tax to 11%;

6. Exempts hotel room rentals from the GET;

7. Creates a Tourism Special Fund as a dedicated funding source for tourism promotion;

8. Establishes a Tourism Board to oversee the special fund, and abolishes the Office of Tourism;

9. Requires the Department of Business, Economic Development, and Tourism to assist the Tourism Board in data collection;

10. Repeals the sunset date of the Convention Center Authority;

11. Increases the use tax (i.e. catalog sales, home shopping, internet shopping, etc.) from 4% to 4.5%;

12. Exempts the GET on exported services;

13. Imposes the use tax on imported services;

14. Provides a GET exemption for amounts received by an aviation training facility or a cargo facility, or from the construction of an aviation training facility or a cargo facility;

15. Provides a use tax exemption for material, parts, or tools imported by an aviation training facility for a certified training program or cargo facility,

or the construction of an aviation training facility; and

16. Provides a GET exemption for rent received by real estate investment trusts.

"The GET exemption would encourage the formation of real estate investment trusts in Hawaii. REITS are publicly owned corporations that repay 95% of earnings back to shareholders. By providing a GET exemption on rental income, this would encourage the REITS to look to Hawaii real estate as a potential investment:

17. Provides for income splitting of tourism-related services for purposes of the GET, and expands the exemption to include destination managers;
18. Exempts wholesalers from the 0.5% GET assessment on goods contained in their original package that are transferred from one wholesaler to another;
19. Provides a GET exemption for amounts received by a management company from related entities engaged in the business of selling interstate or foreign common carrier telecommunications services; and
20. Provides a GET exemption for employee leasing companies.

"Employee leasing is essentially a form of outsourcing. However, both the company and employee benefits as the leasing company handle administrative matters such as payroll etc. and the employee obtains a broader choice of health benefits at more competitive rates. This is a pro-business tax exemption that would assist Hawaii's small business in a competitive economy;

21. Redefines cooler beverage to mean any liquor containing less than 7% of alcohol by volume and blending material;
22. Exempts from the conveyance tax transfers of real property from an individual to a corporation, limited liability company, or partnership that is wholly owned by the individual; and
23. Also repeals the food tax credit, county general excise and use tax surcharge (the 10 year authorization for the counties to establish taxes to offset costs of a fixed rail transit system), and the general excise tax exemption of certain computer services.

"It should be noted that the food tax credit is being repealed due to the proposed institution of a low income refundable credit that is greater than the food tax credit.

24. Appropriates funds for computer system alterations, temporary hires, and overtime payments to DOTAX for purposes of implementing the changes established by the new tax provisions;
25. Appropriates funds to DBEDT for tourism research involving analyzing tourism trends, providing information concerning the development of tourism policy, arranging for research via contract or voluntary, as well as other researching other tourism information including but not limited to collecting airline data, visitor expenditures, etc.

"With this many provisions, it becomes patently clear that the measure is a comprehensive package and should not be analyzed piecemeal. However, the net effect of the entire proposal is the largest net tax reduction in the

history of the State of Hawaii. That is (with regard to the most significant of the proposals), the proposed increase in the GET will be clearly offset by tax relief provided via lowering of personal income taxes.

"In a simple analysis, the rationale for providing a tax break in the personal income tax is as follows:

1. The lowering of personal income taxes puts money back into peoples pockets immediately, January 1999. (i.e. via less employer withholdings in each paycheck). Experts agree that reducing personal income taxes stimulates immediate economic activity and promotes long term job creation;
2. Under the proposal, Hawaii's maximum income tax rate drops from 4th highest in the nation to 14th highest, being lower than California, Oregon, Minnesota, Maine and New Mexico;
3. A lower marginal income tax rate will entice business development, attract capital investment and create meaningful employment for Hawaii's people;
4. For small business (of which most file their business taxes as personal income taxes, not corporate or franchise taxes), the small business owner also receives a tax break as well. This means that more than 86,000 businesses will receive a direct benefit from the tax breaks;
5. After accounting for the impact of the GET increase and any reduction in federal tax deductions, the total net tax savings over the three year period amounts to \$470 million; and
6. Increasing the GET from 4% to 4.5% means one would pay:
  - \* One penny more on every \$2 in expenditures;
  - \* Five cents more on every \$10 in expenditures; and
  - \* 50 cents more on every \$100 in expenditures.

"Putting this money back into people's pockets means that residents of the State will have more money to spend on needed goods and services as they deem appropriate. Further, the various exemptions and imposition of taxes on services will significantly level the playing field for many businesses in the State of Hawaii.

"I would also note that as residents, we pay several types of taxes, most notably, personal income taxes, property taxes, and the GET. However, the GET is the only tax that both tourists and residents share. By increasing the GET, we are able to capture more outside capital (money) from tourists that shoulder approximately 30% of the GET burden. Again, I would reiterate that the tax benefit for residents is that they are afforded a decrease in their personal income tax that offsets the nominal increase in the GET. The provision that increases the transient accommodations tax also attempts to capture additional outside capital that further alleviates the tax burden upon residents.

"With regard to the pyramiding of the GET, it should be noted that data from the U.S. Department of Commerce, Bureau of Labor Statistics, Consumer Expenditure Survey indicates that 94% of the general excise tax is paid by Hawaii residents in their capacity as consumers. An analysis of the pyramiding conducted for the 1984 Tax Review Commission by University professors indicates that the 4% GET translates to an effective tax

rate of only 5.3% to 5.4% when the effect of pyramiding is accounted for. In addition, last year the Legislature substantially reduced the pyramiding effect on subleases on businesses by providing for the phased reduction of the GET on subleases from 4% to 0.5% over seven years.

"In addressing the needs of the counties, I would add that the Legislature has maintained adequate levels of funding via the increase in the TAT proposal to 11% with a GET exemption on room rentals. Further, over the past two years, the Legislature has approved changes to the Employee Retirement System to lower the amount of county contributions to the fund by over \$78 million over FY98 and FY99.

"This taxation initiative combined with other legislative initiatives to reduce government size while maintaining essential services and addressing long term fixed costs is the reason why I have cast this vote in favor of the proposal to reform our tax laws. I note that it would be easy to find leading economists that disagree on the proposals ramifications, but I have based my decision upon all available and relevant facts provided to me by experts, both local and from across the nation.

"Finally, I would note that several of the provisions (seemingly unrelated to taxation in general) contained within this bill are important measures that passed previously this session that the Senate has decided not to forward in their deliberations. These provisions were included to keep these important ideas alive as the House and Senate enter into conference committee deliberations.

"My vote is not popular and may upset many that disagree, but inaction in fixing our economy is not an option. I further state for the record that I have made my decision not along political alliances, nor in regard to my electability by the people of Wahiawa/Whitmore Village, but upon responsible and thoughtful judgment. In casting this vote in favor of the measure, I am looking to provide for the welfare of our residents not just immediately, but also for many years to follow.

"We as policy makers must constantly balance a multitude of competing priorities, and I have always welcomed any dialogue concerning this proposal as it works its way through the legislative process. In casting this vote, I am confident that it is in the best long and short term interests of all of our people and our way of life."

Representative Morihara then rose in opposition to the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Morihara's remarks are as follows:

"I would like to express my opposition to raising of the excise tax.

"First let me state that the macro-economic model based on overall input and outputs is sound.

"It is important to note that macro-economic theory is a sum of many smaller individual activities. Those smaller individual activities are better represented by the macro-economic theory that specializes in the analysis benefit to individual organization. In those terms, broad increases in economic activities do not necessarily represent across the board increases in economic activity. It could mean 60% increase/40% decrease, or 80% increase/20% decrease. Even a huge increase for 30% and small decrease for 70%.

"In looking beyond the overall picture to the macro-economic analysis where effects on individual businesses

are considered, it is important to note significant downsides. The actual effect on individual businesses do not necessarily mean every business will benefit.

"While everyone would be assessed the tax, many factors would determine whether it could be made up. Smaller businesses would be more susceptible to those variables.

For example, larger multiple location businesses with a critical mass in an urban area would most likely enjoy the benefit in overall spending having achieved a critical mass to take advantage of broader trends in the economy. These will be dependent on factors such as:

- (1) Demographics -- age/income level
- (2) Geography -- urban/rural/isolated
- (3) Product line -- size of business

"The concern with an increase in the excise tax is that there may be a significant negative impact on the smaller businesses even though they are not the majority.

"In a time when there is already small margins and hardship, any additional pressure could hurt. Businesses already experiencing negative trends may not be able to pass on a tax increase with additional sales. The short term effect could be an increase in bankruptcies as borderline companies would be hit by the immediate losses brought on by an increase in the GET.

#### **"The tax positions of small business owners.**

"C corporations cannot benefit from the effect because it does not pay personal income taxes so it depends solely on the net income.

"Other businesses such as S corporations and sole proprietorship do not necessarily have a steady income. Many either draw a set amount and wait until the end of the year to clear other profit if any or just take what they need to survive. Income tax breaks may not benefit them until much later when their taxes are prepared. The net income is the most immediate form of return for these proprietors.

"These changing dynamics would cause great uncertainty in the small business community and uncertainty is negative for all businesses.

#### **"Growth Industries**

"Another ramification, although it may be long term but very important. Some of the most promising industries for Hawaii are affected by the general excise tax. Where we are at a disadvantage in manufacturing, industries that depend on intellectual property rights. Such as software development, research, finance are affected particularly by the tax on services. This tax is fairly unique to Hawaii and put us at a disadvantage in areas that have the most promise for Hawaii.

#### **"Exporting the GET**

"GET exported to tourists may not gain expected revenue because of the compounding by the increase in the TAT. Tourist spending is not totally elastic and increases in pricing may not mean an increase in total spending. We should be cautious in increasing GET and TAT depending on the elasticity of tourist spending. Other destinations are also very price competitive.



"The good part is of course the additional tourism marketing. If additional revenues are gained it will be because of the marketing effort.

**"What do we do?"**

"Broad tax decreases have merit, offsetting increases can be tricky.

**"An alternative plan.**

"Having attended many seminars on competing in the marketplace, I must draw an analogy. In the broader scheme we resemble a small business competing against a large retailer or 'big box' stores. It would be impossible to compete solely on price. Although we should be reasonable and in line with income taxation in other states, our attempt to be really low may not be the most effective way to compete.

"Like smaller businesses are told that direct price competition is not the most effective way to compete. One needs to identify your strengths and potential for growth. One should look at the reduction in taxes as an investment. Given a certain amount of investment how should you apply it to return the maximum benefit.

"An effort to be reasonable in taxation and a focused initiative to offer greater advantages in areas that make sense and show opportunity for Hawaii would be the most effective way to build our future."

Representative Fox rose in opposition to the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Fox's remarks are as follows:

"This bill is a 'poison pill' wrapped in a large sugar coating. The poison is a general excise tax increase. We need to kill this bill, because to grow our economy, we need tax relief, not higher taxes. Taxes kill growth, and tax cuts help growth. The bill's many tax breaks are designed to help the Majority pass the excise tax increase. We don't need the excise tax increase, and we don't need the other tax breaks, since other bills are alive that we could amend to accomplish the same objectives. So let's defeat this bill, and let Hawaii know we don't plan to raise the peoples excise tax."

Representative Moses then rose and asked for a roll call vote on this measure.

The Chair responded: "Yes, it has been asked for."

Representative Kawakami then rose to speak in support of the measure, stating:

"Mr. Speaker, I rise to speak in strong support of S.B. 2259 SD1, HD1. May I ask to have it placed in the Journal and, Mr. Speaker, may I read a letter. Mr. Speaker and colleagues, I received this letter about three weeks ago. This is from one of my students whom I taught a few years ago? And he said:

'Hi Mrs. Kawakami, how quickly the year goes by. The last legislative session seemed like only yesterday and I know you're very busy with all the bills you folks have to play with and especially all the controversies. And I'll make this short. I know you're very busy. I'm not one for raising taxes, but I did see your name in the paper as a supporter of the ERTF plan. You have always been a fair person and I know you will do what is best for all of us.

'And as endorsed by my union too, the HGEA, I join you in voting for an increase of the GET and let me tell you, between you and I, .5 percent isn't enough. In the model state, I pay 7.5 percent and even 12 percent in some of the states I visit. The raising of the GET is one sure way of generating additional tax revenues and a good portion will be coming from our tourist dollars. Thank you for listening to me. Bye.'"

Representative Kawakami's additional remarks are as follows:

"The excise tax increase will affect everyone. Of all the taxes studied, the general excise tax represented the only one which could generate the necessary revenues while shifting a significant portion of the burden to non-residents and tourists.

"The benefit of this approach is that visitors help to pay a portion for public services. It has been said by one of our colleagues that this increase is a 'bitter pill'. But because this tax is universal, even the worst medicine becomes more palatable knowing that we all have to swallow.

"As part of the House's entire economic package, including the State budget, this measure does allow for relief too. Without the creativity and insight of the ERTF's comprehensive tax plan as modified by the House, the Legislature will have to continue to cut services. We have already seen numerous groups come to the Capitol in support of education, welfare, and programs for the disabled. And it hasn't stopped there.

"Mr. Speaker and colleagues, I support this measure because I support the ERTF's efforts and the House's proposed budget. I support this measure because I support funding for our core services and programs. Thank you."

Representative Thielen then rose and stated:

"Mr. Speaker, equal time please to read a letter."

The Chair responded: "You can read a letter. You have equal time."

Representative Thielen continued, stating:

"Thank you. It's very brief, Mr. Speaker.

"Governor of the Bank of Japan. Household spending such as personal consumption and housing investment fall substantially following the rise in the consumption tax rate in Japan in April 1997. Outlays on goods, as indicated by sales of automobiles and household electric appliances as well as department stores sales have remained sluggish. In addition, housing starts have declined more recently to \$1.3 million from the \$1.5 million per annum level prevailing until Spring of 1997.

"With such weakness in the final demand, inventory adjustment pressures remain in the consumer durables and conception related industries. And thus industrial production has been declining. Such development seem to be gradually effecting employment and income.'

"That's the pain we'll create, Mr. Speaker. It's not, 'I want to share your pain.' This is the pain we will create, Mr. Speaker, if we raise the general excise tax on our people. Thank you."

Representative Okamura then rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Okamura's remarks are as follows:

"Mr. Speaker, I rise in support of this bill.

"Mr. Speaker we are in the midst of a serious crisis. Each day we hear more and more about business closings, job losses, wage decreases and revenue shortfalls from a flat tax base. Our economic future is bleak and uncertain, and our citizens, frankly, are scared!

"Something must be done to reverse this trend. We can no longer continue the status quo. Inaction is not an option. We must be bold, we must be creative, we must be courageous, and we must do something now!

"Mr. Speaker, SB 2259 HD1 is part of a comprehensive, responsive and responsible plan to revitalize our struggling economy. In combination with the supplemental budget passed by this house four weeks ago, this bill rounds-out a financial plan that:

- \* Puts more money back into the pockets of our citizens;
- \* Cuts the size and cost of government; and
- \* Provides the means to re-energize our economy.

"Mr. Speaker, this bill represents the largest tax cut in the history of our State, and is the cornerstone of our package to re-energize the economy! It is a comprehensive bill with powerful effects:

It is a net tax decrease for our citizens! Over the next 3 years it will put roughly \$470 million back into the pockets of our citizens! This money will circulate in the economy, supporting business and providing jobs and income for our residents. This bill also drives a reduction in the size and cost of government, requiring government cuts of \$441 million over the next three years.

"Mr. Speaker, this bill provides a 35% reduction in personal income taxes for the majority of our residents. A reduction in personal income taxes also stimulates the growth and prosperity of small businesses - nearly 80% of which pay personal income rather than corporate taxes!

"Mr. Speaker, despite the overwhelming positive effects of this bill, some still criticize it because of the half-percent increase in the general excise tax.

"I agree that raising the GET without making any other changes would not be good.

"But, if this increase is combined with budget cuts and other tax reductions -- which puts money back into the pockets our residents -- then it is good!

"Might I remind you, Mr. Speaker, that the budget recently passed by this House cut current year expenditures by over \$62 million, and next year's appropriations by over \$166 million.

"We eliminated over 17 different programs, suspended collective bargaining pay increases for public employees, and slashed departmental vacancies by 40%.

"But Mr. Speaker, government does have a purpose, and we cannot continue to cut programs and services without eventually inflicting serious harm to those residents and citizens who depend on those services. Education, health, and human services programs are essential services. Failure to fund these services will have long-term adverse consequences for us all.

"For this reason, Mr. Speaker, its appropriate to offset a portion of the revenues lost from the income tax reduction given to residents by increasing the general excise tax --our most exportable tax -- from 4.0 to 4.5 percent.

"Mr. Speaker, the one-half percent increase produces \$162 million in revenues, 1/3 or roughly \$49 million of which is paid by tourists.

"These additional revenues will enable us to continue providing our citizens with essential public programs -- and I'm talking about schools, public safety, and basic human services.

"Mr. Speaker, critics of this bill have argued that increasing a consumption tax is counter-productive to economic revitalization, and point, as an example, to the poor performance generated by the Japanese tax plan of 1994.

"Mr. Speaker, comparing this tax plan to the Japan plan of 1994 is like comparing apples to oranges -- there is no comparison. Allow me to explain.

"The Japanese tax plan of 1994 had 3 elements:

- 1) A permanent reduction of income taxes as a result of broadening brackets and increasing the tax thresholds. But, the tax rates were not changed;
- 2) A temporary reduction of 15% for income taxes in 1995 and 1996; and
- 3) An increase in the consumption tax from 3% to 5% effective April 1, 1997.

"These tax changes, and the impact they effectuated, are significantly different from those before us today.

"First, elements 1 and 3 of the Japanese plan were designed to be revenue neutral. Therefore there was no net stimulus to the economy. This is in sharp contrast to the Hawaii plan where income tax reductions far exceed the increase in the GET. This differential is the key to stimulating economic activity in the private sector.

"Second, the 15% reduction in income taxes was temporary, and therefore did not have a significant effect. The positive impact of the Hawaii proposal comes from the fact that the rates would be reduced permanently.

"Third, the permanent portion of the Japanese income tax reduction did not change the rates. Economists agree that it is effective marginal tax rates that drive economic decisions and stimulate new economic activity. The Hawaii plan, unlike the Japanese plan, actually cuts the rates in all brackets and is, therefore, a clear economic driver.

"Mr. Speaker, I ask my colleagues to consider the bill before us today in its totality, and to remember that it is a net tax decrease which puts money back into the pockets of our citizens!

"In addition, I remind my colleagues that this tax plan is just one part of a larger package of initiatives to revitalize our economy. We are also:

- \* Increasing tourism marketing & promotion efforts;
- \* Reducing business regulations;
- \* Shortening permit time frames
- \* Revising our land use system;
- \* Empowering our university;
- \* Reducing lawsuit abuse; and
- \* Further reforming workers' compensation;

"Mr. Speaker, this tax proposal is an integral and essential part of our comprehensive plan for economic revitalization. Like most strong medicine for recovery it may not be tasteful, it may not be popular, and it may not be politically expedient ... but it is clearly the responsible thing to do."

Representative Takai then rose in opposition to the measure and asked that his remarks be inserted into the Journal, and the Chair "so ordered."

Representative Takai's remarks are as follows:

"Mr. Speaker, the current House proposal increases the general excise tax from 4 to 4.5 percent. I strongly believe that this increase, however small, is not in the best interest of the State and our residents.

"Let us be very clear, Mr. Speaker. According to this House proposal, the general excise tax increase from 4 to 4.5 percent will generate \$162 million. This increase in revenues to the general fund of the State will not directly save jobs or services, instead the \$162 million will be used exclusively to fund part of the \$229 million in income tax reductions proposed in this measure.

"As a matter of fact, Mr. Speaker, the Economic Revitalization Task Force's initial proposal and the current House proposal will both cost the general fund some revenues. The initial proposal would have cost \$100 million and the current House proposal will cost \$109 million. Therefore, to make the House proposal work, we will need to cut \$109 million from our current services.

"I have spent many hours studying the current House proposal and the impact of this proposal on the State's economy. Just briefly, this measure will bring in \$162 million from the GET increase, reduce income taxes of \$229 million, and cost \$42 million for low income tax credits. Therefore, the plan in the first two years will cost the general fund \$109 million each year. Additionally, because income taxes are reduced by \$323 million in the third year, the plan will cost the general fund \$203 million in each year following the second year.

"People have asked me to draft an alternative plan because of my objections to the current proposal. And this, I have done.

"The alternative that I support does not include a general excise tax increase or a low income tax credit. Yet, the proposal includes a modest decrease in income taxes, which would increase over the next seven years by 5 percent, 9 percent, 12 percent, 15 percent, 18 percent, 21 percent, and 24 percent, respectively.

"Under this plan, Mr. Speaker, we could save jobs and programs, create incentives for job creation, and reduce the revenue drain to the general fund.

"Specifically, the cost to the general fund in each of the next seven years would be \$45.8 million, \$82.44 million, \$109.9 million, \$137.4 million, \$164.9 million, \$192.4 million and \$219.8 million, respectively.

"In other words, Mr. Speaker, because the House proposal will cost the general fund \$109 million in the first two years and \$210 million in the years following the second year, we would save \$62.3 million in the first year. By the seventh year, we would save a cumulative total of \$280.4 million.

"It is true that there are still areas of government that we need to streamline and some areas that could be

reduced and/or eliminated. The truth is that we are still spending much more than our State revenues can bear. Without some adequate reductions in government spending the difficulties of balancing an already challenged budget will grow even great in the next two years.

"Mr. Speaker, I want to further stress my concerns regarding any increase in the general excise tax. There are a few aspects of the economy that we in the Legislature can control. We can't control the economies of our friends to the East, nor to the West. However, we can (either positively or negatively) guide the spending confidence of our residents.

"An increase in the GET will not enhance the spending confidence of our residents. In fact, I'm afraid that an increase in the GET will throw our State's economy in a rapid downward spiral.

"Some people have told me that a slight increase in the GET would still be much lower than the sales tax rates of many states throughout the nation. Mr. Speaker, this couldn't be farther from reality. According to William F. Fox, a University of Tennessee economics professor and a former visiting professor at the University of Hawaii, estimated in the 1992 book called, 'The Price of Paradise,' that Hawaii would need a 16 percent sales tax to generate the same revenue it gets from our current 4 percent GET.

"In 1992, Fox surmised that 'Hawaii's \$1,057 per person (per year for the GET) is much greater than the per-capita sales tax revenue collected by any other state, including states that like Hawaii shift a sizable portion of total taxes to nonresidents.'

"In 1990, the GET contributed 50.4 percent of Hawaii's total tax revenues, Fox said. 'Other states (got) 33.1 percent of their revenues from their sales tax.'

"Therefore, Mr. Speaker, despite its relatively low rate, Hawaii's potent excise tax generates more tax revenue, per person, than do similar taxes in other states.

"Additionally, the supporters of the House proposal hope that the huge reduction in income taxes will result in increased spending by our residents and, thus, an increase in general excise tax revenues. However, I'm afraid that these huge reductions in income taxes will result in a further weakening of our State's overall economy.

"I'm convinced that savings from this huge income tax cut will be invested out of our State in the stock market or in other investments, or will be mainly used to retire credit debts and other loans.

"Additionally, we should be very cautious in supporting a plan that will cost the general fund \$203 million in the years following the second year. Should the economy stay flat or increase slightly, a further reduction of \$94 million would be unbearable. In other words, Mr. Speaker, the House proposal necessitates a further reduction in general fund revenues in the third year.

"We should learn from the experience of the Japanese government, which raised the consumption tax in April 1997 and lowered the personal income tax. According to economists, the imminent hike in the consumption tax triggered a surge in rushed demand in the period immediately preceding the hike. Reactionary drop-off of consumer spending and confidence followed its implementation. Japan's economy is now struggling as reported daily in local and national newspapers. Japan

now appears to acknowledge that it was a mistake to increase its consumption tax.

"Mr. Speaker, let's not make the same mistake. I'm confident that we could save the residents the agony of a general excise tax hike, provide for a modest individual income tax reduction, and increase their spending confidence.

"Thank you, Mr. Speaker."

At this time, Representative Marumoto requested a roll call vote.

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 to pass the bill was put to vote by the Chair and carried, and S.B. No. 2259, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading on the following show of Ayes and Noes:

Ayes, 28: Representatives Abinsay, Arakaki, Cachola, Chang, Garcia, Goodenow, Hamakawa, Herkes, Ito, Jones, Kahikina, Kanoho, Kawakami, Lee, Menor, Nakasone, Okamura, M. Oshiro, P. Oshiro, Santiago, Say, Suzuki, Tom, White, Yamane, Yonamine, Yoshinaga and Souki.

Noes, 23: Representatives Ahu Isa, Aiona, Case, Fox, Halford, Hiraki, Kawanakoa, Marumoto, McDermott, Meyer, Morihara, Morita, Moses, Pendleton, Saiki, Stegmaier, Takai, Takamine, Takumi, Tarnas, Thielen, Ward and Whalen.

The Chair directed the Clerk to note that S.B. No. 2259 had passed Third Reading at 5:45 o'clock p.m.

At 5:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:51 o'clock p.m.

**S.B. No. 2839:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2839, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Cachola, Chang, Jones, Kawakami, Pendleton, Suzuki, Takai and Yoshinaga being excused.

**S.B. No. 2844:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2844, entitled: "A BILL FOR AN ACT RELATING TO ISSUANCE OF UTILITY VOTING STOCK," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Cachola, Chang, Jones, Kawakami, Pendleton, Suzuki, Takai and Yoshinaga being excused.

**S.B. No. 3077:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 3077, entitled: "A BILL FOR AN ACT RELATING TO RISK RETENTION," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Cachola, Chang, Jones, Kawakami, Pendleton, Suzuki, Takai and Yoshinaga being excused.

**S.B. No. 2334, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2334, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Cachola, Chang, Jones, Kawakami, Pendleton, Suzuki, Takai and Yoshinaga being excused.

**S.B. No. 2644, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2644, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Cachola, Chang, Jones, Kawakami, Pendleton, Suzuki, Takai and Yoshinaga being excused.

**S.B. No. 2829, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2829, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS," passed Third Reading by a vote of 40 ayes to 2 noes, with Representatives Marumoto and Whalen voting no, and Representatives Ahu Isa, Cachola, Chang, Jones, Kawakami, Pendleton, Suzuki, Takai and Yoshinaga being excused.

**S.B. No. 2833, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2833, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LEASE DISCLOSURE," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Cachola, Chang, Jones, Kawakami, Pendleton, Suzuki, Takai and Yoshinaga being excused.

**S.B. No. 2842, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2842, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Cachola, Chang, Jones, Kawakami, Pendleton, Suzuki, Takai and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 2839, 2844, 3077, 2334, 2644, 2829, 2833 and 2842 had passed Third Reading at 5:52 o'clock p.m.

**S.B. No. 2472:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2472, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATIONS," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 2554, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2554, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARD," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 2619, SD 1, HD 1:**

Representative Okamura moved that S.B. No. 2619, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Kawanakoa then rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Kawanakoa's remarks are as follows:

"Mr. Speaker, I rise to speak in support of SB 2619 SD1 HD1. Sadly, this bill is necessary because of the unscrupulous among us who seek to prey upon some of the most vulnerable and helpless among us, the elderly.

"SB 2619 SD1 HD1 provides enhanced penalties and damages where unfair or deceptive acts or practices have been committed against an elder. Specifically, this bill:

1. Defines 'elder';
2. Permits a court to impose a civil penalty not to exceed \$10,000 for each violation that a person commits which is directed toward, targets, or injures an elder;
3. Provides that in an action where the plaintiff is an elder, the plaintiff may be awarded a sum not less than \$5,000 or threefold any damages sustained, whichever is greater, in addition to attorney fees and court costs; and
4. Permits the court to award an elder additional sums up to the amount of ordered restitution.

"For years, organizations like the AARP and the Executive Office on Aging have testified before the Legislature on the need to enact additional disincentives, penalties and means for recovery in situations where seniors are victimized by scam artists, high pressure sales people, and other predators who target the elderly.

"Unfortunately, reports of elderly victims falling prey to these unscrupulous elements within our society have increased over the years, with many victims losing their life-savings, material possessions, and their homes. As Hawaii's population, like that on the mainland, ages and the number of seniors increases, the likelihood of crimes against elders increases as well.

"While SB 2619 HD1 is no guarantee that the elderly will no longer be disproportionately targeted by the unscrupulous, it sends a clear message that those who contemplate these crimes do so at great risk to themselves."

Representative Yoshinaga rose in support of the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Yoshinaga's remarks are as follows:

"I strongly support SB 2619, SD 1, HD 1.

"The elders in our community need the protection it provides. Because of their age, poor health, infirmity, impaired understanding, restricted mobility, or disabilities -- our elders are particularly susceptible to emotional exploitation or manipulation. It is a sad fact that some are indeed all too willing to victimize our older citizens through various fraudulent schemes involving, among others, telemarketing prize promotions and door-to-door sales.

"This bill, therefore, increases the deterrent against those who would target our elders, and defines an elder as

any consumer who is sixty-two years of age or older. The enhanced penalties and damages provided by this measure are needed to dissuade the commission of deceptive and predatory acts targeted against our elders. The bill provides an enhanced deterrence against such consumer fraud occurring in the first place.

"The bill also provides additional civil penalties and restitution that a court may award the elderly victim of such fraud schemes, as well as a criteria for determining the amount of additional penalties and restitutions. I thus urge my colleagues to give SB 2619, SD 1, HD 1 their full support."

The motion was put to vote by the Chair and carried, and S.B. No. 2619, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR TRADE REGULATIONS," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 2832, SD 2, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2832, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIVE SUBPOENAS," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 2836, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2836, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 3241, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 3241, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR TRADE PRACTICE," was recommitted jointly to the Committees on Consumer Protection and Commerce and Judiciary with Representatives Ahu Isa, Cachola, Chang, Jones, Kawakami, Pendleton, Suzuki and Takai being excused.

**S.B. No. 2516, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2516, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," was recommitted jointly to the Committees on Consumer Protection and Commerce and Judiciary with Representatives Ahu Isa, Cachola, Chang, Jones, Kawakami, Pendleton, Suzuki and Takai being excused.

**S.B. No. 2256, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2256, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERS POINT HARBOR," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

The Chair directed the Clerk to note that S.B. Nos. 2472, 2554, 2619, 2832, 2836 and 2256 had passed Third Reading at 5:54 o'clock p.m.

**S.B. No. 1362, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 1362, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 2469, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2469, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Third Reading by a vote of 45 ayes to 1 no, with Representative McDermott voting no, and Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 2575, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2575, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 2586, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2586, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 2823, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2823, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE IDENTIFICATION BADGES," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 2838, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2838, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 2887, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2887, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING," passed Third Reading by a vote of 45 ayes to 1 no, with Representative Marumoto voting no, and Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

**S.B. No. 2981, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2981, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Jones, Pendleton and Suzuki being excused.

The Chair directed the Clerk to note that S.B. Nos. 1362, 2469, 2575, 2586, 2823, 2838, 2887 and 2981 had passed Third Reading at 5:55 o'clock p.m.

**S.B. No. 3018, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 3018, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed Third Reading by a vote of 49 ayes, with Representatives Cachola and Chang being excused.

**S.B. No. 1071, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 1071, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OPENING OF THE ABSENTEE POLLING PLACE," passed Third Reading by a vote of 49 ayes, with Representatives Cachola and Chang being excused.

**S.B. No. 2557, SD 1, HD 1:**

Representative Okamura moved that S.B. No. 2557, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. This bill is the so-called tort reform and while I speak in support of it, Mr. Speaker, I also want to express some reservations.

"I agree very much with the efforts of those who have wanted to have tort reform to prevent frivolous and unnecessary and meritless personal injury litigation. I think that the most troubling aspect of this bill, however, is that we're not mandating the insurance industry to rollback their premiums.

"When we reformed our automobile insurance laws, we mandated a rollback. In this one, we're taking away rights of consumers, but the insurance industry gets to keep that windfall. If they possibly choose to, they may give some small break to small business. I don't think that's fair. I think that we should've gone in with an absolute demand if we are going to take away some of the rights for consumers. If we are going to reform our tort laws, the insurance industry is going to have to reduce their rates, their premiums -- particularly for the small businesses.

"The other concerns I have related to sending this bill over to the Senate and then having it be dead the minute it hits the Senate. If we really want to do tort reform, if we really want to help the businesses in our State, we would send over a bill that would have a chance of making it out of conference committee. When we send the bill the way it's drafted, it's not going to make it unless, obviously, in conference committee there's some significant changes that are made on our side.

"We heard from Professor Richard Miller, who was probably one of the foremost experts on torts in the State, Professor Emeritus at the William S. Richardson School of Law. His concern was that on capping the non-economic damages we were doing it the wrong way, Mr. Speaker. We're capping them at \$500,000. And at the top end, we've probably less than 1 percent of people who are so severely injured that would need to recover that amount. Those severely injured persons will have no compensation recourse despite the meritorious nature of their lawsuits. His idea was to reduce the recovery more at the lower end

and put a cap on that at that side, because we don't want to prevent the most seriously injured from being able to recover.

"Limits on punitive damages also will not have the intended effect to benefit small business and decrease insurance premiums. Yes, we've had a few excessive punitive damage awards, however, those awards are rare. The punitive damages, you have to remember, are aimed to prevent egregious behavior of companies that have an 'I don't care' attitude and produce products that injure consumers. And that's why punitive damages are important. It's the message that it sends. If you don't produce a product that is not going to injure the end user, you could be subject to punitive damages.

"There's also a chilling effect to a problem with removing the ability to recover on products liability. This is the tobacco industry and some of the other large industry areas where we would want to have major recovery for our consumers in Hawaii. In fact, I believe the State of Hawaii right now is involved in some of that tobacco litigation to be able to recover. This bill, unfortunately, I believe will affect that recovery on behalf of our citizens.

"It does have one small exemption that's carved out for the asbestos litigation that is ongoing. That's a nice carving out of a special interest. And my concern is why are we saying just asbestos litigation? We're not going to protect against other products that have injured consumers. Why not tobacco? Why not the tobacco industry? Why not the other things that come up? If we someday have another Ralph Nader, 'unsafe at any speed', we won't be able to recover on behalf of those consumers with this bill. There's only one small special interest that's been carved out and it appears that there is an attorney in town doing that litigation, and he's sure got a lot of power obviously.

"Anyway I do support the bill, Mr. Speaker, but I do have these reservations, and I thought it was important to express them. Thank you."

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

"Mr. Speaker, I'll try to keep this down, but I was wondering with reservations like that, I never heard a speech in support with so many reservations. The Judiciary Committee launched a series of statewide hearings to solicit ideas from both the public and business community on what we can do to ease the cost, frustration, and inequities in the civil justice system. And to reform the system so that economic justice is rendered to both plaintiff and defendant in every dispute.

"The business people have spoken. They tell me candidly, and they tell many of the members of the Judiciary Committee and many of you probably in this room, that they are afraid of the civil justice system. They are afraid of the cost of being a target of a frivolous lawsuit. They are afraid of being assessed judgements which are outrageous and unpredictable. They are worried that our court system is set up in a way that economic concerns drive the final result and not justice. They're concerned about that.

"Mr. Speaker, I have seen what other states have done and are doing in the area of tort reform, lawsuit abuse. I have seen other states advertise themselves as friendly to business based solely on the fact that they have reformed their civil justice system. I have seen Hawaii slip further and further into the reputation of being bad for business because it has not adopted these reforms. Businesses are hurting all over our State.

"Despite the widespread support of the public for reform, the Senate, and this is in the gist to one of her questions, they have decided to deny the public any opportunity to comment on the House measure before a Senate committee. In fact, the House proposal was never even scheduled for a public hearing in the Senate. But I think that the reasons that were given were not the correct reasons why the Senate is not hearing it. It is my hope, however, that the Senate will work with us at the conference table and have a conference on this bill and consider the proposal in the best interest of the people of Hawaii.

"This bill will send a strong message to both local and international enterprise that Hawaii is a good place to do business because its civil justice system has caught up with the rest of the country. This is not an anti-consumer bill. Everyone who wants their day in court will be able to hire an attorney and to present their case. This bill will not prevent or discourage the filing of a single meritorious lawsuit. And this bill will not prevent injured persons from hiring attorneys under the same terms and conditions as they do presently.

"What this bill will do, however, is provide mechanisms to speed up the resolution of complaints and to let the system itself weed out the frivolous from the meritorious by providing sanctions for filing or maintaining an abusive lawsuit. This bill injects economic justice back into the system by leveling the playing field for everyone. If we can remove the fear and unpredictability from the civil justice system, we will expose the frivolous and abusive claims and encourage the just and swift compensation of injuries.

"There is nothing radical or outlandish in this bill. Most of the reforms proposed have already been adopted by many other states across the country. For example, since 1985, 34 states have modified the law in joint and several liability to create and offer basic fairness. Under Hawaii's current joint and several liability law, in an action involving two or more defendants, a defendant who may be as little as 5 percent at fault, they end up paying for all of the plaintiff's damages if the other guilty parties, who may have been 95 percent responsible, don't have a dollar in their pockets.

"By abolishing joint and several liability, except for the recovery of damages in actions involving asbestos-related injuries, serious injuries or death, Hawaii will join those 34 other states which have modified the law on joint and several liability. And let me say this: Yes, if I had not put in asbestos, probably critics of this bill would say, 'why don't you put in exceptions?' So I put in asbestos and they say, 'why are you putting in an exception at all?'

"Let me tell you what was wrong with the current law we have now. The problem with the current law is that we have about 14 exceptions. We have exceptions after exceptions after exceptions after exceptions to the point where we don't even have a joint and several abolition anymore. Everything is subject to joint and several liability. So what good is our law now when there are 14 exceptions to paying just your share. Everyone ends up paying everyone else's share.

"Over 20 states now have dollar limits on recoveries of non-economic loss. In Hawaii, we have a limitation of \$375,000 on non-economic damages..."

At this time, Representative M. Oshiro yielded his time to Representative Tom.

Representative Tom continued, stating:

"...for pain and suffering only. However, our current law allows unlimited awards on all other non-economic claims, such as mental anguish, disfigurement, and loss of consortium. With this bill, Hawaii will join the other business-friendly states by placing a limit of \$500,000 on the recovery of non-economic damages and tort actions.

"Twenty-one states have enacted legislation to change their collateral source rule. Under Hawaii's current law, jury members are not entitled to information pertaining to any claims a plaintiff had already received from medical insurance or other sources to offset the cost incurred due to a claim. With this bill, Hawaii will join those who have enacted reform by allowing evidence of collateral source payments to be admitted at trial and requiring the court to reduce jury verdicts by the amount of such payments.

"Almost finished. Currently, punitive damages are generally not available in five states. Of those states allowing punitive damages, 31 have made changes in the law of punitive damages. In recent years, the number of punitive damage claims asserted have increased dramatically. While large punitive damage awards can be reduced on appeal as being excessive, the effect of the assertion of these claims is to generally increase the cost of doing business.

"With this bill, Hawaii will become more competitive with the rest of the nation by placing limits on the size of punitive damage awards. Requiring a judge rather than a jury to determine the dollar amount of any award of punitive damages to ensure that the amount of these awards is determined in a fair and constitutional manner and will be less likely to be overturned or reduced on appeal. And finally, requiring that a part of a punitive damage award goes to the State.

"Mr. Speaker, I believe that we have a bill which will send a strong signal to our local business community, the national business community and the international business community that Hawaii has fundamentally altered its mind set. Mr. Speaker, I hope that the Legislature will pass this bill, will have a conference on it and will send it to the Governor. And that when the Governor signs this measure into law, the State places an ad in the Wall Street Journal saying: 'Hawaii is now open for business.'

"Thank you."

Representative Thielen then rose and stated:

"Thank you, Mr. Speaker. We have to remember that there are two chambers in the Legislature. If we send this bill over, as is drafted, the Senate Judiciary Committee is not going to find it acceptable. My comments in reservation are really to alert the body to be able to discuss this with the Chair of Judiciary to say, 'we have got to be willing to reach some further compromises on this if we're really going to get tort reform through this legislative session.' It doesn't do us any good to stand here and say this is a wonderful bill. We're only the House of Representatives. We have to have a Senate acting with us to find something that's acceptable that they will accept.

"The second thing is, where's the rollback from the insurance industry? They make out like gangbusters. You aren't in the insurance industry, Mr. Speaker, I'm certainly not. But we know that the insurance industry is going to make out very well from tort reform when we don't put in a rollback. And I think that that's the wrong message to send. They're not going to voluntarily reduce people's rates. They're not going to say to the small

businesses in your communities: 'Oh, your Legislature enacted tort reform so we're going to reduce your insurance premiums.' Hah, that won't happen, Mr. Speaker, unless we mandate it. And if we mandate it and put a tight time frame on it, then we will have true insurance reform for our consumers, for our small businesses. Thank you."

Representative Meyer then rose and stated:

"Mr. Speaker, I rise in support of this measure, but I have just one concern that's with the provision that requires one-third of all punitive damage awards to be deposited in the State General Fund. I don't know how that fits in here. It looks like a tax to me and I hope that that will be eliminated. Thank you."

Representative Pendleton then rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I share some of the many, very good, concerns that my colleague from Kailua has articulated. I ask that the Journal reflect my concurrence with her concerns," and the Chair "so ordered." (By reference only)

"But very briefly, I'd just like to add that I am concerned that at a time when a family is suffering from a severe tragedy, by having to go to court to get compensation for an injured victim that the State would take that time to dip into that award and somehow benefit from a citizen's injury. That concerns me. Also the lack of a mechanism which would turn the tort reform measures into real reduced rates in terms of insurance for businesses and individuals. So those are my concerns, Mr. Speaker."

Representative Yamane then rose to speak in support of the measure, stating:

"I'm trying to be open so I've heard some of the concerns from across the aisle, and I fully concur that if this bill is put into effect and losses are reduced, losses to insurance companies or whoever is doing the insuring and indemnifying, that premiums after that should be able to go down. And one other thing that this bill doesn't address that maybe we should bring up later, maybe in conference, maybe we should reduce contingency fees also.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 2557, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," passed Third Reading by a vote of 49 ayes, with Representatives Cachola and Chang being excused.

#### **S.B. No. 2759, SD 2, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2759, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed Third Reading by a vote of 48 ayes to 1 no, with Representative McDermott voting no, and Representatives Cachola and Chang being excused.

#### **S.B. No. 2786, HD 1:**

Representative Okamura moved that S.B. No. 2786, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Thielen rose and stated:



"Thank you, Mr. Speaker. I would like to ask if the Chair of the Judiciary Committee would accept a question about Senate Bill 2786. And I'll state my question so he'll have the opportunity to know what I want to ask. This is a bill relating to sex offender registration. And my question is, does this bill repeal the DNA testing of sex offenders who have committed crimes against minors or is it placed somewhere else in this bill? Particularly, it's on page 2, lines 11 through 13 where the brackets remove the DNA testing of sex offenders who have committed crimes against minors.

Representative Tom then responded:

"Yes, it's placed somewhere else. It's placed in another section. We had another bill on that. I can't remember now, but it was taken out of one bill and put in another section."

Representative Thielen inquired:

"And did the other bill pass?"

Representative Tom responded:

"I don't know. I'm sure it did because I haven't heard anything from the Attorney General's office. We worked closely with the Attorney General's office on this bill."

Representative Thielen: "Well, okay then, based upon that, Mr. Speaker, based upon that assurance that the DNA testing is still mandated of sex offenders, then I speak in support of that bill, but..."

Representative Tom: "Mr. Speaker, I will check on that and if it isn't, I will let the Representative know, but to the best of my knowledge the reason it was taken out of this section was because it was put in another chapter where it's more appropriate."

Representative Thielen: "I appreciate that from the Judiciary Chair. My concern is we must leave that provision in some part of the law, Mr. Speaker, because the DNA testing of sex offenders is extremely important. And I'll look forward to hearing from the Judiciary Chair to make sure that that provision is still in the law. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2786, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION," passed Third Reading by a vote of 49 ayes, with Representatives Cachola and Chang being excused.

**S.B. No. 3228, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 3228, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 49 ayes, with Representatives Cachola and Chang being excused.

**S.B. No. 2026, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2026, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS," passed Third Reading by a vote of 49 ayes, with Representatives Cachola and Chang being excused.

The Chair directed the Clerk to note that S.B. Nos. 3018, 1071, 2557, 2759, 2786, 3228 and 2026 had passed Third Reading at 6:15 o'clock p.m.

**S.B. No. 2717, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2717, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Say being excused.

**S.B. No. 2580, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2580, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE STUDENT COUNCIL," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Say being excused.

**S.B. No. 2345, SD 1, HD 1:**

Representative Okamura moved that S.B. No. 2345, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, earlier today we all took a look again at the report card that we were given on environmental protection and our grade was a 'C', not a very good grade. We also earlier today honored five different organizations that have been at the forefront of protecting Hawaii's environment.

"This Senate bill, Senate Bill 2345 and the Senate draft of the endangered species bill, had a very good provision in it. It stated in Section 4 that any organization such as the ones that were honored today -- the Sierra Club, Earth Justice, Outdoor Circle, Audubon, and Hawaii's Thousand Friends -- any organization who believes that a violation of a habitat conservation plan, safe harbor agreement, or incidental 'taking' has occurred, is occurring or is likely to occur, may petition the Chairman of the Board of Land and Natural Resources for the immediate appointment of a hearings officer.

"What this means is then the Board of Land and Natural Resources can appoint a hearings officer to find out whether or not the continued existence of an endangered or threatened species will be jeopardized unless the violation is immediately stopped. That's an excellent provision in the bill, Mr. Speaker, but the bill hit our Energy and Environmental Protection Committee and that section of the bill was removed.

"So that protection coupled with the ability of the organizations that are there to protect our environment, the Audubon Club, the Earth Justice, Sierra Club, that section was removed from the bill by the Energy and Environmental Protection Committee. I think it was a very serious mistake. So we now have a bill moving forward that has some okay provisions in it, which is why I'm not voting no on the bill. But the strength of the bill, the ability for those non-profit environmental groups to petition the Chairman of the Board of Land and Natural Resources to say that action, that activity, is threatening the existence of endangered species in Hawaii -- that protection was removed from the bill and I have very serious reservations about that.

"I hope when it hits the Senate, the Senate sends a loud and clear message back. And I hope whoever is on that conference committee says: 'Okay, we agree, we should have that provision in the bill.' Thank you."

Representative M. Oshiro rose in support of the measure with reservations and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative M. Oshiro's remarks are as follows:

"Mr. Speaker, I rise to speak in support of this measure, but with concerns.

"I commend the Chair on her efforts to balance the rights of property owners against our need to protect the environment an oftentimes-tricky proposition and somewhat thankless task. The proposal to consolidate the application process for habitat conservation plans and safe harbor agreements is certainly in line with our stated goal of streamlining government processes and avoiding duplications of effort.

"However, I wish to voice my concerns over that part of the bill which would, in effect, bind us to any habitat conservation plan, safe harbor agreement, or incidental take license in perpetuity, by prohibiting amendment or modification except with the consent of the property owner.

"First, the implementation of laws concerning habitat conservation plans, safe harbor agreements, or incidental take licenses was, in essence, a leap of faith for this Legislature. While it is true that the trend nationwide is moving in this very direction, I would remind members that there is little conclusive data as to their effectiveness, or the lack thereof, in protecting valuable ecosystems and conserving threatened and endangered species. We simply won't know until these concepts have been given a chance to work, or not work, as the case may be.

"Therefore, I consider it premature, and even highly presumptive, to consider making any such agreements binding at this point in time. I don't believe that it is sound policy to tie the hands of future legislators with regards to an unproven concept by inhibiting their ability to contend with unforeseen problems and consequences, which may arise in the future. To place this kind of restriction on these agreements may very well undermine this concept, ensuring that they won't work because of their inflexibility.

"It bears repeating, that oft-quoted axiom about extinction. Once a species is lost, it is gone forever. And it would be indeed tragic, and counter to our efforts to protect our environment, if valuable species were lost simply because no one could take measures to prevent their disappearance and because a landowner found it a short-term economic inconvenience to do so."

The motion was put to vote by the Chair and carried, and S.B. No. 2345, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THREATENED AND ENDANGERED SPECIES," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Say being excused.

**S.B. No. 2757, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2757, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL ASSESSMENTS," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Say being excused.

**S.B. No. 2363, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2363, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING

TO FEES," passed Third Reading by a vote of 48 ayes to 1 no, with Representative McDermott voting no, and Representatives Chang and Say being excused.

**S.B. No. 3006, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 3006, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Say being excused.

**S.B. No. 1469, SD 1, HD 1:**

Representative Okamura moved that S.B. No. 1469, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm voting 'no' on this bill not because I'm specifically opposed to a rainy day fund, rather I oppose the bill because I believe it is flawed. The State Constitution specifically provides that any surplus in the General Fund should be returned to the taxpayers.

"If the people of Hawaii do not want this constitutional provision to be enforced, then the people should act in a constitutional convention, or we lawmakers should enact a bill to allow the people to vote on a constitutional amendment. If Senate Bill 1469 is passed as written, I believe that it most certainly will be vetoed by the Governor.

"Thank you, Mr. Speaker.

Representative Moses then rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. As my colleague just mentioned, the bill does establish an emergency and budget stabilization fund as a special fund in the State Treasury. As you heard, this measure is unconstitutional. Specifically, it's in violation of the State Constitutional mandate Article 7, Section 6, 'that excess funds in our treasury be returned to the taxpayers.' The bill is merely a veil to keep money in the hands of government and not to return it to the taxpayers as mandated by our State Constitution.

"It's interesting to note that the Tax Review Commission reflected that retaining such cushion can lead to misallocation of resources between the public and private sectors. Returning excess funds to the taxpayers is our constitutional provision for helping to guarantee that this does not happen. Thank you, Mr. Speaker."

Representative Say then rose and stated:

"Can I just summarize my statement in support of this measure? I believe the two speakers are absolutely correct that the purpose of the bill is to establish an emergency and budget stabilization fund. Whenever the General Fund balances, say 5 percent of the revenues received by the General Fund, 50 percent of that balance will be deposited into the emergency and budget stabilization fund. The bill also includes a cap of 10 percent of the General Fund revenues for emergency and budget stabilization fund.

"Fourth, the bill specifies what the fund can be used for. It maintains levels of programs determined to be essential to the public health, safety, and welfare, provide

for counter cyclical economic and employment programs in periods of economic downturn, which we are in at this point, restore facilities destroyed or damaged or services affected by disaster in any county, an emergency is declared by the Governor and the Legislature.

"Fifth, Mr. Speaker and members of this House, the bill specifies what the fund cannot be used for. Expenses of the Legislature, salary adjustments for appointed officials and collective bargaining contracts. And finally, no expenditure from this fund can be made unless approved by three-fourths of the House and Senate. But Mr. Speaker and members of this House, thanks to the Finance Committee, with their support, the main reasons for this particular bill at this point in time, Mr. Speaker and members, was to provide a vehicle for essential services during rough times. And secondly, I warn all of you this afternoon, perhaps the most important, was to send a message, Mr. Speaker and members, to our bond-rating agencies that we are tying to do something. Thank you."

Representative Fox then rose to speak in opposition to the measure, stating:

"This bill requires a constitutional amendment to disrupt the decision that was made in 1978 to return excess revenues to the people of Hawaii. I believe you should stick with that constitutional provision and not upset it with a new constitutional amendment.

"The bill by itself cannot work, but there is a provision set in here or somewhere in conference that would allow a constitutional amendment to be put on the ballot. I think it's unfortunate that we would handle the need for revenue in this way. The people are putting enough of their money in the hands of the government without figuring out how to interfere with what is the proper procedure in good times, and that is to return the money to the people who paid for it.

"Thank you, Mr. Speaker."

Representative Lee then rose in support of the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Lee's remarks are as follows:

"Mr. Speaker, the idea of a rainy day fund is not new and has been proposed many times in the past. It should have been enacted years ago when the economy and revenues were strong.

"Now we sorely need a rainy day fund and we don't have one. But it is never too late or too early to establish one.

"Most sound businesses maintain a reserve -- including a contingency fund for special purposes. It is simply a good and prudent business practice not to mention common sense.

"At home we may have a Christmas Club, college fund or maybe just a piggy bank.

"It is never too early to start saving. In our family, we put away each gift given to the children and used it when it was really needed for higher education."

"We are entrusted with the taxpayers money ... we should treat it carefully ... we should use it to prepare for the future ... we should prepare for those rainy days."

Representative Say then rose on a point of clarification, stating:

"The whole intent of passing this measure was to send a message to the Bond Council where last week they did lower our bond rating based on the Council of Revenue projections. All I'm saying to you this evening is that if the Bond Council has revised our bond rating, the State of Hawaii will have to pay a higher interest rate. And this measure was to reflect that we are, as far as the Legislature, trying to reflect and show some legislative intent that we are trying to create it, this fund. I believe the Representative from Waikiki is correct that this is not a constitutional amendment. This is to put it into the statutes until we can get the constitutional amendment adopted by our public at large.

"Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 1469, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY AND BUDGET STABILIZATION FUND," passed Third Reading by a vote of 41 ayes to 8 noes, with Representatives Aiona, Fox, Halford, Kawanakoa, McDermott, Meyer, Moses and Pendleton voting no, and Representatives Chang and Say being excused.

The Chair directed the Clerk to note that S.B. Nos. 2717, 2580, 2345, 2757, 2363, 3006 and 1469 had passed Third Reading at 6:25 o'clock p.m.

**S.B. No. 2598:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2598, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE DIVISION," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 2840, SD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2840, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 2414, SD 1, HD 1:**

Representative Okamura moved that S.B. No. 2414, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative M. Oshiro rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative M. Oshiro's remarks are as follows:

"I vote in support of SB 2414 SD1 HD1, which puts an end to a lending scheme from the Mainland which is now taking place in Hawaii known as 'Auto Pawns'. This is an attempt by lenders to circumvent usury laws and the regulatory requirements for financial services companies.

"Currently, this is how the 'Auto Pawns' scheme works: 1) the consumer retains vehicle but gives the pawnbroker the title to the vehicle; 2) in exchange for the title, the consumer receives a 30 day loan of up to 1/2 the wholesale blue book value of the vehicle; and 3) the consumer must pay an annual interest rate of 240%.

"The problem with 'Auto Pawns' is that it violates the original intent of permitting pawn interest rates to be higher than finance company rates because pawnbrokers have to take actual physical possession of the pawned item and incur costs associated with storage and

insurance. However, in 'Auto Pawns', the consumer only pawns the title to the vehicle and never relinquishes actual possession of the vehicle to the pawnbroker. Thus, the pawnbroker never incurs any costs for storage or insurance on the vehicle.

"Another problem with 'Auto Pawns' is that in regular pawn transactions, a consumer who pawns a ring or television set relinquishes possession and has made a conscious decision that he can do without the item. The pawn may result in a sale, and most often does. However, in 'Auto Pawns', it's questionable whether the consumer ever really intended to relinquish possession or title.

"Legal Aid Society of Hawaii has received complaints from people who have entered into 'Auto Pawns' where the pawnbroker has refused to accept the payment for the loan and demanded the vehicle from the consumer. In one case, an unemployed man borrowed \$300 on a car having a fair market value of \$10,000. Other cases involved loans of \$1,500 - \$2,000 ranges on cars with a value of \$7,500 - \$10,000.

"In fact, even the Hawaii Pawnbrokers Association testified in support of this bill, stating that it believes 'that "car title pawns" ["Auto Pawns"] to be in conflict with basic consumer protection and may even violate state and federal laws.'

"As a matter of public policy, the loss of a motor vehicle, a boat, or a home in a pawn transaction directly impacts a consumer's fundamental requirements of shelter, livelihood, and transportation. As a former Legal Aid attorney practicing in the area of consumer rights, I understand the reality and harsh effects of this scheme. The public needs to be protected from these schemes and should be afforded the rights under the usury laws and other regulatory requirements for financial services companies. 'Auto Pawns' are really clearly disguised loans, except that the consumer has none of the repossession protections that are available in a normal secured transaction.

"For the following reasons, I wholeheartedly support this measure."

The motion was put to vote by the Chair and carried, and S.B. No. 2414, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Morihara voting no, and Representative Chang being excused.

**S.B. No. 2564, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2564, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 2588, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2588, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 2602, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2602, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING

TO LANDSCAPE ARCHITECTS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 2610, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2610, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL LAND SURVEYORS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 2821, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2821, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

The Chair directed the Clerk to note that S.B. Nos. 2598, 2840, 2414, 2564, 2588, 2602, 2610 and 2821 had passed Third Reading at 6:26 o'clock p.m.

**S.B. No. 3113, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 3113, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 3159, SD 2, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 3159, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TIME SHARE LAW," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 682, SD 2, HD 1:**

Representative Okamura moved that S.B. No. 682, SD 2, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Yoshinaga rose in support of the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Yoshinaga's remarks are as follows:

"I enthusiastically support SB 682, SD2, HD1. This bill provides a fairer system of lien priority for condominium associations by giving them a limited six months priority for maintenance fees regarding foreclosed apartments.

"Under present law, other condominium owners within the complex association must pay the maintenance fees for an apartment being foreclosed. These maintenance fees pay for the insurance for the project, maintenance of the common elements, water and other utilities, building repairs, and even a portion of the future repair costs. These other apartment owners in effect are then paying for maintaining the foreclosed apartment which is then security for the mortgagees loan.

"The problem, however, is that most condominium foreclosures, which last about twelve months, give the mortgage priority over the associations lien -- when the condominium is sold, there is often little or nothing left

over to pay other lienholders and the condominium association gets nothing.

"This is an unfair burden on the other apartment owners, who are often barely able to pay their own share of the common expenses, and in condominiums with several units in foreclosure, this can result in a deterioration of the entire complex. The present approach is therefore unfair.

"In contrast, this bill enables the condominium association to collect something although the association will not receive all of the expenses it incurred in caring for the mortgagees security interest in the foreclosed apartment. What this bill does do is split the apartment owners out-of-pocket expenses: given that the average foreclosure takes twelve months, the bill permits the association to receive six months of the maintenance fees, with the remainder going to the mortgagee.

"The fairness of this bills approach has already been recognized by the legislatures of thirteen other states and the District of Columbia.

"The language of this bill has also been further improved to conform its language to the language contained in the Uniform Condominium Act and the Uniform Common Interest Ownership Act, which is language approved by Fannie Mae and Freddie Mac. This improvement therefore eliminates the requirement that an acquirer of a foreclosed apartment be jointly and severally liable for an additional six months of maintenance fees.

"I, therefore, call upon all of my colleagues to support this bill."

Representative M. Oshiro rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative M. Oshiro's remarks are as follows:

"Mr. Speaker, this measure is identical to HB 2369, HD1, which was passed earlier by this body.

"Recent property tax assessments demonstrate conclusively a downward trend in condominium prices, and many owners are now finding that their outstanding mortgages are frequently greater than the total current assessed value of their units. During these difficult economic times, condominium associations have been subject to a very disturbing trend, which has had the effect of stripping them of their reserve funds.

"As owners find it increasingly difficult to keep up with payments, and units head into foreclosure, condominium maintenance fees for common expenses are no longer paid. While the affected association may place a lien on the unit with regard to those fees, any such lien is junior to that placed upon that unit by a foreclosing mortgagee.

"When such a unit is foreclosed upon and subsequently sold, the mortgagee receives most, if not all, of the equity in that unit. Thus, the condominium association is left to absorb those unpaid maintenance fees, with the predictable result being that the fees for other association members are increased, sometimes dramatically. One can see the slippery slope of this trend eventually, a few more association members will no longer find themselves in a position of being able to afford those increases, and a lien is placed on their own units.

"This measure will grant those associations and their members some financial reprieve. It will grant priority for six months, fees to any lien filed by an association

prior to the commencement of any legal proceeding by a foreclosing mortgagee, including all costs and reasonable attorneys fees, provided that such a lien is filed prior to that filed by the mortgagee.

"I urge my colleagues to support this bill."

Representative Garcia then rose to speak in support of the measure with reservations, stating:

"I'm still not quite sure what the impact of this will be on the secondary mortgage market and the ripple effect that this might have in issuance of mortgages. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 682, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 2297, SD 2, HD 1:**

Representative Okamura moved that S.B. No. 2297, SD 2, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Case rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. This bill basically proposes what is referred to as a patients' bill of rights, and I support that goal. My reservations have to do with page 6, Section 7, which proposes a section entitled, 'Confidentiality of Medical Information.' My basic concerns, which were discussed in the Consumer Protection Committee, have to do with whether this particular section is appropriate at this time.

"Essentially, as we all know, we have a very strong cross-cultural tradition of privacy in this State, which is embodied in a rather unique section of our Constitution. Not many other constitutions have an express recognition of the right of privacy as we do.

"Privacy is certainly a concern in the area of medical information, especially as technology makes it more readily available, and, frankly, as it becomes a big business to trade and sell information on health. Members of the Judiciary Committee will recall a long hearing earlier this session on a bill which dealt directly with the confidentiality of medical information. At its conclusion, the Chair very wisely decided that the bill was premature because the parties had not yet come to a consensus on that point given the questions remaining.

"After that hearing, a task force has continued to work on outstanding issues. My understanding, based on communications over the past couple of days, is that they're nearing agreement on a consensus as to how to approach this problem from the perspective of both the patients, as well as the managed care entities and insurance companies where everybody gets involved in the marketing or knowledge of medical information.

"This particular section 7 of this bill innocuously says that the existing statutory provisions that govern health maintenance organizations shall now govern essentially all health care organizations. But when you read those existing provisions, the standards for HMOs seem to be a little loose.

"My current reservation is not that we tighten this section of the bill up, but that we do it, if at all, correctly. And I would urge that as we go to conference on this particular provision, if it doesn't look like we have

it right, I hope we will take the time to defer a year and get it right before we enact into law something that may do more harm than good. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2297, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 2411, SD 2, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2411, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 3105, SD 1, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 3105, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

**S.B. No. 2774, SD 3, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 2774, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

The Chair directed the Clerk to note that S.B. Nos. 3113, 3159, 682, 2297, 2411, 3105 and 2774 had passed Third Reading at 6:31 o'clock p.m.

**S.B. No. 2292, SD 1, HD 1:**

Representative Okamura moved that S.B. No. 2292, SD 1, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Arakaki rose to speak in opposition to the measure, stating:

"Mr. Speaker, I don't know how many of us remember those happier days when we had a surplus. But Mr. Speaker, I believe back in 1988 when we authorized both the HRF and DURF, and I think at that time I was probably the only one who voted against the authorization of \$100 million the first year and an additional \$25 million the following year. If I can recall, I called it their \$125 million 'boondoggle' because these revolving funds were created for the purpose of development of affordable housing.

"What we're doing in this bill now is to transfer funds from both the HRF and DURF. And in essence this has become a rainy day fund for the State. And my objection is that even though I voted against it, I believe that there was a purpose created for these funds. And the purpose was to provide housing for the people of Hawaii.

"In a recent report that I got from the Housing Finance and Development Corporation on the 1997 Housing Policy Study, the good news is that there's a greater percentage of homeowners in 1997 than in 1992. In fact, it's increased from 51.9 percent in 1992 to 57.9 percent in 1997. So we are doing well in terms of affordable housing. I think where we are failing though, and where the greatest needs are in affordable rental housing, especially for lower income groups. According to the study, nearly 11,000 affordable rental units will be needed

over the next five years, sixty percent of them here on Oahu.

"Now if anybody recalls when the last time our federal government paid for public housing, you'll know that it's been quite a while because the federal government no longer builds public housing. So it's basically up to the State. So I'm just wondering, I realize that we do have a budget shortfall, but I also realize that housing is one of the basic needs of our people. And according to what the Constitution says and according to what the statute says, we are suppose to use the funding from the revolving funds to provide affordable homes. So I know this bill will be going to conference and I know it's part of the financial plan for the Administration and for the House. But I would urge that at least part of it be dedicated to housing so that we can at least honor part of the purpose for which these funds were created.

"An additional note, one of the projects that we did fund out in Kapolei will probably suffer a great deal in terms of delays, especially to the community support facilities, because we continue to transfer funds out from these two funds. So with those comments, Mr. Speaker, I stand in opposition to this bill."

The motion was put to vote by the Chair and carried, and S.B. No. 2292, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Arakaki voting no, and Representative Chang and Yoshinaga being excused.

**S.B. No. 2063, SD 2, HD 1:**

Representative Okamura moved that S.B. No. 2063, SD 2, HD 1, pass Third Reading, seconded by Representative M. Oshiro.

Representative Tarnas rose to speak in opposition to the measure, stating:

"Mr. Speaker, sensible land use regulatory reform is needed in Hawaii, however, this bill is not the answer. The key analytical guide to land use reform must be a clear delineation of State interests and county interests. The Land Use Commission and the Board of Land and Natural Resources must focus their decisions on State concerns and the counties would be dealing with zoning issues and other county concerns. Keeping this in mind, this bill causes more confusion than guidance.

"For example, the State Constitution requires us to protect and preserve agriculture. Yet the measure before us gives to the county responsibility over agricultural land parcels as large as 150 acres. I question the wisdom and the constitutionality of this provision. Since articulating State interest is essential in dividing the responsibilities for land use decisions between the State and the counties, and in fact, this measure requires that all intervenors must base their case only on State interest. I frankly do not understand why this measure deletes the section that specifically lays out areas of State concern.

"And I now quote, these provisions that are proposed to be removed from the statute, 'State concerns such as preservation or maintenance of important natural systems or habitats; maintenance of valued cultural, historical or natural resources; maintenance of other natural resources relevant to Hawaii's economy including, but not limited to agricultural resources commitment of State funds and resources; provisions for employment opportunities and economic development; and provision for housing opportunities for all income groups particularly the low, low-moderate, and gap groups.'

"These are provisions in the statute that this bill proposes to remove. These are clearly State concerns. Why does this bill delete them? I do not know. In addition, this bill unnecessarily constrains public participation by two things: limiting the criteria for intervention status; and secondly, requiring that a person file for intervention status within 30 days after the boundary change petition is filed.

"Frankly, Mr. Speaker, you have to give up on the process even before it gets started. For these reasons, Mr. Speaker, I must oppose this measure, but I do hope that these issues can be addressed in conference committee so I can support a final land reform bill when we hear it for Final Reading."

Representative Thielen then rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This is supposedly Land Use Commission reform, but you can't have real reform of land use procedures where you're going to prevent the public from intervening in those procedures. I keep holding up our environmental report card, Mr. Speaker. We're moving fast from a 'C' down to a 'D-' when we have bill such as this. This will prevent groups such as the Sierra Club, Life of the Land, and the rest of them from challenging a decision before the land use or preceding before the Land Use Commission.

"They're going to have to have an ownership interest in land or a more substantial nexus of interest. I think I spoke to all of us before about this. In the 1970s, we had some wonderful cases decided by the State Supreme Court. And they were under, I believe, the leadership of former Chief Justice William Richardson. One of them was Town vs. Land Use Commission. Another one that I was involved in later in the early 1980s was Stop H-3 Association and Life of the Land vs. the Department of Transportation. And that's where we were able to win standing for those environmental groups.

"This bill goes backward, and it erases away all of those hard, fought for rights for environmental groups. It means that there's no one there left to protect the environment. It means that our next environmental report card will be a 'D-' or maybe even an 'F' because we will have prevented those various environmental groups from being able to intervene in proceedings and protect the environment.

"We've also taken away the ability for the proceeding at the Land Use Commission to even consider measures of statewide importance as mentioned by the previous speaker. The Land Use Commission is supposed to be considering issues of statewide importance when it makes determinations on land use changes. And we're saying, 'no don't do that,' which makes no sense whatsoever. I think that, Mr. Speaker, I spoke before about this saying that I hope that this bill would be one of those that we recommitted.

"This isn't land use reform. This is land use violation. And I think you ought to think about this, members. You may be in a rush to simplify the land use process. Don't do it at the expense of preventing those environmental groups that have protected our environment, that has made Hawaii such a wonderful place to live. A recent travel magazine, Mr. Speaker, states that 'Hawaii's reputation as a clean paradise provides a false sense of security courting U.S. travelers.'

"Well, you know who protects our environment. It's not those of us sitting here in this room when we pass legislation like this. It's the environmental groups outside of these halls who are out there willing to do the

challenge. And we've just said to them: 'too bad guys, too bad men and women, you're not going to be able to even get in the door because you're not going to own the land.' And we're not going to say that you have enough substantial nexus, legal gobbledygook, for preventing them from intervening.

"Real bad mistake, Mr. Speaker, a very anti-environmental move. And I would like to just mention that there is a November Advertiser/Channel 2 News Hawaii Poll where 50 percent of Hawaii residents believe that environmental laws should be strengthened and toughened. The Land Use Commission and the contested case process protect those interests and we're taking away their right to intervene with this bill. I'll be awfully glad, Mr. Speaker, if you'd stand up and say this bill is being recommitted, but I'm going to hold out hope that the Senate side is going to take a look at it and say: 'we're not not going to do this.'

"Thank you, Mr. Speaker."

Representative Pendleton then rose and asked the Clerk to register an aye vote with reservations for him, and the Chair "so ordered."

Representative Morita then rose to speak in opposition to the measure, stating:

"Many of my objections to the bill was stated by the Representative from Kailua and the Representative from Kohala. However, I would like to point out on page 9, line 6 through 13, this portion of the bill shifts the burden of proof from the applicant to the Land Use Commission to find the application unreasonable. This is a major shift in land use policy and are we prepared to fund additional staff required to take care of the work load shift from meaningful review of an application? Also, Mr. Speaker, may insert additional comments in the Journal," and the Chair "so ordered."

Representative Morita's additional remarks are as follows:

"As I mentioned in my remarks on House Bill 2558, HD 1, we are working on the faulty premise that the Lane Use Commission process is adversely impacting our economy. Uncertainty in land use planning exists only when a developer proposes development on lands that need to be reclassified or rezoned. That is a risk the developer knowingly takes.

"The fact remains that enough land has already been designated for urban development to satisfy projected growth. Between 1987 and 1996 the Land Use Commission reclassified over 19,000 acres for urban development. Of the potential 66,000 units proposed by developers fewer than 9,000 have been completed.

"This bill is an assault on Hawaii's environment and culture. This bill represents a major shift in land use policy and public participation in the land use process. This bill kills every vehicle to protect the public's interest in land use process. The limiting of intervention to property ownership, deleting the language of intervention being freely granted, shifting the burden of proof from the applicant to the Land Use Commission, no clear delineation of the State's interests all effectively eliminate language to protect the public's interest.

"This bill is not to improve land use or regulatory process, but a bill to effectively strip native Hawaiians, public interest advocates, and concerned community members to participate in land use decisions."

Representative Say then rose to speak in support of the measure, stating:

"Mr. Speaker, it seems like I'm the only person that's going to defend the ERTF proposals here this evening and this afternoon. Mr. Speaker, I speak in support of the passage of Senate Bill 2063, Senate Draft 2, House Draft 1, Relating to Land Use, which serves to streamline the current land use process.

"As you know, your Committee on Finance earlier passed out House Bill 2558, House Draft 1, which bill would have significantly reformed Hawaii's land use system by eliminating the duplication that exists between the current state and county land use regulatory process. We supported this measure because we believed that reform of Hawaii's land use system is extremely important to the revitalization of Hawaii's economy.

"It is also widely acknowledged that our current land use system is fraught with a lot of duplications and that was brought up by the Task Force, which results in an overly lengthy, costly, risky approval process which contributes to Hawaii's reputation for being anti-business and unfriendly to investment into the State of Hawaii. It also contributes to the high cost of the government in Hawaii and thus the cost of our residents' homes, their places, and the things they buy.

"Mr. Speaker and members of this House, in short the land use process ultimately affects all of us and it clearly affects Hawaii's economic competitiveness. House Bill 2558, House Draft 1, would have served to make Hawaii's land use system more responsive and efficient. Thus improving Hawaii's ability to attract much needed investments and to provide new jobs while maintaining the necessary governmental controls and opportunities for public participation.

"This, Mr. Speaker and members of this House, is the land use reform proposal we wanted to further. However, for the Finance Committee and the members of this House, on March 18 an opinion from the Attorney General's office, which questioned whether House Bill 2558, House Draft 1, adequately met the requirements of Article 11, Section 3 of the Hawaii Constitution, put an end to the effort of our session.

"So your Committee did not feel it would be prudent to further a measure whose constitutionality was unclear. At this point, two weeks ago in the legislative process, the House Finance Committee and its staff tried, Mr. Speaker and members of this House, to reconstruct another vehicle in trying to address the ERTF proposal as one out of 15 proposals that were supported by the Task Force members. But it also met the Attorney General's recent interpretations.

"Nevertheless, as legislators, I would be extremely remiss if we did not strive to make a meaningful improvement to the land use system this year. And let me reiterate, even if it did not make any major structural changes to what the ERTF proposals were all about, if all of us here today could ask that, we could say: Yeah, let's support the status quo, there is no need for this measure. Let's be honest. And that is why, Mr. Speaker and members of this House, your Committee has put forth Senate Bill 2063, Senate Draft 2, House Draft 1, and all I'm encouraging is your House support.

"It would retain the structure of our current land use system, it will make changes to reduce the duplication that exists in the current system and make the approval process much more efficient and more predictable on behalf of the investor and the land owner. The intended result, Mr. Speaker and members of this House, is the

process that is quicker, less risky, and more facilitated to business while still retaining the necessary governmental reviews and public participation opportunities from the current system.

"Let me address, Mr. Speaker and members of this House, some of the concerns that have been raised about Senate Bill 2063, Senate Draft 2, House Draft 1, from last week Thursday. There have been a lot of questions as to why certain of the Land Use Commission decisions criteria have been deleted on pages 19 and 20 of the proposed bill. This is an integral part of an effort to reduce the amount of duplication that exists under the current system.

"It is the intent to redirect the land use review to issues of broad statewide policy rather than the parcel-specific issues they engage in presently, the 50 to 150 acres. In testimony, a number of testifiers pointed out in detail five degrees of overlap between the conditions imposed by the LUC and those imposed by the counties of where we come from. They were being required to address many of the same impacts twice. This needs to be changed.

"The State should look at policy issues and the county at more specific localized impacts. And let me point out, however, that even with the recommended change, the Land Use Commission still has leave to address many of the aspects of the proposed project under the remaining criteria, which requires conformance..."

At this time, Representative Yamane yielded his time to Representative Say.

Representative Say continued, stating:

"... with the Hawaii State plan and the functional plans that were developed by the Administration of the former Governor of the State of Hawaii, Governor George Ariyoshi.

"Mr. Speaker and members, there have been a lot of questions asking whether this bill asks to limit intervenors' rights. It's my opinion the answer is 'no.' The bill establishes a 30 day time limit for filing a request to intervene. Is a 30 day filing deadline unreasonable? I thought we all wanted to streamline the process that has limits on one's rights. I don't believe so.

"The bill also tightens up who can qualify for intervenor's status. Currently, and I quote, 'ways to intervene shall be freely granted. It is virtually an open playing field for all.' Truly this increase to risk to the applicant of completing the approval process is expedient and certain within the time frame. Is it reasonable to subject applicants to an intervenor 'free for all'?

"All of us here on this floor of the House want to promote and market and advertise economic development for the people of the State of Hawaii. I don't think so. The bill reasonably finds what is a legitimate business for intervention and no one with legitimate rights will be denied participation in the process.

"Lastly, Mr. Speaker and members of this House, the bill specifies that the subject of intervention shall be matters of State interest, not matters under the county jurisdiction. Again, this is consistent with the efforts to eliminate the duplication process and to make the process much more efficient. It simply requires any intervenor to address only those issues which are properly the jurisdiction of the Land Use Commission. Broad policy issues of statewide concern.

"In conclusion, Mr. Speaker and members of this House, I believe it is extremely important that this body



take action now, similar to our other taxation measure, to improve the current land use approval process. We have heard the plea from a broad cross section of our community. While major structural reform has been stymied by the Attorney General's opinion, I believe that Senate Bill 2063, Senate Draft 2, House Draft 1, is a very good interim measure to pursue.

"I recognize that it does not address all of the current land use issues that have been raised this session, but it does continue meaningful change, and does not preclude structural reform, in the future. I recognize that Senate Bill 2063, Senate Draft 2, House Draft 1, will not please everybody here this evening. A change, Mr. Speaker, never does. And if we seem to please everyone, I know for a fact, we'll hang tough ourselves from making the changes that we so desperately need to move this economy further into the future.

"I firmly believe, Mr. Speaker and members, that the people of Hawaii want change and they want it now. So I ask all of my members to support me and this measure that was passed out of the Finance Committee in regards to Senate Bill 2063, Senate Draft 2, House Draft 1. Thank you."

Representative Moses then rose and stated:

"Thank you, Mr. Speaker. I stand with the distinguished Finance Chair in support of this measure with reservations. My reservations are both basically addressed on page 6, Mr. Speaker. It says 'in order to be an intervenor a person has to demonstrate that they will be so directly, substantially and immediately affected by the proposed change that their interest in the proceeding is clearly and substantially distinguishable from that of the general public.'

"And also, as has been indicated before, Mr. Speaker, what has been removed from the language on page 6 is the 'leave to intervene shall be freely granted.' I believe that we're cutting off a segment of our population which should have the right to speak and be heard on these matters. Thank you."

Representative Kahikina then rose and asked the Clerk to register an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer then rose in support of the measure with reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Meyer's remarks are as follows:

"Mr. Speaker, I rise to speak on SB 2063 SD2, HD1 with reservations. Because I am in favor of streamlining and eliminating duplication, I cannot vote 'no' on this bill. However, I am not in favor of overly limiting or eliminating the Land Use Commission's responsibility for looking after the State's interests as part of the bigger picture. I'm concerned that we're moving so quickly--even recklessly in some cases--to dismantle agencies that we may, sometimes, do more harm than good. I believe this may be the case with SB 2063 SD 2 HD 1.

"The Senate drafts contain certain provisions that were eliminated in the House version. For example, the House draft severely limits the opportunity to intervene and, even then, intervention is only allowed at the State level. The Senate drafts, however, provided for intervention at the county level.

"We must balance our concerns with reducing and streamlining government and our stewardship obligations to the citizens who have elected us. Yes, we need

streamlined government and government regulatory processes. No, we don't need such streamlining and reform that will potentially produce bad decisions and worse results.

"I can only hope that the Conference Committee will be able to blend the best of both the SD2 AND HD1 in order to accomplish what we all know the state needs.

Representative Fox then rose to speak in support of the measure, stating:

"Mr. Speaker, when I was growing up there was a television program called, 'Father Knows Best,' and I think it really sort of summed up the attitude of the time we felt that Hawaii's 'father' was the right authority for a family. But times have changed since then. The economy has grown up and local government is now in a position to deal with land use decisions. And the ERTF was right to recognize that there's now real overlap between the state and the counties and that some room should be made for the counties and their planning departments and their elected councils to deal with land reform issues.

"We are taking a step in the direction of sorting out the duplication between the state and the county. It's never easy to give up power. We can always find reasons why keeping power does serve the interest of those we represent. So I applaud the Chair of the Finance Committee for taking the action to bring this measure forward and enabling the people of Hawaii to benefit from less duplication between the state and the county. Thank you."

Representative Okamura then rose to speak in support of the measure, stating:

"Mr. Speaker, almost everyone in Hawaii agrees that the existing land use system in Hawaii is duplicative, lengthy, and inefficient. As a result, it is very costly, incapable of responding to economic opportunities, and creates an uncertain environment for investment. It is a significant barrier to Hawaii's economic recovery--and change is long overdue!

"Mr. Speaker, SB 2063 will certainly improve Hawaii's ability to attract capital investment and stimulate new economic opportunities.

"This bill accomplishes three simple things that will produce immediate benefits for the State. It reduces processing time and removes costly and unnecessary duplication. It grants to the counties increased land use authority and responsibility, providing more direct home-rule in land use matters. And it transfers parcel-specific zoning and construction issues from the Land Use Commission to the counties, where it rightfully belongs.

"Mr. Speaker, unlike the original ERTF bill, which proposed major structural changes to our land use system, this bill retains the State Land Use Commission. The Commission will continue to process all boundary amendments to the Conservation District, as well as boundary amendments to any other district that involves a parcel of 150 acres or more.

"To improve certainty and predictability for petitioners, this bill speeds up Commission action. It requires the LUC to hold a hearing on the proposed amendment within 90 days -- currently the Commission has up to 180 days to hold a hearing. In addition, this bill requires the LUC to issue a decision on the petition within 180 days -- currently the commission has up to 360 days.

"Some have asked: 'Who can participate in these hearings?' The answer: 'Any person: (1) with an ownership interest in the land; or (2) who can demonstrate that they will be so directly, substantially and immediately affected by the proposed change that their interest in the proceeding is clearly and substantially distinguishable from that of the general public.' In other words, if a person or organization has a legitimate concern relating to matters of state interest that are not already being addressed by the other parties involved, they may request and be allowed to participate.

"Finally, Mr. Speaker, perhaps the most beneficial aspect of the bill is elimination of duplicative review by the LUC of the site-specific zoning and construction matters that are reserved or granted to the counties. This means that the LUC will focus its review and decision-making on the extent to which the proposed reclassification conforms to statewide goals, objectives and policies, and to the applicable district standards.

"There is also concerns by speakers regarding the elimination of specific decision making criteria for the LUC relating to areas of statewide concern. All of these areas and issues of statewide concern are addressed, as the Finance Chair stated, in the Hawaii State Plan goals, objectives, and policies, which information shall, and I repeat, shall specifically consider in its review of any petition.

"With respect to the section being deleted, the comparable sections of the Hawaii State Plan includes such things as consideration that has to be considered of natural systems and habitats, cultural, historical and natural resources, other natural resources including agriculture, State funds and resources, employment and economic activity, housing for low, moderate, and gap groups. Clearly if an important statewide issue was not specifically identified in paragraph 3, that does not mean that it should not be taken into consideration. Examples would include population, social welfare, energy use, public facilities, therefore, removal of specific reference to these six areas likewise does not mean that they are not to be considered by the LUC.

"Thank you."

Representative Case then rose to speak in opposition to the measure, stating:

"I would like to incorporate by reference the remarks of the Representative from Kamuela," and the Chair "so ordered."

Representative Case continued, stating:

"I would also like to add that, in terms of what the ERTF was or was not trying to accomplish in this area, I did serve on the role of government working group where this proposed concept came from. While much of what the Majority Leader has stated just now is accurate, what the working group was most concerned about was elimination of duplication, but not at the expense of having the Land Use Commission continue to focus on statewide issues.

"I'm frankly quite comfortable that with some amendments that this bill could probably be very clear in that objective. And frankly the Majority Leader has almost persuaded me on the spot, but I think I must reserve judgement for a few more weeks until the final version is proposed. Thank you."

Representative Morihara then rose in support of the measure with reservations and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Morihara's remarks are as follows:

"I do see merit in the streamlining of the use process. This bill makes programs in that regard by allowing greater county governance and quicker decisions.

"But I am concerned about our continued commitment to agriculture. At the same time we streamline the process, we should clarify and strengthen the state laws protecting agriculture to establish clear guidelines for land use."

Representative Herkes then rose and stated:

"Mr. Speaker, ruling on a conflict. I work for a land developer," and the Chair ruled "no conflict."

Representative Stegmaier then rose and asked the Clerk to register an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen then rose and stated:

"Thank you, Mr. Speaker. I'm continuing with my remarks in opposition to the bill relating to the Land Use Commission.

"Mr. Speaker, there's been some talk by the Finance Chair and others about getting our economy started and that this is supposed to be a way to do it. You have to recognize our economy is based upon our natural resources. Our economy is based upon the environment. Why do you think tourists come to Hawaii? Not because we're Pittsburgh with steel mills, but because we have a beautiful environment, wonderful people, and a beautiful environment.

"Part of the way that we've been able to retain that even though it's been a struggle through the decades has been to allow the environmental groups to intervene to protect the environmental interest. There's no state agency that stands up for the environment. There's no state agency that stands up for the birds, the trees, the purity of the ocean waters. It may be well to go and impose a permit violation upon someone, but the real defenders of the environment are those groups that we were honoring this morning on the floor of the House of Representatives and other groups that weren't here, such as Life of the Land.

"When you take a look at the standing that the Chairman of Finance said that would be freely granted, you also have to look that that section has been bracketed out. It doesn't exist anymore. And frankly, having litigated this area and won it in the circuit court, I would find it difficult to find standing for the way it is stated in here for Life of the Land. Could we demonstrate that they will be so directly, substantially, and immediately affected by the proposed change that their interest in the proceeding is clearly and substantially distinguishable?

"Well the Chairman of Finance has said that what this does is make approval process more predictable. Sure it's a 'slam dunk'. You go in for a land use change, it's a 'slam dunk'. Much more predictable because you know what the answer is before you even go in. The deck is stacked. And I'm not referring to gambling, Mr. Speaker.

"It won't be a gamble anymore. When he mentioned about -- I took my notes so fast it's hard to read all of this -- but the intervenors only address broad policy issues, the Chairman of Finance mentioned. Yes, but look at what they are going to miss. You're saying it's in the State Plan that all of these areas are in the State Plan,

don't worry about it. Well, I take my direction from one of our foremost land use experts in this state, the Executive Director of the Sierra Club. And those interests aren't going to be protected through reference to the State Plan in the same way that they are in the language that has been bracketed out.

"This means that when they want to maintain valued, cultural, historical, and natural resources, the language isn't going to be in there in the bill. You'll plow through the State Plan and try to find something that's just been kind of trying to do the same thing. But the real direction of the statewide interest is being removed from the bill. This means, Mr. Speaker, that a State Land Use Commission can't look at those specific statewide land use concerns and interests. They have to sort of look at the broad policy goals and objectives of the State Plan.

"Well go look at the two and compare them side by side. You're removing the environmental protections and as was noted by a person recently in a letter to the editors, 'it's undeniable that Hawaii's environmental, scenic, historical, and cultural resources have deteriorated greatly since statehood.' But Mr. Speaker, what we're doing here today..."

Representative Say then rose and stated:

"Mr. Speaker, she has exhausted her time, but I'll let her continue on for my five minutes."

Representative Marumoto then rose and stated:

"Mr. Speaker, I'll be happy to yield my time."

The Chair responded: "The Chairman has already yielded his time because he's a very generous person."

Representative Thielen continued, stating:

"Thank you. While I'm responding to the Chairman, I thought he had used his time, but thank you anyway Chairman.

"Mr. Speaker, we're talking about the letter to the editors that was talking about how things had deteriorated greatly since statehood. And then the author then states, 'any action that deletes protection of what little remains is a clear threat to the long term sustainability of a high quality visitor industry on which we all directly or indirectly depend.'

"That's what I'm talking about, Mr. Speaker, the visitors to Maui don't come to Maui to look at the High Tech Park. The visitors to Maui come to look at the beauty of your island, Mr. Speaker. The beauty of your island has been preserved because of those very groups we honored on the floor this morning. And what we are doing with this bill is slamming the door on their ability to intervene to continue to protect the beauty of our islands and their natural resources. This is just going backward. I know we're moving a little bit more conservatively folks, but that doesn't mean that we trash and throw away the environment as we do this.

"This is the wrong way to go. And you should please look at this. Please look at it. We have an opportunity not to pass this bill. And if you're saying this is for the good of economic revitalization -- wrong. In 10 years from now, those of you who are still here in these halls I imagine would recognize that was really wrong. And I think of the groups that have been fighting so valiantly and the door's shut, guys. And that's wrong."

The motion was put to vote by the Chair and carried, and S.B. No. 2063, SD 2, HD 1, entitled: "A BILL FOR

AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 35 ayes to 14 noes, with Representatives Aiona, Arakaki, Case, Hiraki, Lee, Menor, Morita, Saiki, Santiago, Takamine, Takai, Takumi, Tarnas and Thielen, voting no, and Representative Chang and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 2292 and 2063 had passed Third Reading at 7:12 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1368-98) recommending that H.C.R. No. 21, HD 1, be adopted.

By unanimous consent, consideration of Stand. Com. Rep. No. 1368-98 and H.C.R. No. 21, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.C.R. No. 21, 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. 1369-98) recommending that H.C.R. No. 103, HD 1, be adopted.

By unanimous consent, consideration of Stand. Com. Rep. No. 1369-98 and H.C.R. No. 103, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.C.R. No. 103, HD 1, were made available to the members of the House.

#### HOUSE COMMUNICATION

A communication dated April 14, 1998, from Patricia Mau-Shimizu, Chief Clerk of the House of Representative, to the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, giving notice of the final form of Senate Bill No. 2211, SD 2, HD 1, entitled: "RELATING TO EDUCATION," in accordance with the provisions of Article XVII, Section 3 of the Hawaii Revised Statutes.

#### ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, I'd like to express a note of gratitude for you facilitating these almost nine hours of debate, and to make an observation. For the first time in my eight years here, I saw a really healthy give and take of questions and answers, for chairs, for authors, for even those who are non-chairs being questioned and answered. It's very healthy. It's in the direction of the full first amendment development of this marketplace of ideas. So thank you, Mr. Speaker."

Representative Meyer: "On behalf of all the Minority Caucus, I want to thank you for the delicious lunch and the camaraderie that we experienced in your caucus room. Thank you very much."

Representative Arakaki: "Mr. Speaker, I'm not sure if you're a wrestling fan, but I remember when I was growing up I wasn't watching 'Father Knows Best.' I used to love watching wrestling. And there was this one big wrestler, Hawaiian wrestler named Curtis 'the bull' Iaukea. Well, his patented move was the 'big splash.' So Mr. Speaker, tomorrow you have an opportunity to also be known as the 'big splash.' We have a dunking booth and we've signed up people from 9:00 a.m. to 11:00 a.m. and from 3:00 p.m. on and we have a gap in between 11:00 a.m. and 3:00 p.m. So I want to urge you

and all the other members to sink a little so that we keep other people afloat and volunteer to be dunked."

The Chair responded: "Thank you very much. I believe I have volunteered. It would probably be getting to you soon."

#### **ADJOURNMENT**

At 7:16 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m. on Thursday, April 16, 1998. (Representatives Chang and Yoshinaga were excused.)

## FORTY-NINTH DAY

**Thursday, April 16, 1998**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:43 o'clock a.m., with the Vice Speaker presiding.

The invocation was delivered partly in song by Reverend Kekapa Lee of the Waiola Church in Lahaina, after which the Roll was called showing all members present with the exception of Representatives Cachola, Goodenow, Saiki, Souki and Takamine, who were excused.

On motion by Representative M. Oshiro, seconded by Representative Marumoto and carried, reading of the Journals was dispensed with and the Journals of the House of Representatives of the Thirty-Seventh, Thirty-Eighth, Thirty-Ninth, Fortieth, Forty-First, Forty-Second, Forty-Third, Forty-Fourth and Forty-Fifth Days were subsequently approved. (Representatives Cachola, Goodenow, Saiki, Souki, Takamine and Ward were excused.)

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 203 and 204) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 203, informing the House that on April 13, 1998, he signed the following bills into law:

House Bill No. 2901 as Act 016, entitled: "MAKING EMERGENCY APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII";

House Bill No. 2520 as Act 017, entitled: "RELATING TO FRIVOLOUS LOBBYING CHARGES"; and

Senate Bill No. 2916 as Act 018, entitled: "RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS".

Gov. Msg. No. 204, informing the House that on April 15, 1998, he signed the following bills into law:

House Bill No. 2768 as Act 019, entitled: "RELATING TO MILK";

House Bill No. 2851 as Act 020, entitled: "RELATING TO GRANDPARENTS' VISITATION RIGHTS";

House Bill No. 611 as Act 021, entitled: "RELATING TO OCEAN RESOURCES";

House Bill No. 2531 as Act 022, entitled: "RELATING TO COUNTY ELECTIONS REQUIRING A RUNOFF"; and

House Bill No. 2523 as Act 023, entitled: "RELATING TO THE GENERAL COUNTY REGISTER".

## DEPARTMENTAL COMMUNICATION

A communication from Mr. Yukio Naito, Chairman, Public Utilities Commission, transmitting Amendments to and Compilation of Title 6, Chapter 74, Hawaii Administrative Rules (HAR), "Standards for Small Power Production and Cogeneration"; Effective Date: April 17, 1998; Report to the House of Representatives, in response

to House Concurrent Resolution No. 32, House Draft 2 (1994), was received by the Clerk and was placed on file.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 448 through 603) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 448, transmitting S.C.R. No. 47, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SCHOOL OF PUBLIC HEALTH TO STUDY THE FEASIBILITY OF UTILIZING COMPLEMENTARY AND ALTERNATIVE MEDICAL CARE IN THE HEALTH CARE SYSTEM IN HAWAII," which was adopted by the Senate on April 14, 1998.

Sen. Com. No. 449, transmitting S.C.R. No. 137, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER THE PROPOSAL OF THE ECONOMIC REVITALIZATION TASK FORCE THAT ALL PUPILS GRADUATING FROM HIGH SCHOOL BEGINNING WITH THE 2000 SCHOOL YEAR SHALL BE COMPETENT IN LANGUAGES OTHER THAN ENGLISH. (AMENDED TITLE)," which was adopted by the Senate on April 14, 1998.

Sen. Com. No. 450, transmitting S.C.R. No. 180, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO NAME THE MAUI HIGH SCHOOL GYMNASIUM IN HONOR OF FORMER SENATOR MAMORU YAMASAKI," which was adopted by the Senate on April 14, 1998.

Sen. Com. No. 451, transmitting S.C.R. No. 192, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE KIHEI HIGH SCHOOL COMMUNITY COMMITTEE TO CONTINUE ITS EFFORTS TO ESTABLISH A CHARTER SCHOOL IN KIHEI, MAUI, CENTERED ON SYSTEMS TECHNOLOGY AND BASED ON PUBLIC-PRIVATE PARTNERSHIPS," which was adopted by the Senate on April 14, 1998.

By unanimous consent, further action on S.C.R. Nos. 47; 137, SD 1; 180 and 192 was deferred until later in the calendar.

Sen. Com. No. 452, returning H.B. No. 2441, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 453, returning H.B. No. 2519, entitled: "A BILL FOR AN ACT RELATING TO LIST OF PERSONS EXAMINING RECORDS," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 454, returning H.B. No. 2522, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARTIES," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 455, returning H.B. No. 2528, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 456, returning H.B. No. 2626, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

OCCUPATIONAL THERAPY," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 457, returning H.B. No. 2708, entitled: "A BILL FOR AN ACT RELATING TO COURTS AND JUDICIAL PROCEEDINGS," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 458, returning H.B. No. 2709, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 459, returning H.B. No. 2791, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 460, returning H.B. No. 2810, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 461, returning H.B. No. 2814, entitled: "A BILL FOR AN ACT RELATING TO SENIOR PSYCHOLOGISTS," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 462, returning H.B. No. 2816, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE EXAMINATIONS," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 463, returning H.B. No. 2845, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 464, returning H.B. No. 2850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL ESTATES," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 465, returning H.B. No. 2857, entitled: "A BILL FOR AN ACT RELATING TO THE CHRONIC RENAL DISEASE PROGRAM," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 466, returning H.B. No. 2867, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 467, returning H.B. No. 2883, HD 2, entitled: "A BILL FOR AN ACT RELATING TO KAWAINUI MARSH," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 468, returning H.B. No. 2899, entitled: "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 469, returning H.B. No. 2942, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 470, returning H.B. No. 3031, entitled: "A BILL FOR AN ACT RELATING TO THE CAMPAIGN SPENDING COMMISSION," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 471, returning H.B. No. 3053, entitled: "A BILL FOR AN ACT RELATING TO CIVIL

SERVICE," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 472, returning H.B. No. 3054, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE RATINGS OF EMPLOYEES IN THE CIVIL SERVICE," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 473, returning H.B. No. 3466, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RETENTION OF CASHED WARRANTS," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 474, returning H.B. No. 92, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 475, returning H.B. No. 503, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 476, returning H.B. No. 867, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 477, returning H.B. No. 1099, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 478, returning H.B. No. 1160, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 479, returning H.B. No. 1332, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 480, returning H.B. No. 1533, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 481, returning H.B. No. 1824, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 482, returning H.B. No. 1866, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 483, returning H.B. No. 1966, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 484, returning H.B. No. 2331, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 485, returning H.B. No. 2332, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 486, returning H.B. No. 2355, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 487, returning H.B. No. 2357, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 488, returning H.B. No. 2358, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 489, returning H.B. No. 2361, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 490, returning H.B. No. 2362, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 491, returning H.B. No. 2366, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 492, returning H.B. No. 2381, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CRIME," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 493, returning H.B. No. 2423, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 494, returning H.B. No. 2426, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 495, returning H.B. No. 2437, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 496, returning H.B. No. 2443, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY ENCROACHMENT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 497, returning H.B. No. 2486, HD 3 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 498, returning H.B. No. 2490, HD 3 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 499, returning H.B. No. 2498, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 500, returning H.B. No. 2500, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 501, returning H.B. No. 2506, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 502, returning H.B. No. 2512, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 503, returning H.B. No. 2524, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CONTESTS FOR CAUSE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 504, returning H.B. No. 2533, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 505, returning H.B. No. 2537, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 506, returning H.B. No. 2558, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO LAND USE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 507, returning H.B. No. 2560, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 508, returning H.B. No. 2563 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 509, returning H.B. No. 2564, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 510, returning H.B. No. 2567, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENTAL SERVICES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 511, returning H.B. No. 2598, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 512, returning H.B. No. 2648, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 513, returning H.B. No. 2649, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 514, returning H.B. No. 2655, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 515, returning H.B. No. 2660 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 516, returning H.B. No. 2666, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 517, returning H.B. No. 2667, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 518, returning H.B. No. 2671, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 519, returning H.B. No. 2672, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 520, returning H.B. No. 2675, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 521, returning H.B. No. 2680, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 522, returning H.B. No. 2701, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 523, returning H.B. No. 2702, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES COMMISSION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 524, returning H.B. No. 2710, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING

TO THE JUDICIARY," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 525, returning H.B. No. 2749, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 526, returning H.B. No. 2750, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 527, returning H.B. No. 2758, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 528, returning H.B. No. 2762, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 529, returning H.B. No. 2765, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 530, returning H.B. No. 2774 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 531, returning H.B. No. 2778 (SD 1), entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 532, returning H.B. No. 2779 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 533, returning H.B. No. 2780 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 534, returning H.B. No. 2800 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 535, returning H.B. No. 2801, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 536, returning H.B. No. 2803 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 537, returning H.B. No. 2823, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING



TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 538, returning H.B. No. 2837, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 539, returning H.B. No. 2842, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 540, returning H.B. No. 2843, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 541, returning H.B. No. 2844, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 542, returning H.B. No. 2847, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 543, returning H.B. No. 2852, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 544, returning H.B. No. 2855, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO NURSE MIDWIVES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 545, returning H.B. No. 2862, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 546, returning H.B. No. 2866 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 547, returning H.B. No. 2869, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 548, returning H.B. No. 2870 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 549, returning H.B. No. 2871 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 550, returning H.B. No. 2878, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING

TO AQUATIC RESOURCES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 551, returning H.B. No. 2888, HD 2 (SD 1), entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 552, returning H.B. No. 2889, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 553, returning H.B. No. 2892, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 554, returning H.B. No. 2909, HD 2 (SD 1), entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 555, returning H.B. No. 2912, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 556, returning H.B. No. 2921, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 557, returning H.B. No. 2932 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 558, returning H.B. No. 2935 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 559, returning H.B. No. 2941, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 560, returning H.B. No. 2958, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 561, returning H.B. No. 2985, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION AND WATER UTILIZATION PROJECTS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 562, returning H.B. No. 2990, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 563, returning H.B. No. 2992, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 564, returning H.B. No. 2998, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME AUTHORITY," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 565, returning H.B. No. 3005, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 566, returning H.B. No. 3010 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 567, returning H.B. No. 3024 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 568, returning H.B. No. 3028, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 569, returning H.B. No. 3033, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 570, returning H.B. No. 3055, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," which passed Third Reading in the Senate on April 14, 1998.

Sen. Com. No. 571, returning H.B. No. 3059 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 572, returning H.B. No. 3065, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 573, returning H.B. No. 3082, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 574, returning H.B. No. 3130, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 575, returning H.B. No. 3132, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 576, returning H.B. No. 3138, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 577, returning H.B. No. 3167, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING

TO EDUCATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 578, returning H.B. No. 3185, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 579, returning H.B. No. 3192, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 580, returning H.B. No. 3199, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO PRIVATIZATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 581, returning H.B. No. 3200, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 582, returning H.B. No. 3247, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONIES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 583, returning H.B. No. 3248, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO LAPSED WARRANTS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 584, returning H.B. No. 3252 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 585, returning H.B. No. 3257, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 586, returning H.B. No. 3281, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 587, returning H.B. No. 3289, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 588, returning H.B. No. 3302, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 589, returning H.B. No. 3361, HD 3 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 590, returning H.B. No. 3367, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO HEALTH TOURISM," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 591, returning H.B. No. 3403, HD 2 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 592, returning H.B. No. 3437, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO FUNDING THE HAWAII HURRICANE FUND," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 593, returning H.B. No. 3443, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO LOANS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 594, returning H.B. No. 3446 (SD 2), entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 595, returning H.B. No. 3457, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 596, returning H.B. No. 3489, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO HARBORS," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 597, returning H.B. No. 3527, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 598, returning H.B. No. 3528, HD 1 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 599, returning H.B. No. 3553 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 600, returning H.B. No. 3568, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARD," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 601, returning H.B. No. 3581, HD 1 (SD 1), entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 602, returning H.B. No. 3613, HD 2 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Sen. Com. No. 603, returning H.B. No. 3625, HD 3 (SD 2), entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT REORGANIZATION," which passed Third Reading in the Senate on April 14, 1998, in an amended form.

Representative Okamura moved that the House disagree to the amendments proposed by the Senate to the following House Bills: H.B. Nos. 92, HD 2 (SD 1); 503, HD 2 (SD 2); 867, HD 1 (SD 2); 1099, HD 2 (SD 1); 1160, HD 1 (SD 1); 1332, HD 2 (SD 2); 1533, HD 2 (SD 1); 1824, HD 2 (SD 2); 1866, HD 2 (SD 2); 1966, HD 2 (SD 2); 2331, HD 1 (SD 1); 2332, HD 2 (SD 1); 2355, HD 1 (SD 1); 2357, HD 2 (SD 1); 2358, HD 2 (SD 1); 2361, HD 1 (SD 2); 2362, HD 1 (SD 1); 2366, HD 2 (SD 2); 2381, HD 1 (SD 1); 2423, HD 1 (SD 1); 2426, HD 1 (SD 1); 2437, HD 1 (SD 1); 2443, HD 2 (SD 1); 2486, HD 3 (SD 2); 2490, HD 3 (SD 1); 2498, HD 2 (SD 1); 2500, HD 1 (SD 1); 2506, HD 1 (SD 1); 2512, HD 1 (SD 1); 2524, HD 1 (SD 1); 2533, HD 1 (SD 2); 2537, HD 1 (SD 1); 2558, HD 1 (SD 1); 2560, HD 2 (SD 2); 2563 (SD 2); 2564, HD 1 (SD 2); 2567, HD 2 (SD 1); 2598, HD 2 (SD 2); 2648, HD 2 (SD 1); 2649, HD 2 (SD 2); 2655, HD 1 (SD 2); 2660 (SD 1); 2666, HD 1 (SD 1); 2667, HD 1 (SD 1); 2671, HD 2 (SD 1); 2672, HD 1 (SD 1); 2675, HD 2 (SD 1); 2680, HD 2 (SD 1); 2701, HD 2 (SD 1); 2702, HD 2 (SD 2); 2710, HD 1 (SD 1); 2749, HD 1 (SD 1); 2750, HD 1 (SD 1); 2758, HD 1 (SD 2); 2762, HD 1 (SD 1); 2765, HD 1 (SD 1); 2774 (SD 1); 2778 (SD 1); 2779 (SD 1); 2780 (SD 1); 2800 (SD 1); 2801, HD 1 (SD 1); 2803 (SD 2); 2823, HD 1 (SD 1); 2837, HD 1 (SD 2); 2842, HD 1 (SD 1); 2843, HD 1 (SD 2); 2844, HD 1 (SD 1); 2847, HD 2 (SD 2); 2847, HD 2 (SD 2); 2852, HD 2 (SD 2); 2855, HD 1 (SD 1); 2862, HD 2 (SD 2); 2866 (SD 1); 2869, HD 1 (SD 1); 2870 (SD 2); 2871 (SD 1); 2878, HD 1 (SD 1); 2888, HD 2 (SD 1); 2889, HD 1 (SD 1); 2892, HD 1 (SD 1); 2909, HD 2 (SD 1); 2912, HD 1 (SD 1); 2921, HD 1 (SD 1); 2932 (SD 1); 2935 (SD 1); 2941, HD 1 (SD 1); 2958, HD 1 (SD 1); 2985, HD 1 (SD 1); 2990, HD 2 (SD 2); 2992, HD 2 (SD 1); 2998, HD 2 (SD 2); 3005, HD 2 (SD 1); 3010 (SD 2); 3024 (SD 1); 3028, HD 1 (SD 2); 3033, HD 2 (SD 2); 3059 (SD 1); 3065, HD 2 (SD 2); 3082, HD 1 (SD 1); 3130, HD 1 (SD 1); 3132, HD 1 (SD 1); 3138, HD 1 (SD 1); 3167, HD 1 (SD 1); 3185, HD 1 (SD 1); 3192, HD 1 (SD 1); 3199, HD 2 (SD 1); 3200, HD 1 (SD 2); 3247, HD 1 (SD 1); 3248, HD 1 (SD 1); 3252 (SD 1); 3257, HD 2 (SD 1); 3281, HD 1 (SD 1); 3289, HD 1 (SD 1); 3302, HD 2 (SD 2); 3361, HD 3 (SD 2); 3367, HD 1 (SD 1); 3403, HD 2 (SD 1); 3437, HD 2 (SD 2); 3443, HD 1 (SD 2); 3446 (SD 2); 3457, HD 2 (SD 2); 3489, HD 2 (SD 2); 3527, HD 1 (SD 2); 3528, HD 1 (SD 2); 3553 (SD 1); 3568, HD 1 (SD 1); 3581, HD 1 (SD 1); 3613, HD 2 (SD 2) and 3625, HD 3 (SD 2) and requested a conference on the subject matter of said amendments, seconded by Representative M. Oshiro.

Representative Moses rose and stated:

"Mr. Speaker, not to be disagreeable but I rise to disagree with disagreeing with the Senate draft of the budget -- House Bill 2500.

"I still have reservations with certain aspects of the measure, but I want to remind my colleagues that the measure is based on no GE tax increase and has many good aspects in it.

"Mr. Speaker, unlike what we sent to the Senate, this version of the bill offers a balanced budget based on no GET increase but retains income tax decreases for the hardworking people of Hawaii. So I have to disagree with disagreeing, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the House disagreed to the amendments proposed by the Senate to the following House Bills: H.B. Nos. 92, HD 2 (SD 1); 503, HD 2 (SD 2); 867, HD 1 (SD 2); 1099, HD 2 (SD 1); 1160, HD 1 (SD 1); 1332, HD 2 (SD 2); 1533, HD 2 (SD 1); 1824, HD 2 (SD 2); 1866,

HD 2 (SD 2); 1966, HD 2 (SD 2); 2331, HD 1 (SD 1); 2332, HD 2 (SD 1); 2355, HD 1 (SD 1); 2357, HD 2 (SD 1); 2358, HD 2 (SD 1); 2361, HD 1 (SD 2); 2362, HD 1 (SD 1); 2366, HD 2 (SD 2); 2381, HD 1 (SD 1); 2423, HD 1 (SD 1); 2426, HD 1 (SD 1); 2437, HD 1 (SD 1); 2443, HD 2 (SD 1); 2486, HD 3 (SD 2); 2490, HD 3 (SD 1); 2498, HD 2 (SD 1); 2500, HD 1 (SD 1); 2506, HD 1 (SD 1); 2512, HD 1 (SD 1); 2524, HD 1 (SD 1); 2533, HD 1 (SD 2); 2537, HD 1 (SD 1); 2558, HD 1 (SD 1); 2560, HD 2 (SD 2); 2563 (SD 2); 2564, HD 1 (SD 2); 2567, HD 2 (SD 1); 2598, HD 2 (SD 2); 2648, HD 2 (SD 1); 2649, HD 2 (SD 2); 2655, HD 1 (SD 2); 2660 (SD 1); 2666, HD 1 (SD 1); 2667, HD 1 (SD 1); 2671, HD 2 (SD 1); 2672, HD 1 (SD 1); 2675, HD 2 (SD 1); 2680, HD 2 (SD 1); 2701, HD 2 (SD 1); 2702, HD 2 (SD 2); 2710, HD 1 (SD 1); 2749, HD 1 (SD 1); 2750, HD 1 (SD 1); 2758, HD 1 (SD 2); 2762, HD 1 (SD 1); 2765, HD 1 (SD 1); 2774 (SD 1); 2778 (SD 1); 2779 (SD 1); 2780 (SD 1); 2800 (SD 1); 2801, HD 1 (SD 1); 2803 (SD 2); 2823, HD 1 (SD 1); 2837, HD 1 (SD 2); 2842, HD 1 (SD 1); 2843, HD 1 (SD 2); 2844, HD 1 (SD 1); 2847, HD 2 (SD 2); 2847, HD 2 (SD 2); 2852, HD 2 (SD 2); 2855, HD 1 (SD 1); 2862, HD 2 (SD 2); 2866 (SD 1); 2869, HD 1 (SD 1); 2870 (SD 2); 2871 (SD 1); 2878, HD 1 (SD 1); 2888, HD 2 (SD 1); 2889, HD 1 (SD 1); 2892, HD 1 (SD 1); 2909, HD 2 (SD 1); 2912, HD 1 (SD 1); 2921, HD 1 (SD 1); 2932 (SD 1); 2935 (SD 1); 2941, HD 1 (SD 1); 2958, HD 1 (SD 1); 2985, HD 1 (SD 1); 2990, HD 2 (SD 2); 2992, HD 2 (SD 1); 2998, HD 2 (SD 2); 3005, HD 2 (SD 1); 3010 (SD 2); 3024 (SD 1); 3028, HD 1 (SD 2); 3033, HD 2 (SD 2); 3059 (SD 1); 3065, HD 2 (SD 2); 3082, HD 1 (SD 1); 3130, HD 1 (SD 1); 3132, HD 1 (SD 1); 3138, HD 1 (SD 1); 3167, HD 1 (SD 1); 3185, HD 1 (SD 1); 3192, HD 1 (SD 1); 3199, HD 2 (SD 1); 3200, HD 1 (SD 2); 3247, HD 1 (SD 1); 3248, HD 1 (SD 1); 3252 (SD 1); 3257, HD 2 (SD 1); 3281, HD 1 (SD 1); 3289, HD 1 (SD 1); 3302, HD 2 (SD 2); 3361, HD 3 (SD 2); 3367, HD 1 (SD 1); 3403, HD 2 (SD 1); 3437, HD 2 (SD 2); 3443, HD 1 (SD 2); 3446 (SD 2); 3457, HD 2 (SD 2); 3489, HD 2 (SD 2); 3527, HD 1 (SD 2); 3528, HD 1 (SD 2); 3553 (SD 1); 3568, HD 1 (SD 1); 3581, HD 1 (SD 1); 3613, HD 2 (SD 2) and 3625, HD 3 (SD 2), and requested a conference on the subject matter of said amendments. (Representatives Cachola, Goodenow, Kawanakoa, Nakasone, Pendleton, Saiki, Souki, Takamine and Ward were excused.)

By unanimous consent, the aforementioned House Bills, as amended by the Senate, were placed on the Clerk's desk.

### INTRODUCTIONS

The following introductions were made to the members of the House:

Representative McDermott introduced 34 students who are members of the Student Council and the JPO from Hickam Elementary School. They were accompanied by their teachers, Ms. Tania Apio and Ms. Joycelyn Kimura.

Representative Lee introduced Ms. Kammy Lee, her daughter visiting from Chicago, and her husband, former Representative Sam Lee.

Representative Arakaki, on behalf of Representatives Ahu Isa, Abinsay, Cachola and himself, introduced Mr. Roy Palien, President of the United Group of Home Operators, and Mr. Herbert Shriner, advocate for education.

### ORDER OF THE DAY

### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were referred to committee by the Speaker:

#### S.C.R.

#### No. Referred to:

- |     |  |
|-----|--|
| 47  | Committee on Health, then to the Committee on Higher Education |
| 137 | Committee on Education   |
| 180 | Committee on Education   |
| 192 | Committee on Education   |

### COMMITTEE REASSIGNMENT

The following concurrent resolution (S.C.R. No. 159) was re-referred to committee by the Speaker:

#### S.C.R.

#### No. Re-referred to:

- |     |                                   |
|-----|-----------------------------------|
| 159 | Committee on Culture and the Arts |
|-----|-----------------------------------|

### INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)

The following resolution (H.R. No. 82) was announced by the Clerk and the following action taken:

H.R. No. 82, entitled: "HOUSE RESOLUTION COMMENDING THE NOMINEES FOR STUDENT STATE BOARD OF EDUCATION MEMBER, JESSICA PREECE AND DANIEL EVANS, BOTH STUDENTS AT KAHUKU HIGH AND INTERMEDIATE SCHOOL," was jointly offered by Representatives Meyer and Santiago.

On motion by Representative Meyer, seconded by Representative Santiago and carried, H.R. No. 82 was adopted, with Representatives Cachola, Goodenow, Kawanakoa, Nakasone, Pendleton, Souki, Takamine and Yamane being excused.

Representative Meyer rose and introduced Ms. Lea Albert, Principal of Kahuku High School, and Ms. Jessica Preece and her parents, Mr. David and Mrs. Laurie Preece.

Representative Santiago introduced Mr. Daniel Evans and his parents, Mr. Robert and Mrs. Mildred Evans.

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

The House of Representatives reconvened at 12:35 o'clock p.m.

### UNFINISHED BUSINESS

#### H.C.R. No. 21, HD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.C.R. No. 21, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING LEASE REISSUANCE FOR SUBMERGED LANDS FOR BOAT MOORING FACILITIES AT THE WAIKIKI YACHT CLUB AND HAWAII YACHT CLUB, AND THE MARINE FUEL FACILITY SITUATED AT THE ALA WAI SMALL

BOAT HARBOR PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

**H.C.R. No. 103, HD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, H.C.R. No. 103, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF BOTH FAST AND SUBMERGED LANDS AT HALE O LONO HARBOR, ON THE ISLAND OF MOLOKAI FOR REDEVELOPMENT, MANAGEMENT, AND OPERATION BY A QUALIFIED PRIVATE ENTITY FOR RECREATIONAL PURPOSES," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

**STANDING COMMITTEE REPORTS**

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1370-98) recommending that H.C.R. No. 160, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 160, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE AND THE OFFICE OF PLANNING TO REASSESS KONA AGRICULTURAL LANDS AS TO WHICH SHOULD BE RECLASSIFIED AS IMPORTANT AGRICULTURAL LANDS TO THE STATE OF HAWAII," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1371-98) recommending that H.C.R. No. 150 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO ENACT LEGISLATION BANNING GAMBLING ON THE INTERNET," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1372-98) recommending that H.C.R. No. 17 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION COMMISSION BY EXECUTIVE ORDER," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1373-98) recommending that H.C.R. No. 78, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 78, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING STATE SUPPORT FOR EFFORTS TO ENCOURAGE THE DEVELOPMENT AND USE OF RENEWABLE ENERGY," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1374-98) recommending that H.C.R. No. 119, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 119, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE AND REQUESTING A STUDY AND REPORT ON A NEW HEALTH CARE ASSURANCE PROGRAM," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1375-98) recommending that H.C.R. No. 117, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 117, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF MOTOR VEHICLE INSURANCE PREMIUM REDUCTIONS FOR DRIVER'S EDUCATION COURSE GRADUATES," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom 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. 1376-98) recommending that H.C.R. No. 134, as amended in HD 2 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.C.R. No. 134, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NAVY TO NOT CONDUCT FURTHER TESTING OR USE OF SURTASS LFA DEVICES IN HAWAIIAN WATERS UNTIL COMPLETION AND APPROVAL OF THE FINAL PROJECT ENVIRONMENTAL PROTECTION STATEMENT, BUT NO EARLIER THAN THE END OF THE 1999 WHALE BREEDING/CALVING SEASON IN HAWAIIAN WATERS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representatives Menor and Tom, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1377-98) recommending that H.C.R. No. 241 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and H.C.R. No. 241, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONVENE THE PETROLEUM ADVISORY COUNCIL

TO STUDY GASOLINE PRICES AND HAWAII'S GASOLINE MARKET," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1378-98) recommending that H.C.R. No. 56, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 56, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE STATE'S YEAR 2000 COMPUTER SYSTEMS COMPLIANCE EFFORTS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1379-98) recommending that H.C.R. No. 68 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION CONTAINED IN H.B. NO. 3123 (1998) OF PROFESSIONAL CERTIFIED MIDWIVES," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1380-98) recommending that H.C.R. No. 156 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY, COMPILE, AND SUMMARIZE AVAILABLE DEMOGRAPHIC DATA ON NATIVE HAWAIIANS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1381-98) recommending that H.C.R. No. 192, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 192, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL IMPACTS OF REQUIRING COVERAGE FOR EARLY INTERVENTION SERVICES TO CHILDREN FROM BIRTH TO AGE THREE OR UNTIL SERVICES ARE NO LONGER DEEMED MEDICALLY NECESSARY," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com.

Rep. No. 1382-98) recommending that H.C.R. No. 223, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 223, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1383-98) recommending that H.C.R. No. 238, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 238, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT CONTAINING SHORT- AND LONG-TERM SOLUTIONS CONCERNING WATERBIRD MANAGEMENT ON KAUAI AND THE EXPANSION OF SUITABLE AREAS FOR FORAGING AND NESTING HABITAT FOR WATERBIRDS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1384-98) recommending that H.C.R. No. 86, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 86, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON IMPORTATION OF MICROORGANISMS FOR RESEARCH AND COMMERCIAL USE," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1385-98) recommending that H.C.R. No. 45, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 45, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF APPROPRIATE MEASURES TO IDENTIFY THE REGULATORY IMPEDIMENTS RESTRICTING THE DEVELOPMENT OF THE AQUACULTURE INDUSTRY IN HAWAII, THE ECONOMIC IMPACT OF THESE REGULATIONS ON THE INDUSTRY, AND POSSIBLE SOLUTIONS (AMENDED)," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1386-98) recommending that H.C.R. No. 77, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 77, HD 1,

entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING SUPPORT FOR EFFORTS TO IMPROVE ENERGY EFFICIENCY AND RENEWABLE ENERGY AS A MEANS OF REDUCING GREENHOUSE GAS EMISSIONS IN HAWAII," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1387-98) recommending that H.C.R. No. 81, as amended in HD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and H.C.R. No. 81, HD 1, be adopted, seconded by Representative M. Oshiro.

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

"You know, as we live in Hawaii we are very environmentally sensitive in that our environment is our economy, our economy is our environment. But let us recall that our most strategic location in the United States is military. We are the most important location in the United States militarily.

"However, in this treaty I am told that parts of it would require our military in Hawaii and all over the world to get permission to emit gases before we would go on a mission. Mr. Speaker, I think that's where 'the baby and the water' get thrown out together. I think it's a little bit premature to say unequivocally that this Kyoto Treaty is good for us. I think it's a little bit premature to say that this is something we want to approve until we get to write off on our military security. We are not the policeman of the world, but we have the strongest military of the world. As a Vietnam veteran, I feel that this would be exceptionally premature. If, in the event there was a signature which did prevent us from going to any part of the world, to say to the United Nations or other Kyoto authority: can we have permission to emit gases when we shoot our missiles or do we have permission even to put our troops in the field, Mr. Speaker. I think it's a bit premature.

"With those reservations, I would suggest everyone to consider the conscience and the strategic location that we have in the world and the responsibility we have for protecting the freedom that we have all fought for.

"Thank you, Mr. Speaker."

Representative Moses rose and asked the Clerk to record an aye with reservations for him, and the Chair "so ordered."

Representative Meyer rose to cast her no vote, saying:

"I would like to read from a letter that Mr. Alan Lloyd who is an engineer and goes around and gives speeches at different Rotary meetings, and I would just like to read some of his comments. This is having to do with the global warming issue:

'Twenty years of satellite data confirms that global warming has not occurred during this period. Over 95 percent of the greenhouse effect in the atmosphere is caused by naturally-occurring water vapor. If the amount of carbon dioxide in the atmosphere doubles, that would increase the warming by only about one percent.

'The 11th and 12th centuries were warmer than today. During that period, weather was believed to be

relatively mild, unlike the devastating storms that were recorded during the little ice age of the 14th and 16th centuries A.D. During the past million years, our planet experienced over half a dozen ice ages. The last major one lasted over sixty thousand years and ended ten to fifteen thousand years ago.

'If industrial activity delays the start of the next ice age, that would be beneficial. Increased carbon dioxide in the atmosphere results in increased growth rates for many plants and trees. There's no scientific justification for government agencies to risk crippling our nation's economy by artificially mandating major reductions in greenhouse gas emissions.'

"This is a controversial issue. It's an example of how people keep repeating a fact as if it was a fact, even if it hasn't been totally proven, and pretty soon everybody jumps on the bandwagon and says, you know, like Chicken Little -- 'the sky is going to fall.'

"For this reason, I will be voting 'no' on this resolution.

"Thank you."

Representative McDermott rose in opposition to the resolution and asked that the words of the Representative from the Windward side and the Representative from Aina Haina be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative McDermott further stated:

"I know that in the 1930s and 1940s, they were used to talking about another 'ice age' coming -- second coming of the 'ice age.' I think we need to concentrate on some real science and stop politicizing it from both ends of the spectrum. The extreme right and the extreme left are politicizing this issue. Let's concentrate on the science.

"Thank you."

Representative Thielen rose and asked the Clerk to register an aye with reservations for her "for the same reasons as Representative Ward," and the Chair "so ordered."

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

"Mr. Speaker, your Committee on Energy and Environmental Protection passed out this resolution after a balanced discussion in terms of climatic changes. If you recall, our Committee sponsored, at the beginning of session, a Nobel Prize laureate, Dr. Kendall, who came in and gave very enlightening facts about climatic changes. Our EPA also sponsored this year a discussion about proven scientific evidence that our industrial economy has affected our climate, resulting in El Nino.

"These are not just speculative 'sky is falling' type of measures in terms of what is happening. It is a balanced view in terms of promoting the reduction of greenhouse gas emissions, and I urge all members to support this measure.

"Thank you very much."

Representative Pendleton rose in opposition to the resolution and asked that his remarks be entered into the Journal, and the Chair "so ordered."

Representative Pendleton's remarks are as follows:

"Mr. Speaker, I rise in opposition to House Concurrent Resolution No. 81, HD 1, and its Standing Committee Report No. 1387-98 which relates to the Kyoto Protocol. Like measures immediately preceding it, Mr. Speaker, this House Concurrent Resolution assumes certain things. It makes scientific conclusions, or at the very least, makes assumptions about scientific facts which are still in dispute within the scientific community. Mr. Speaker, this resolution follows along the same lines as H.C.R. No. 77, HD 1, which stated that the balance of evidence suggests a discernible human influence affecting the global climate.

"Certainly this statement is one adhered to by many scientists. Perhaps a large number of scientists. But I believe it to be premature for us to jump on the bandwagon, Mr. Speaker. There are well-respected scientists who do not agree that the globe is warming and that the alleged warming is due to human activity.

"Mr. Speaker, it has long been a pattern of legislative bodies to act prematurely on scientific matters which have not been established as fact. In the case of the global warming theory, a scientific consensus has not been reached, yet we find ourselves embracing it as an incontrovertible fact.

"In 1995, the Intergovernmental Panel on Climate Change (IPCC) of the United Nations, upon which H.C.R. Nos. 77 and 81 are in part based, claimed that if the world is to avoid the dangerous consequences of global warming, the United States and all other countries must take action now.

"However, Mr. Speaker, the same report went on to state, in pertinent part, that our ability to quantify the human influence on global climate is currently limited because the expected signal is still emerging from the noise of natural variability and because there are uncertainties in key factors.

"In fact, Mr. Speaker, the 1995 IPCC report stated that overall, there is no evidence that extreme weather events, or climate variability, has increased, in a global sense, through the 20th century. I would refer this distinguished body to Section 3.5.4, page 173.

"If the scientific report of the United Nations, upon which this resolution is based, asserts that there has been no evidence of an increase in extreme weather and climate variability while at the same time suggesting a discernible human influence, we must conclude that the IPCC report is fundamentally flawed or is the result of a compromise and is inherently ambiguous or contradictory. Without this language, there might not have been a consensus to approve this report. Hence the apparently contradictory language.

"Mr. Speaker, I continue to support legislation and resolutions which protect our environment. Our environment is key to our survival, both as people who depend on the land and as a State dependent on tourism. There is no question that we must conserve our natural resources. We must protect our aina. But our actions must -- and I repeat must -- be based on scientific evidence.

"While there were many sincere individuals at the Kyoto Conference, there is no doubt that that conference was not a mere gathering of the scientific community. They were not there to dispassionately and objectively dialogue about the state of the scientific literature on this pressing issue. I believe the meeting was highly political and politicized. The Wall Street Journal, among others, has opined as much.

"Let's examine the IPCC document for a moment. Twenty-one hundred people, the majority of whom are economists, social scientists, policy experts, and government functionaries, wrote the IPCC document. Relatively few of these people were specialists in atmospheric physics or scientists in relevant fields.

"Mr. Speaker, Chapter 8 of the IPCC report, which contains the discernible impact statement, had only four lead authors and 32 contributors. After being peer-reviewed and approved by the contributors, the chapter was modified so as to change its tone, creating considerable controversy at the time.

"The process of creating this document, upon which H.C.R. Nos. 77 and 81 are based, was arguably unscientific. I want to say that there is doubt that any other scientific document has been crafted in quite the same way.

"One of the lead authors, Keith Shine, Ph.D., who began work on the project in good faith, described the process as follows: We produce a draft, and then the policymakers go through it line by line and change the way it is presented. A British meteorologist concluded that it's peculiar that they have the final say in what goes into a scientists report.

"Mr. Robert Reinstein, the U.S. State Department negotiator on the climate treaty, agrees that the IPCC document was negotiated by international political delegations. Because of this he said the IPCC summary must be considered purely a political document, not a scientific one.

"Mr. Speaker, in July 1996, over 100 European and American scientists, in response to the IPCC report, issued the Leipzig Declaration, which warned that there is still no scientific consensus on the subject of climate change. On the contrary, the Leipzig Declaration says: most scientists now accept the fact that actual observations from earth satellites show no climate warming whatsoever.

"In conclusion, Mr. Speaker, we cannot, as a legislative body, afford to base our legislation and resolutions on what can be easily classified as bad science. Mr. Speaker, it is our constitutional obligation to pass good laws which are based on the facts. When dealing with scientific facts it is incumbent upon us to have the best data possible. Here, it appears that politicians from various countries have politicized the data.

"By accepting the IPCC document as a vehicle of scientific truth, Mr. Speaker, and incorporating it into a resolution, we are setting bad precedent for the generations which will follow. To pass a resolution based on questionable science is to guarantee that our laws will be problematic. In the future there may be a consensus. But there is not one at this time.

"And so, Mr. Speaker, for the reasons as aforesaid, I oppose House Concurrent Resolution No. 81, HD 1, relating to the Kyoto Protocol."

Representative Garcia rose and stated:

"Mr. Speaker, I rise in support of this measure, just so that the members understand what the resolution is calling for. If you read the Committee Report, the title of the resolution has been changed so that we are now calling on the United States to continue negotiations with developing countries so that they understand the points of signing on to the Protocol.



"The United States government has yet to sign on to this Protocol. The United States Senate first must agree before the government can sign the Protocol. And if the members read the Committee Report, you will notice that the so-called Byrd-Hagel Resolution, adopted by the United States Senate and signed on to it by our senior United States Senator for Hawaii, Daniel Inouye, the resolution calls for the government to continue negotiations with the so-called developing countries, most notably India and China, who have yet to sign on to the Kyoto Protocol. And so those negotiations will hopefully continue, and the Kyoto Protocol will not be agreed to by the United States government until more countries, including the developing countries, sign on to the intent of that measure.

"Thank you very much, Mr. Speaker."

Representative Ward rose and stated:

"I think that calls for a slight response. I think he sidetracks the issue of what the military implications are and the practical importance that we play as the world's largest military power.

"In regards to the developing nations' issue, as a previous Peace Corps volunteer and one whose relatives live in Third World countries, I think we've got to look at the chauvinistic side of this at the same time. There are many countries in Asia that are developing, and developing very rapidly. And because of the lack of petroleum resources, they are using coal, namely Mainland China. If we want to stop the developing world dead in its tracks by cutting their emissions to what Chicago had when it was a growing industrial center, or Pittsburg, we can do that. But I think we have to be wise and know that not because of what the Peace Corps says but because economic development is the road to peace. If we've got everybody having a piece of the pie, we have a way of keeping a world without fighting and grabbing and kicking each other.

"So if the reason why we're passing this is to make sure that the Third World gets into it, I say there's a second reservation, Mr. Speaker, because if we want everybody to come to the 'table of nations' on an equal footing, we've got to allow those nations not unlimited emissions, but to say that now they've got to ration it down like the industrialized countries. It's being unfair, and I think they've stated as much in the past.

"But the real issue and the real reservations that I'm speaking from are from the point of view that until this treaty unequivocally qualifies that it's not going to take our military and make us ask permission for our emissions, we should have nothing to do with it. I think this issue about the Third World countries is a secondary one, and the real issue is what we can do freely with our United States Armed Forces.

"Thank you."

Representative Moses rose and stated:

"My final comment on this measure. You know, when I went to school I was taught about the 'ice age' coming again and we're in a mild, warming period during the 'ice ages' or between the 'ice ages.' Then we started talking about global warming.

"Mr. Speaker, I'm a physicist, and all of this 'bunkum' about El Nino and things like that, not to say that El Nino is not there. El Nino is real -- it's there. But it's not based on global warming, it's not based on greenhouse gases. It's based on the spinning of the earth, the Coriolis effect, and the warming of the oceans with

seasonal changes. That's why we have El Nino, Mr. Speaker.

"So I have these reservations. We're talking about all of these effects coming from industrialization and that's just not true. Most of the heating comes from evaporation from the sun, so I guess we have to shut off the sun.

"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.C.R. No. 81, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO CONTINUE NEGOTIATIONS TO COMPEL DEVELOPING COUNTRIES TO PARTICIPATE IN THE IMPLEMENTATION OF THE KYOTO PROTOCOL SO THAT SUCH PROTOCOL CAN BE RATIFIED BY THE UNITED STATES," was adopted with Representatives McDermott, Meyer and Pendleton voting no, and Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1388-98) recommending that H.C.R. No. 235, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 235, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING RETAILERS OF LEAD ACID BATTERIES TO IMPOSE A "CORE CHARGE" ON ALL BATTERIES SOLD WITHOUT USED BATTERIES BEING RETURNED," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1389-98) recommending that H.C.R. No. 36 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1390-98) recommending that H.C.R. No. 88, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 88, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN ACTUARIAL STUDY AND A PROGRAMMATIC AUDIT OF THE PUBLIC EMPLOYEES HEALTH FUND OPERATIONS, AND REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ASSESS THE POLICY ISSUES RELATING TO THE CHANGE IN THE STRUCTURE OF GOVERNANCE OF THE HEALTH FUND TO AN EMPLOYER-UNION TRUST CONCEPT," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1391-98) recommending that H.C.R. No. 116 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR TO INITIATE A PARTNERSHIP WITH THE NATIONAL PERFORMANCE REVIEW," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1392-98) recommending that H.C.R. No. 49 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF GOVERNMENT PROGRAMS IN THE STATE THAT ARE MANDATED BY THE FEDERAL GOVERNMENT," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1393-98) recommending that H.C.R. No. 60 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE STATE AND THE COUNTY OF HAWAII CONSTRUCT A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1394-98) recommending that H.C.R. No. 202 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ASSISTANCE FOR HAWAII'S FARMERS FROM LAND OWNERS AND FINANCIAL INSTITUTIONS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1395-98) recommending that H.C.R. No. 22, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 22, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF AND TO MAKE RECOMMENDATIONS FOR A RECREATIONAL MARINE FISHING LICENSE," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1396-98) recommending that H.C.R. No. 115 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PROPOSAL TO ESTABLISH THE MARINE BIOPRODUCTS ENGINEERING CENTER, WITH FACILITIES AT THE UNIVERSITY OF HAWAII, AS A KEY COMPONENT FOR THE FUTURE SUCCESS OF MARINE BIOTECHNOLOGY IN HAWAII," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1397-98) recommending that H.C.R. No. 8, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 8, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION IN SUPPORT OF THE HAWAII SCHOOL-TO-WORK OPPORTUNITIES SYSTEM," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1398-98) recommending that H.C.R. No. 42, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 42, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SCHOOL FOOD SERVICES PROGRAM OF THE DEPARTMENT OF EDUCATION TO ADOPT AN OFFICIAL POLICY TO PURCHASE LOCALLY PRODUCED FOOD WHENEVER POSSIBLE," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1399-98) recommending that H.C.R. No. 82 be adopted.

Representative Okamura moved that the report of the Committee be adopted and H.C.R. No. 82 be adopted, seconded by Representative M. Oshiro.

Representative Moses rose to speak against the resolution, stating:

"I'm going to read just a few lines from H.C.R. 82. Beginning on page 4, line 28, it says: 'BE IT FURTHER RESOLVED that student-centered mental health interventions be equipped to serve low- to medium-end children and youths in their least restrictive environment.'

"I'm not sure what that means. I'm not sure what low to middle or medium is. I'm not sure why we should spend taxpayers dollars to only take care of those students and not all students. I have nothing against helping our students, but I have some problems with those particular words.

"But further, Mr. Speaker, beginning on line 32, page 4, it says: 'BE IT FURTHER RESOLVED that student-centered mental health interventions act as the foundation for school-based health centers in the future,' and continuing on to line 36: 'BE IT FURTHER RESOLVED

that the Department of Health will not be just a conduit for funding, but rather, will be an active participant in the planning and implementation of school-based health centers statewide.'

"Mr. Speaker, I object to the Department of Health having school-based health centers on any of our school campuses. Children are sent to school to be educated. If they have health needs, we can address those in another way. But as a parent, I need to know what health services are being provided to my children. And if there is a school-based health center, then I lose the right to decide what kind of health services they are going to get. What kind of health indoctrination, what kind of medicines -- all of those things -- because it is on the school campus. If it is next door or across the street, the schools need my parental permission before my children are allowed to leave the campus. And that's the way we should do this, Mr. Speaker, not on the school campus."

Representative McDermott rose with reservations on the resolution, stating:

"I support the mental health aspect. There are a lot of kids who need that. My reservations are similar to my good friend, Representative Moses, about the school-based health centers because that's such a broad and nebulous concept. I still don't know how much it costs per patient. We have no idea. But it seems to me that the thrust of this measure is the mental health intervention and I know there are kids that need that, so I will support this resolution with reservations."

"Thank you."

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

"Mr. Speaker, just to point out that the reason for this resolution is to clarify that there is a responsibility of the school and of teachers, administrators, counselors, and other personnel who would be affiliated with the school, to support students in dealing with an increasing number of psycho-social problems that students have, especially at the secondary level."

"This is a resolution which says that all adults who are affiliated with the school need to play a role in supporting students, no matter what their administrative affiliation might be, whether it's a position within the Department of Health or Department of Education or the Department of Human Services. We all need to join together as members of one team to support the students. And the emphasis is on mental health as opposed to other kinds of health provisions that parents will have a very important role to play."

"I think the thrust of this resolution is well taken, and I am glad to see that the emphasis is on psycho-social problems that students have."

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF STUDENT-CENTERED MENTAL HEALTH INTERVENTION SERVICES," was adopted with Representative Moses voting no, and Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1400-98) recommending that H.C.R. No. 120, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 120, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE COMMITTEE ON EARLY CHILDHOOD EDUCATION AND CARE," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1401-98) recommending that H.C.R. No. 153, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 153, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO OFFER A JUNIOR RESERVE OFFICER TRAINING CORPS PROGRAM AT KA'U HIGH SCHOOL ON THE BIG ISLAND," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1402-98) recommending that H.C.R. No. 157 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A CITY, STATE, AND COMMUNITY TASK FORCE TO DEVELOP A MASTER PLAN FOR IMPROVEMENTS TO MANOA RECREATIONAL PARK AND MANOA ELEMENTARY SCHOOL," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1403-98) recommending that H.C.R. No. 163 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE BIG ISLAND'S YOUTH LEADERSHIP DEMONSTRATION PROJECT BE ALLOWED TO USE GENERAL FUNDS IN A MANNER THAT WOULD GENERATE ADDITIONAL SOURCES OF REVENUE TO FINANCIALLY SUSTAIN FUTURE STUDENT PROGRAMS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1404-98) recommending that H.C.R. No. 177, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 177, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING THE EFFORTS OF THE ALA WAI CANAL IMPROVEMENT PROJECT AND THE COMMUNITY ADVISORY COMMITTEE'S EFFORT IN DEVELOPING COMMUNITY-BASED STAKEHOLDER STEWARDSHIP FOR THE ENHANCEMENT AND PROTECTION OF THE ALA WAI WATERSHED," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1405-98) recommending that H.C.R. No. 245, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 245, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WITHDRAWAL OF LAND FROM THE OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1529, DATED OCTOBER 1, 1952, TO THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY AND THE TRANSFER OF CERTAIN PUBLIC LANDS AT KALAWAHINE, HONOLULU, OAHU, TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1406-98) recommending that H.C.R. No. 167, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 167, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO DETERMINE HOW TO EXPAND FOREIGN LANGUAGE INSTRUCTION TO ALL SCHOOLS AND TO MAKE IT AVAILABLE TO AS MANY YOUNG STUDENTS AS POSSIBLE IN ORDER TO MAKE HAWAII'S GRADUATES COMPETITIVE IN THE JOB MARKET," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1407-98) recommending that H.C.R. No. 10, HD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and H.C.R. No. 10, HD 1, be adopted, seconded by Representative M. Oshiro.

Representative Ward rose and requested a conflict ruling, saying that he is a graduate of the East-West Center, and the Chair ruled "no conflict."

Representative Ward continued, saying:

"Then I speak proudly from that point of view of conflict.

"Mr. Speaker, I commend this body for sending this off to the Congress. But everybody should know it's a dying institution unless we do more, unless we change the Committee Report to say that not only should the United States continue to strengthen its support but, Mr. Speaker, the State of Hawaii. Unfortunately, the East-West Center has been one of the best-kept secrets in the world, particularly in the United States. It's better known in places in Asia and the Pacific. In fact, you go anywhere and say the East-West Center, people have great admiration and respect. But even in the State of Hawaii, they think it's a place back in Manoa Valley and if the congressional funding level of \$12 million remains, it's going to slowly 'wither on the vine' as it has from its \$25 million. So as I commend the authors and the support for this resolution, we really have to do a lot more. Otherwise, we will lose one of our premier institutions in Asia/Pacific studies, Asia the Pacific consciousness, the reason why we are the hub of the Pacific and the crossroads of the Pacific.

"Mr. Speaker, the point is: we can do a lot more, and I hope we will.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 10, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT FOR THE EAST-WEST CENTER," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1408-98) recommending that H.C.R. No. 127, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 127, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE ESTABLISHMENT OF SATELLITE UNIVERSITIES IN THE ASIA-PACIFIC REGION," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1409-98) recommending that H.C.R. No. 217, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 217, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE MANY CONTRIBUTIONS OF THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES AND ITS COUNTY EXTENSION AGENTS WITH FAMILY AND LEADERSHIP DEVELOPMENT EMPHASIS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1410-98) recommending that H.C.R. No. 11, HD 1, be adopted.

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, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ASSESS MENTAL HEALTH SERVICES AND TO PROVIDE NEEDED SERVICES FOR CHILDREN UNDER FIVE YEARS OF AGE AS EARLY AS POSSIBLE," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1411-98) recommending that H.C.R. No. 20, HD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and H.C.R. No. 20, HD 1, be adopted, seconded by Representative M. Oshiro.

Representative Lee rose in support of the resolution and asked that her remarks be inserted into the Journal, and the Chair "so ordered."

Representative Lee's remarks are as follows:

"Mr. Speaker, the use of antibiotics has no doubt saved countless lives and antibiotics truly have performed 'miracles'. However the over prescription of these 'miracle' drugs has also resulted in the proliferation of certain organisms immune to the effects of these drugs.

"The Center for Disease Control (CDC) has developed guidelines for the use of antibiotics to try to control the development of such organisms. The local medical community and the Department of Health have done a good job in monitoring the situation in Hawaii, however the purpose of this resolution is to encourage both groups to continue to be vigilant by complying with the CDC guidelines.

"The economic implications of unchecked outbreaks of organisms such as Methicillin Resistant Staphylococcus (MRSA) and Vancomycin Resistant Enterococcus (VRE) are enormous. We need to be aware of these implications, and continue to encourage the Department of Health to continue its monitoring and education efforts; and the Legislature must be aware that adequate resources must be made available for the efforts to continue."

Representative Lee requested that the following article from the Advertiser of April 17, 1998, be entered into the Journal:

**"DOCTORS SHIFT STRATEGY  
IN ASSAULT ON BACTERIA**

A revolutionary way to combat deadly antibiotic-resistant 'superbugs' may pave the way for a new class of drugs to supplement antibiotics.

Researchers at the University of California at Davis have made an end-run around the ability of bacteria to resist antibiotics by attacking the mechanism through which they release toxins, rather than killing the bacteria. It is these toxins, rather than the bacterial infection itself, that destroy tissues and impair vital organs, leading to serious illness and death.

Working with the bacterium *Staphylococcus aureus*, which infects as many as 500,000 hospitalized Americans yearly, they have identified a key protein that enables the micro-organism to release its toxins. Immunizing mice with this protein protects them from the lethal effects of a staph infection, the team reports today in the journal *Science*.

Because the treatment does not kill the bacteria, as do antibiotics, it is unlikely that they will develop resistance to it.

'This opens a whole new strategy for treating or preventing one of the most serious hospital infections we contend with,' said infectious disease specialist Julie Gerberding of the University of California at San Francisco.

Other bacteria, furthermore, almost certainly use an identical or similar mechanism for releasing their toxins, noted Dr. Naomi Balaban of UC-Davis, so this approach might work across a broad spectrum of infections.

Last year, doctors began to see infections that were resistant to the most powerful antibiotic, leaving them virtually helpless in treating the patients."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 20, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HEALTH TO CONTINUE TO MONITOR LOCAL ADHERENCE TO CENTERS FOR DISEASE CONTROL GUIDELINES AND TO ENCOURAGE PROFESSIONAL

ORGANIZATIONS TO EDUCATE THE MEDICAL COMMUNITY ON IMPROPER PRESCRIPTION PRACTICES," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1412-98) recommending that H.C.R. No. 147 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO DETERMINE AND RECOMMEND TO THE LEGISLATURE THE NECESSARY STEPS TO ENHANCE THE CORPORATION'S ABILITY TO NEGOTIATE CONTRACTS THAT DETERMINE THE REIMBURSABLE COSTS FOR MEDICAL SERVICES," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1413-98) recommending that H.C.R. No. 155 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A NEEDS ASSESSMENT OF FAMILIES WHO PROVIDE HOME CARE TO THEIR FAMILY MEMBER WITH A DEVELOPMENTAL DISABILITY AND DEVELOP A PLAN TO ADDRESS THOSE NEEDS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1414-98) recommending that H.C.R. No. 244, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 244, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO UNDERTAKE STUDIES OF HEPATITIS C INCIDENCE AND PREVALENCE WITHIN SELECTED POPULATIONS IN HAWAII," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1415-98) recommending that H.C.R. No. 50, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 50, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FORMULATE A NEW QUEST DISTRIBUTION METHODOLOGY," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1416-98) recommending that H.C.R. No. 24, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 24, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS, THE PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT THE HAWAII CONGRESSIONAL DELEGATION'S EFFORT TO AMEND THE SOCIAL SECURITY ACT TO INCREASE HAWAII'S FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1417-98) recommending that H.C.R. No. 121 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CHILDREN'S HEALTH INSURANCE PROGRAM PLANNING COMMITTEE TO DEVELOP UNIVERSAL HEALTH COVERAGE FOR ALL OF HAWAII'S CHILDREN," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1418-98) recommending that H.C.R. No. 139 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A STATE CONFERENCE ON THE FUTURE ROLE OF THE RESIDENTIAL CARE HOME INDUSTRY IN HAWAII," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1419-98) recommending that H.C.R. No. 141 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RESTORE FOOD STAMP BENEFITS TO LEGAL, NONCITIZEN IMMIGRANTS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1420-98) recommending that H.C.R. No. 225, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 225, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ASSESS THE FINANCIAL AND SOCIAL IMPACT WHEN EXPANDING THE RESIDENTIAL AND COMMUNITY-BASED LONG-TERM CARE SETTING OPTION TO NURSING FACILITY LEVEL ELDERLY AND DISABLED CLIENTS," was adopted, with Representatives Cachola, Chang, Goodenow,

Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1421-98) recommending that H.C.R. No. 12, HD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and H.C.R. No. 12, HD 1, be adopted, seconded by Representative M. Oshiro.

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

Representative Lee's remarks are as follows:

"Our economic situation today demands that we take bold and innovative action. We can only do so, if we know where we are going and are convinced it is the right direction.

"We are now increasingly aware that Hawaii must join the rest of the world. In the 19th century, Hawaii joined the United States economy for the sake of sugar and pineapple. In the 20th century, world politics and war thrust Hawaii further in that direction.

"In the 21st century, Hawaii must get in step with the world economy, especially that of Asia.

"The measure before us will help us understand and recommend whether Hawaii can be the domicile or incorporation site for multinational companies from Asia doing business in Asia.

"Let's get in step with the rest of the world by studying and finding out how Hawaii can obtain maximum economic benefits, by providing multinationals which need a home, maximum flexibility."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 12, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTION PLAN TO DEVELOP HAWAII AS A BASE FOR MULTINATIONAL ENTERPRISES," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1422-98) recommending that H.C.R. No. 92, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 92, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF STRATEGIES AND THE COORDINATION OF INITIATIVES TO FACILITATE THE GROWTH OF HAWAII'S BIOTECHNOLOGY INDUSTRY," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1423-98) recommending that H.C.R. No. 100, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 100, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE ESTABLISHMENT OF A WORLD

TRADE CENTER ASSOCIATION IN HAWAII," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1424-98) recommending that H.C.R. No. 112 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE BUSINESS ALOHA TEAM PROGRAM TO ASSIST INDIVIDUAL BUSINESSES IN CREATING AND RETAINING JOBS WITHIN THE STATE," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1425-98) recommending that H.C.R. No. 9 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 9, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A MAJOR LEAGUE SPORTS FRANCHISE," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1426-98) recommending that H.C.R. No. 73, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 73, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TOURISM FORECASTING PANEL," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1427-98) recommending that H.C.R. No. 91 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MARKETING PROGRAM FOR EDUTOURISM," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1428-98) recommending that H.C.R. No. 129, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 129, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM'S STATE OFFICE OF TOURISM AND THE HAWAII VISITORS AND CONVENTION BUREAU TO SUPPORT CULTURE AND THE ARTS AND ITS POSITIVE IMPACT ON HAWAII'S ECONOMY," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami,

Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1429-98) recommending that H.C.R. No. 172, HD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and H.C.R. No. 172, HD 1, be adopted, seconded by Representative M. Oshiro.

Representative Aiona rose and asked the Clerk to register 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.C.R. No. 172, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND CITY AND COUNTY OF HONOLULU TO WORK TOGETHER TO ESTABLISH A JOINT WAIKIKI TASK FORCE TO EXPLORE THE REVITALIZATION AND RENOVATION OF WAIKIKI AND SURROUNDING AREAS INCLUDING THE HAWAII CONVENTION CENTER," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1430-98) recommending that H.C.R. No. 216, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 216, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ESTABLISH A BANNER WELCOME PROGRAM FOR THE STREET LAMPPOSTS FRONTING THE HAWAII CONVENTION CENTER MAIN ENTRANCE," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1431-98) recommending that H.C.R. No. 220, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 220, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE WITH THE HAWAII VISITORS AND CONVENTION BUREAU, THE NATIONAL QUARTERBACK CLUB, THE NFL PRO BOWL COMMITTEE, THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION, THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF HAWAII ATHLETIC STAFF AND BOOSTER CLUBS, THE HAWAII WINTER LEAGUE BASEBALL ASSOCIATION, AND THE QUARTERBACK CLUB OF HAWAII, TO WORK OUT ARRANGEMENTS TO HOST THE NEXT NATIONAL QUARTERBACK AWARDS DINNER IN HAWAII DURING THE PRO BOWL WEEK," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1432-98) recommending that H.C.R. No. 71 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION ON THE SUBJECT OF JUDICIAL TAXATION," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1433-98) recommending that H.C.R. No. 107 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF JUROR FEES," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1434-98) recommending that H.C.R. No. 143, HD 2, as amended in HD 3, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 143, HD 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN UPDATE OF THE 1991 AUDITOR'S STUDY ON DEPARTMENT OF HAWAIIAN HOME LANDS ENTITLEMENTS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1435-98) recommending that H.C.R. No. 80 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE, CIVIL DEFENSE DIVISION TO CONDUCT A STUDY ON THE AVAILABILITY AND CONDITION OF HURRICANE-RESISTANT PUBLIC SHELTERS WITHIN EACH COUNTY," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1436-98) recommending that H.C.R. No. 218, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 218, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING THE LEGISLATURE'S SUPPORT FOR THE CONSTRUCTION OF A NEW CORRECTIONAL FACILITY AND OR THE EXPANSION OF THE EXISTING FACILITY AT KULANI ON THE BIG ISLAND," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1437-98) recommending that H.C.R. No. 105, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 105, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE IMPACT OF THE KOLOA SUGAR MILL VENTURE ON THE OPERATIONS OF THE KAUA'I TROPICAL FRUIT DISINFESTATION FACILITY," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1438-98) recommending that H.C.R. No. 166 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF THE FEASIBILITY OF TRANSFERRING RESPONSIBILITY FOR THE ANIMAL QUARANTINE STATION OUT OF THE DEPARTMENT OF AGRICULTURE," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1439-98) recommending that H.C.R. No. 67, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 67, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1440-98) recommending that H.C.R. No. 26, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 26, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REVIEW HAWAII'S IMPAIRED DRIVING STATUTES AND TO MAKE RECOMMENDATIONS FOR UNIFORM STATUTORY CONSTRUCTION," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1441-98) recommending that H.C.R. No. 213, as amended in HD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and H.C.R. No. 213, HD 1, be adopted, seconded by Representative M. Oshiro.

Representative Thielen rose to speak against the resolution, stating:

"This resolution has been modified somewhat, but it is still asking to look at the feasibility of using the former Sheraton Makaha Inn as an educational training conference facility.



"Mr. Speaker, once we look at something like that, the next step is we then will use tax dollars to go ahead and do it. We have a Convention Center that needs to have bookings. We could do those educational training conferences at the Convention Center. We have an East-West Center that needs to have support from the community. We could use them up there. And we also have that 'white elephant' called the Marks Estate, and we could hold those conferences up there. I don't think we need a fourth place.

"I recognize that area of the island needs to have jobs, but I think that this would drain away taxpayers' money even more, and I think we ought to just shut the door to it right now.

"Thank you."

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

"Mr. Speaker, as a graduate of a hotel school in Upstate New York where the students train at Statler Hall, a working hotel. I found that it was the most valuable training that you could have in the hotel business, and I would certainly encourage support for Hawaii's largest industry, to see if we could actually get a working hotel where students could train in. I urge support."

Representative Meyer rose in support of the resolution with reservations, stating:

"My husband also went to hotel school. He went to the San Francisco City College and there the many wonderful hotels in the city and they would do their apprentice work there, and that's real hands-on. We have many, many hotels here and that's the real thing instead of recreating the real thing at the Makaha Inn which is not operating.

"I am concerned about tax dollars being spent where they are not needed.

"Thank you, Mr. Speaker."

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

"The resolution just calls for a study and, hopefully, we won't have to use taxpayers' money. Perhaps there's private industry money that is out there. And like the Representative from Ka'u had mentioned, this is a hands-on possibility where people could learn how to run a hotel and a golf course that could be operating right now.

"The other extent of it is that we are hoping that we could also extend that education to a school-to-work program. For those reasons, I am hoping that my colleagues would support this resolution.

"Thank you."

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

"This is a resolution that came to us and I don't think people fully understand this. This is really a resolution supporting a community-based effort that is currently going on. It's a community-based effort with Waianae High School and Leeward Community College that started looking at this possibility for this facility, and I think it's a good effort. It's not necessarily strictly about establishing another hotel training school. It's about school-to-work with Waianae High School in many other efforts, and I hope people would support at least looking at this, and support what is basically a community effort.

"Thank you."

Representative Herkes rose and stated:

"I am also a graduate of the City College of San Francisco besides Cornell, so I have the comparison of internship in hotels in San Francisco. And let me tell you, we didn't run the Marks Hotel or the Saint Francis or the Fairmont. At Cornell, we were absolutely involved in the operation of Statler Hall. So based on the comparison, I think it's worthwhile to take a good hard look at this resolution."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 213, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, IN COOPERATION WITH THE LEeward DISTRICT OFFICE OF THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO STUDY AND REPORT ON THE FEASIBILITY OF UTILIZING THE FORMER SHERATON MAKAHA INN AS AN EDUCATIONAL, TRAINING, CONFERENCE, AND OUTREACH FACILITY," was adopted with Representative Thielen voting no, and Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1442-98) recommending that H.C.R. No. 249, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 249, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE STATE TO CONTINUE ITS INVESTIGATION INTO THE CONTAMINATION AT HONOLULU HARBOR," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1443-98) recommending that H.C.R. No. 239, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 239, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTION PLAN TO SUPPRESS THE GORSE SHRUB," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Jones, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1444-98) recommending that H.C.R. No. 242, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 242, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PROGRAM TO REVITALIZE THE AGRICULTURE INDUSTRY BY PROMOTING THE CONSUMPTION OF HAWAII-GROWN PRODUCTS AND HAWAII-PROCESSED FOODS ON DESIGNATED DAYS," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami,

Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1445-98) recommending that H.C.R. No. 205, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 205, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADOPTION OF MANAGEMENT PLANS FOR ROADSIDE MAINTENANCE," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1446-98) recommending that H.C.R. No. 135, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 135, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOMELANDS TO CREATE AND OVERSEE A FORUM REGARDING THE ISSUE OF AN ELECTED HAWAIIAN HOMES COMMISSION," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1447-98) recommending that H.C.R. No. 151, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 151, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO COORDINATE AND REVIEW THE EFFECTIVENESS OF DRUG AWARENESS EDUCATION AND PREVENTION PROGRAMS IN HAWAII," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1448-98) recommending that H.R. No. 18 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.R. No. 18, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF GOVERNMENT PROGRAMS IN THE STATE THAT ARE MANDATED BY THE FEDERAL GOVERNMENT," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1449-98) recommending that H.R. No. 22, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.R. No. 22, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN ACTUARIAL STUDY AND A PROGRAMMATIC AUDIT OF THE PUBLIC

EMPLOYEES HEALTH FUND OPERATIONS, AND REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ASSESS THE POLICY ISSUES RELATING TO THE CHANGE IN THE STRUCTURE OF GOVERNANCE OF THE HEALTH FUND TO AN EMPLOYER-UNION TRUST CONCEPT," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1450-98) recommending that H.R. No. 26 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.R. No. 26, entitled: "HOUSE RESOLUTION REQUESTING A MARKETING PROGRAM FOR EDUTOURISM," was adopted, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1451-98) recommending that H.R. No. 56, 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.R. No. 56, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING ALL HAWAII RESIDENTS TO SPEAK MORE THAN ONE LANGUAGE," was referred to the Committee on Finance, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

## ANNOUNCEMENTS

Representative Thielen rose and stated:

"In honor of Earth Day which was yesterday, I would urge colleagues tomorrow on Aloha Friday to wear industrial hemp clothing if they have any, both aloha shirts and industrial hemp muumuus, and we will honor Earth Day."

Representative Arakaki rose and stated:

"First of all, on behalf of Representative Santiago and Representative Saiki, we have a meeting with Ira Schwartz, a luncheon meeting. He was a director of the Center for Youth Policy in Room 325, and I think a lot of us are concerned about the cost effectiveness of our Felix consent decree strategies and we are going to be discussing some alternatives since Dr. Schwartz is very familiar with the North Carolina experience which was also under consent decree, so we would like to urge people to attend.

"Also, we are up on a deadline. First, I would like to thank those who are willing to 'sink' in order to keep our hungry afloat: Representatives Lee, Fox, Stegmaier, Case, Marcus Oshiro, Thielen, Kawanakoa, Morita and Morihara, and especially to our Speaker who had a rate of one dollar per ball. Probably raised the most money for this activity. I hope his absence here doesn't reflect his 'sogginess', but we were able to raise \$433 just from that activity alone. We are also having a bake sale today, thanks to Representative Fox's Office, and that's ongoing right now. So that should be bringing in more money. At this point, we're over ten thousand pounds or points. That's the total of money, pounds and other donations and just to give you an example, we tried to set

a good example so my office is leading with 910 points, but we also have Representative Yamane who has 756 points, and Representative Meyer with 510 points. And also receiving honorable mention is Representative Lei Ahu Isa's Office, Representative Lee's Office and Representative Takumi's Office. And there are still a couple of offices that has zeroes next to their names, so our deadline is 12:00 noon tomorrow and they will be collecting the food tomorrow after session so I would like to invite those of you who want to participate in loading our donations, we will be meeting on the Beretania Street side of the Capitol right after session tomorrow. Again, thank you for all of your efforts to help with this drive for Hawaii's hungry."

Representative White: "On behalf of Chairman Cachola of our golf team who evidently exhausted himself so much in winning his match yesterday and is not able to join us this afternoon, I would like to announce that the House was victorious in the golf tournament with a score of 7 to 3 over the Senate yesterday. I have a request by those three not to mention their names so I won't do so. I am sure that the Chairman is busy arranging an appropriate presentation by the Senate of our regaining of the trophy -- not regaining, we had it all along but a new presentation of the trophy so congratulations all those members that participated and brought home the trophy once again for the House."

At this time, Representative M. Oshiro moved to keep the Journal open until 12:00 o'clock midnight this legislative day for the purpose of receiving any House Bills with Senate amendments and to disagree to the same, seconded by Representative Marumoto and carried, with Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom being excused.

At 1:05 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving any House Bills with Senate amendments.

#### SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 604) was received and was placed on file:

Sen. Com. No. 604, returning H.B. No. 2552, HD 1 (SD 3), entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," which passed Third Reading in the Senate on April 16, 1998, in an amended form.

In accordance with the motion made earlier, the House disagreed to the amendments proposed by the Senate to H.B. No. 2552, HD 1 (SD 3) and requested a conference on the subject matter of said amendments.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Friday, April 17, 1998. (Representatives Cachola, Chang, Goodenow, Kawakami, Saiki, Santiago, Say, Souki, Takamine and Tom were excused.)

## FIFTIETH DAY

Friday, April 17, 1998

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:40 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Brian Y. Yamane, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Cachola, Menor, Morihara, Takai, Takamine, Takumi, Ward and Whalen, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 605 through 657) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 605, transmitting S.C.R. No. 9, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 606, transmitting S.C.R. No. 12, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A LEGISLATIVE AUDIT OF THE PREVENTIVE MAINTENANCE PROGRAMS OF THE HIGHWAYS DIVISION OF THE DEPARTMENT OF TRANSPORTATION," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 607, transmitting S.C.R. No. 17, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO CLARIFY PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII, TO FACILITATE ENFORCEMENT," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 608, transmitting S.C.R. No. 19, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MEDICAL FOODS FOR THE TREATMENT OF INHERITED METABOLIC DISEASES," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 609, transmitting S.C.R. No. 20, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE SCHOOL-TO-WORK OPPORTUNITIES SYSTEM," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 610, transmitting S.C.R. No. 25, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF PROFESSIONAL MENTAL HEALTH COUNSELORS AND PROFESSIONAL REHABILITATION COUNSELORS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 611, transmitting S.C.R. No. 28, SD 1, entitled: "SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 612, transmitting S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLECTION OF DATA RELATING TO SEXUAL HARASSMENT IN STATE AGENCIES AND A PROPOSED EDUCATIONAL TRAINING PROGRAM FOR STATE AGENCY DIRECTORS AND MANAGEMENT," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 613, transmitting S.C.R. No. 31, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE ISLAND OF HAWAII, INCLUDING THE DISTRICTS OF PUNA AND KA'U," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 614, transmitting S.C.R. No. 42, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO CRITERIA FOR DEVELOPMENT OF A HAWAII ECONOMIC REVITALIZATION PROGRAM FOR THE HAWAII STATE LEGISLATURE," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 615, transmitting S.C.R. No. 48, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 616, transmitting S.C.R. No. 51, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF 'OLELO: THE CORPORATION FOR COMMUNITY TELEVISION," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 617, transmitting S.C.R. No. 59, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 618, transmitting S.C.R. No. 64, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION CONTAINED IN H.B. NO. 3123 (1998) OF PROFESSIONAL CERTIFIED MIDWIVES," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 619, transmitting S.C.R. No. 68, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO REVIEW AND REVISE HAWAII'S EDUCATION GOALS FOR THE YEAR 2000 AND ESTABLISH AN ACTION PLAN TO ACCOMPLISH THOSE GOALS," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 620, transmitting S.C.R. No. 73, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE SUN YAT-SEN UNIVERSITY OF MEDICAL

SCIENCES," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 621, transmitting S.C.R. No. 80, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DISCUSSIONS WITH THE WOMEN'S COALITION AND SEXUAL ASSAULT SERVICE PROVIDERS TO EXTEND ITS FAMILY VIOLENCE OPTION TO INCLUDE ALL VICTIMS OF SEXUAL ASSAULT," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 622, transmitting S.C.R. No. 81, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENTS OF TRANSPORTATION, ACCOUNTING AND GENERAL SERVICES, AND LAND AND NATURAL RESOURCES TO REQUIRE PRIVATE CONTRACTORS TO HAUL AWAY GREEN WASTE TO COMPOSTING COMPANIES AND ENCOURAGING STATE AGENCIES AND DEPARTMENTS TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 623, transmitting S.C.R. No. 87, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE APPROPRIATE CRITERIA UNDER WHICH UTILITY LINES SHALL BE PLACED UNDERGROUND, AND OF THE APPROPRIATE MEANS OF FINANCING ANY COST DIFFERENTIAL BETWEEN OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 624, transmitting S.C.R. No. 89, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 625, transmitting S.C.R. No. 90, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO APPLY TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII TO MODIFY THE FINAL JUDGMENT AND CONSENT DECREE REGARDING TEXACO INC. AND SHELL OIL COMPANY BY ELIMINATING THE MANDATED DIVESTITURE OF RETAIL ASSETS OF SHELL OR TEXACO ON THE ISLAND OF OAHU OR TO COMPLETELY WITHDRAW ITS CONDITIONS IN THAT CONSENT DECREE," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 626, transmitting S.C.R. No. 94, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONSIDER PRIVATIZING THE COLLECTION OF CHILD SUPPORT PAYMENTS," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 627, transmitting S.C.R. No. 101, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING STATE AND COUNTY AGENCIES TO ADOPT MANAGEMENT PLANS FOR WEED CONTROL METHODS USED IN ROADSIDE MAINTENANCE IN ORDER TO MINIMIZE RISKS TO PUBLIC HEALTH, WORKER SAFETY, AND ENVIRONMENTAL QUALITY," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 628, transmitting S.C.R. No. 118, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE

WORKERS' COMPENSATION FEE SCHEDULE," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 629, transmitting S.C.R. No. 121, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE NEGOTIATED SETTLEMENT TO BE FILED IN THE FEDERAL DISTRICT COURT OF PROVIDENCE, RHODE ISLAND FOR THE REPATRIATION OF THE SACRED KI'I LA'AU," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 630, transmitting S.C.R. No. 123, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE WITHDRAWAL OF LAND FROM THE OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1529, DATED OCTOBER 1, 1952, TO THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY AND THE TRANSFER OF CERTAIN PUBLIC LANDS AT KALAWAHINE, HONOLULU, OAHU TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 631, transmitting S.C.R. No. 125, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF MERGING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 632, transmitting S.C.R. No. 128, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A THRILL CRAFT ADVISORY COMMITTEE TO REVIEW PRIVATELY-OWNED THRILL CRAFT SAFETY AND THE FEASIBILITY OF REGISTRATION AND CERTIFICATION OF PRIVATE THRILL CRAFT OPERATORS," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 633, transmitting S.C.R. No. 130, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE EFFECTS OF THE AVAILABILITY OF CITIZEN'S SUIT UNDER THE FEDERAL AND OTHER JURISDICTIONS' ENDANGERED SPECIES LAWS," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 634, transmitting S.C.R. No. 132, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY RELATING TO PENAL RESPONSIBILITY," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 635, transmitting S.C.R. No. 140, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING THE EFFORTS OF THE ALA WAI CANAL IMPROVEMENT PROJECT AND THE COMMUNITY ADVISORY COMMITTEE'S EFFORT IN DEVELOPING COMMUNITY-BASED STAKEHOLDER STEWARDSHIP FOR THE ENHANCEMENT AND PROTECTION OF THE ALA WAI WATERSHED," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 636, transmitting S.C.R. No. 146, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS STRATEGIES FOR ORGANIZING THE VARIOUS FORMS OF RESIDENTIAL CARE PROVIDERS," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 637, transmitting S.C.R. No. 147, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO AMEND ITS RULES FOR EMPLOYERS PAYING STATE WITHHOLDING TAXES FOR

NONRESIDENTS," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 638, transmitting S.C.R. No. 153, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 639, transmitting S.C.R. No. 154, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES, AND WHETHER THERE IS ANY COLLUSION IN HAWAII'S WHOLESALE GASOLINE MARKET," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 640, transmitting S.C.R. No. 157, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A CITY, STATE, AND COMMUNITY TASK FORCE TO DEVELOP A MASTER PLAN FOR IMPROVEMENTS TO MANOA RECREATIONAL PARK AND MANOA ELEMENTARY SCHOOL," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 641, transmitting S.C.R. No. 161, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESSIONAL ACTION ON FEDERAL HIGHWAY LEGISLATION AND FUNDING," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 642, transmitting S.C.R. No. 170, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING FOREIGN CAPITAL DEPOSITORIES IN HAWAII," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 643, transmitting S.C.R. No. 171, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT AND IMPLEMENTATION OF A JAPANESE DEPOSIT ACCOUNT MARKETING AND PROMOTION PLAN TO ATTRACT JAPANESE DEPOSITORS TO HAWAII," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 644, transmitting S.C.R. No. 172, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR TO INITIATE A PARTNERSHIP WITH THE NATIONAL PERFORMANCE REVIEW," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 645, transmitting S.C.R. No. 174, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO TAKE DEFINITIVE ACTIONS TO RIGHT THE WRONGS AS EXPRESSED IN PUBLIC LAW 103-150 AND TO ASSIST IN THE PROCESS OF NATIVE HAWAIIAN SELF-GOVERNANCE," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 646, transmitting S.C.R. No. 184, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE PROMOTION OF COMMUNITY MEDIA THROUGHOUT THE STATE," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 647, transmitting S.C.R. No. 186, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO DEVELOP A DEFINITION OF "HAWAII RESIDENT" BY RULE

AND TO PROPOSE THE USE OF THE DEFINITION TO THE FEDERAL GOVERNMENT TO CLARIFY AND TO FACILITATE ENFORCEMENT OF PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 648, transmitting S.C.R. No. 188, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES SENATE TO CONFIRM THE NOMINATION OF BILL LANN LEE AS ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS AT THE JUSTICE DEPARTMENT," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 649, transmitting S.C.R. No. 190, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE WAIKIKI YACHT CLUB'S ALOHA RACING CHALLENGE TO THE ROYAL NEW ZEALAND YACHT SQUADRON FOR AMERICA'S CUP XXX," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 650, transmitting S.C.R. No. 191, SD 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND CITY AND COUNTY OF HONOLULU TO COOPERATIVELY WORK TOGETHER TO ESTABLISH A JOINT WAIKIKI TASK FORCE TO EXPLORE THE REVITALIZATION AND RENOVATION OF WAIKIKI AND SURROUNDING AREAS INCLUDING THE HAWAII CONVENTION CENTER," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 651, transmitting S.C.R. No. 193, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF DISTRIBUTING PROPOSED RULES TO THE PUBLIC WITHIN THE THIRTY-DAY PUBLIC NOTICE REQUIREMENT," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 652, transmitting S.C.R. No. 196, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF HEALTH TO EXAMINE WAYS TO ELIMINATE DUPLICATION OF THE ADMINISTRATION AND PROVISION OF HOME- AND COMMUNITY-BASED PROGRAMS AND SERVICES BY THE TWO DEPARTMENTS," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 653, transmitting S.C.R. No. 207, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO UNDERTAKE STUDIES OF HEPATITIS C INCIDENCE AND PREVALENCE WITHIN SELECTED POPULATIONS IN HAWAII," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 654, transmitting S.C.R. No. 210, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REVIEW AND RECONSIDER ITS PREVIOUS APPROVAL OF DOCKET NO. 7040, DECISION AND ORDER NO. 11463, WITH REGARD TO THE INSTALLATION OF A 46 KV OVERHEAD CIRCUIT ALONG KUNIA ROAD, AND THE INSTALLATION OF A 46 KV OVERHEAD CIRCUIT ON LANIKAULA AND KALAWAO STREETS IN MANOA, AND REVIEW ITS APPROVAL PROCESS," which was adopted by the Senate on April 16, 1998.

Sen. Com. No. 655, transmitting S.C.R. No. 213, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO

ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE NATIONAL TAIPEI UNIVERSITY OF TECHNOLOGY," which was adopted by the Senate on April 16, 1998.

By unanimous consent, further action on S.C.R. Nos. 9, 12, 17, 19, 20, 25, 28, 29, 31, 42, 48, 51, 59, 64, 68, 73, 80, 81, 87, 89, 90, 94, 101, 118, 121, 123, 125, 128, 130, 132, 140, 146, 147, 153, 154, 157, 161, 170, 171, 172, 174, 184, 186, 188, 190, 191, 193, 196, 207, 210 and 213 was deferred until later in the calendar.

Sen. Com. No. 656, returning H.C.R. No. 34, HD 2 (SD 1), entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL TRADE COMMISSION TO RE-EVALUATE THE AGREEMENT CONTAINING CONSENT ORDER IN THE MATTER OF SHELL OIL COMPANY AND TEXACO INC. (FILE NO. 971-0026)," which was adopted by the Senate on April 16, 1998, in an amended form.

Sen. Com. No. 657, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills on April 16, 1998:

- S.B. No. 2056, SD 1, HD 1, entitled: "RELATING TO NOISE";
- S.B. No. 2099, SD 2, HD 1, entitled: "RELATING TO CHILD PASSENGER SAFETY";
- S.B. No. 2581, HD 1, entitled: "RELATING TO CEMETERY AND FUNERAL TRUSTS";
- S.B. No. 2633, SD 1, HD 1, entitled: "RELATING TO REAL PROPERTY APPRAISALS";
- S.B. No. 2866, SD 1, HD 1, entitled: "RELATING TO PERSONNEL FOR MENTAL HEALTH";
- S.B. No. 2884, SD 1, HD 1, entitled: "RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS";
- S.B. No. 2885, HD 1, entitled: "RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS";
- S.B. No. 3002, SD 2, HD 1, entitled: "RELATING TO MEDICAL ASSISTANCE";
- S.B. No. 3213, SD 2, HD 1, entitled: "RELATING TO INSURANCE";
- S.B. No. 379, SD 2, HD 2, entitled: "RELATING TO RECYCLING";
- S.B. No. 632, SD 2, HD 3, entitled: "RELATING TO TRAFFIC ENFORCEMENT";
- S.B. No. 682, SD 2, HD 1, entitled: "RELATING TO CONDOMINIUMS";
- S.B. No. 705, SD 2, HD 1, entitled: "RELATING TO CIVIL SERVICE EXEMPTIONS FOR THE JUDICIARY";
- S.B. No. 719, SD 2, HD 2, entitled: "RELATING TO SALARIES IN THE JUDICIARY";
- S.B. No. 720, SD 2, HD 2, entitled: "RELATING TO THE FEES AND COSTS FOR THE ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE";
- S.B. No. 721, SD 1, HD 2, entitled: "RELATING TO THE JUDICIARY";
- S.B. No. 760, HD 2, entitled: "RELATING TO SCHOOLS-WITHIN-SCHOOLS";
- S.B. No. 1122, SD 1, HD 1, entitled: "RELATING TO NOISE POLLUTION";
- S.B. No. 1273, SD 1, HD 2, entitled: "RELATING TO VICTIMS OF SEXUAL ASSAULT";
- S.B. No. 1309, SD 1, HD 2, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";
- S.B. No. 1362, HD 1, entitled: "RELATING TO NEGOTIABLE INSTRUMENTS";
- S.B. No. 1465, HD 1, entitled: "RELATING TO PUBLIC EMPLOYEES";
- S.B. No. 1469, SD 1, HD 1, entitled: "RELATING TO AN EMERGENCY AND BUDGET STABILIZATION FUND";
- S.B. No. 1559, SD 2, HD 3, entitled: "RELATING TO ENVIRONMENTAL HEALTH";
- S.B. No. 1601, SD 1, HD 2, entitled: "RELATING TO AQUATIC RESOURCES";
- S.B. No. 1946, SD 1, HD 2, entitled: "RELATING TO THE PRACTICE OF MEDICINE";
- S.B. No. 2025, SD 2, HD 2, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE";
- S.B. No. 2026, SD 1, HD 1, entitled: "RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS";
- S.B. No. 2037, SD 1, HD 2, entitled: "RELATING TO HEALTH INSURANCE";
- S.B. No. 2063, SD 2, HD 1, entitled: "RELATING TO LAND USE";
- S.B. No. 2078, SD 1, HD 3, entitled: "RELATING TO OCEAN RECREATION";
- S.B. No. 2092, SD 1, HD 1, entitled: "RELATING TO INCOME TAX LAW";
- S.B. No. 2132, SD 1, HD 1, entitled: "RELATING TO LIQUOR LICENSES";
- S.B. No. 2135, SD 1, HD 1, entitled: "RELATING TO UNFAIR AND DECEPTIVE TRADE PRACTICES";
- S.B. No. 2136, SD 1, HD 1, entitled: "RELATING TO LIQUOR CONTROL ADJUDICATION BOARD";
- S.B. No. 2180, SD 1, HD 1, entitled: "RELATING TO MOTOR CARRIERS";
- S.B. No. 2204, SD 2, HD 2, entitled: "RELATING TO REGULATORY PROCESSES";
- S.B. No. 2207, SD 2, HD 2, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";
- S.B. No. 2211, SD 2, HD 1, entitled: "RELATING TO EDUCATION";
- S.B. No. 2213, SD 2, HD 2, entitled: "RELATING TO STATE GOVERNMENT";

- S.B. No. 2249, SD 1, HD 2, entitled: "RELATING TO CORRECTIONS";
- S.B. No. 2254, SD 2, HD 2, entitled: "RELATING TO PROSTITUTION";
- S.B. No. 2256, SD 1, HD 1, entitled: "RELATING TO BARBERS POINT HARBOR";
- S.B. No. 2259, SD 1, HD 1, entitled: "RELATING TO TAXATION";
- S.B. No. 2292, SD 1, HD 1, entitled: "RELATING TO STATE FUNDS";
- S.B. No. 2297, SD 2, HD 1, entitled: "RELATING TO HEALTH";
- S.B. No. 2326, SD 1, HD 2, entitled: "RELATING TO THE HAWAII EMPLOYER'S MUTUAL INSURANCE COMPANY";
- S.B. No. 2334, SD 1, HD 1, entitled: "RELATING TO TIME SHARING PLANS";
- S.B. No. 2338, SD 2, HD 2, entitled: "RELATING TO THE CERTIFICATION OF HOISTING MACHINE OPERATORS";
- S.B. No. 2345, SD 1, HD 1, entitled: "RELATING TO THREATENED AND ENDANGERED SPECIES";
- S.B. No. 2346, SD 2, HD 2, entitled: "RELATING TO INSURANCE";
- S.B. No. 2349, SD 1, HD 2, entitled: "RELATING TO ENVIRONMENTAL HEALTH";
- S.B. No. 2350, SD 1, HD 2, entitled: "RELATING TO RECYCLING";
- S.B. No. 2363, SD 1, HD 1, entitled: "RELATING TO FEES";
- S.B. No. 2386, SD 2, HD 2, entitled: "RELATING TO COORDINATED CARE ORGANIZATIONS";
- S.B. No. 2389, SD 1, HD 2, entitled: "RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS";
- S.B. No. 2399, SD 2, HD 2, entitled: "RELATING TO ELECTIONS";
- S.B. No. 2402, SD 1, HD 2, entitled: "RELATING TO DOMESTIC ABUSE";
- S.B. No. 2411, SD 2, HD 1, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";
- S.B. No. 2414, SD 1, HD 1, entitled: "RELATING TO PAWNBROKERS";
- S.B. No. 2413, SD 2, HD 2, entitled: "RELATING TO THE ENVIRONMENT";
- S.B. No. 2454, SD 1, HD 2, entitled: "RELATING TO VOCATIONAL REHABILITATION";
- S.B. No. 2460, SD 2, HD 2, entitled: "RELATING TO ACQUISITION OF HOSPITALS";
- S.B. No. 2469, SD 1, HD 1, entitled: "RELATING TO THE UNIFORM SECURITIES ACT";
- S.B. No. 2495, SD 1, HD 1, entitled: "RELATING TO WAGE AND HOUR LAW";
- S.B. No. 2554, SD 1, HD 1, entitled: "RELATING TO FRAUDULENT USE OF CREDIT CARD";
- S.B. No. 2557, SD 1, HD 1, entitled: "RELATING TO TORTS";
- S.B. No. 2559, SD 2, HD 1, entitled: "RELATING TO EXPLOSIVES";
- S.B. No. 2564, SD 1, HD 1, entitled: "RELATING TO INSURANCE";
- S.B. No. 2575, SD 1, HD 1, entitled: "RELATING TO CORPORATIONS";
- S.B. No. 2580, SD 1, HD 1, entitled: "RELATING TO THE HAWAII STATE STUDENT COUNCIL";
- S.B. No. 2582, SD 1, HD 2, entitled: "RELATING TO INSURERS";
- S.B. No. 2586, SD 1, HD 1, entitled: "RELATING TO CAPTIVE INSURANCE COMPANIES";
- S.B. No. 2588, SD 1, HD 1, entitled: "RELATING TO VETERINARY MEDICINE";
- S.B. No. 2602, SD 1, HD 1, entitled: "RELATING TO LANDSCAPE ARCHITECTS";
- S.B. No. 2610, SD 1, HD 1, entitled: "RELATING TO PROFESSIONAL LAND SURVEYORS";
- S.B. No. 2618, SD 1, HD 1, entitled: "RELATING TO THE MEDICALLY UNDERSERVED";
- S.B. No. 2619, SD 1, HD 1, entitled: "RELATING TO FAIR TRADE REGULATIONS";
- S.B. No. 2624, SD 2, HD 2, entitled: "RELATING TO THE HOMELESS";
- S.B. No. 2625, SD 1, HD 2, entitled: "RELATING TO EDUCATION";
- S.B. No. 2644, SD 1, HD 1, entitled: "RELATING TO BEAUTY CULTURE";
- S.B. No. 2655, SD 1, HD 1, entitled: "RELATING TO BICYCLE AND MOPED REGISTRATION";
- S.B. No. 2689, SD 2, HD 2, entitled: "RELATING TO EMPLOYEES RETIREMENT SYSTEM";
- S.B. No. 2717, SD 1, HD 1, entitled: "RELATING TO FAMILY COURT";
- S.B. No. 2757, SD 1, HD 1, entitled: "RELATING TO ENVIRONMENTAL ASSESSMENTS";
- S.B. No. 2759, SD 2, HD 1, entitled: "RELATING TO THE TRAFFIC CODE";
- S.B. No. 2761, SD 2, HD 2, entitled: "RELATING TO MOTORCYCLE INSURANCE";
- S.B. No. 2768, SD 1, HD 2, entitled: "RELATING TO PAYMENTS TO HEALTH CARE PROVIDERS FOR WORKERS' COMPENSATION CLAIMS";
- S.B. No. 2770, SD 2, HD 2, entitled: "RELATING TO MEASUREMENT STANDARDS";



- S.B. No. 2774, SD 3, HD 1, entitled: "RELATING TO PROCUREMENT";
- S.B. No. 2782, HD 2, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";
- S.B. No. 2786, HD 1, entitled: "RELATING TO SEX OFFENDER REGISTRATION";
- S.B. No. 2803, SD 2, HD 2, entitled: "RELATING TO HAWAII SMALL BUSINESS REGULATORY FLEXIBILITY ACT";
- S.B. No. 2805, SD 1, HD 1, entitled: "RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION";
- S.B. No. 2816, SD 2, HD 1, entitled: "RELATING TO COMPOSITION OF THE BOARD OF THE HAWAII PUBLIC EMPLOYEES' HEALTH FUND";
- S.B. No. 2820, HD 1, entitled: "RELATING TO THE CODE OF FINANCIAL INSTITUTIONS";
- S.B. No. 2821, HD 1, entitled: "RELATING TO THE CODE OF FINANCIAL INSTITUTIONS";
- S.B. No. 2822, SD 1, HD 1, entitled: "RELATING TO LEMON LAW DISCLOSURE COMPLIANCE";
- S.B. No. 2823, SD 1, HD 1, entitled: "RELATING TO TIME SHARE IDENTIFICATION BADGES";
- S.B. No. 2829, HD 1, entitled: "RELATING TO MOTOR VEHICLE REPAIRS";
- S.B. No. 2832, SD 2, HD 1, entitled: "RELATING TO INVESTIGATIVE SUBPOENAS";
- S.B. No. 2833, HD 1, entitled: "RELATING TO MOTOR VEHICLE LEASE DISCLOSURE";
- S.B. No. 2835, SD 1, HD 2, entitled: "RELATING TO INSURANCE PREMIUM TAXES";
- S.B. No. 2836, SD 1, HD 1, entitled: "RELATING TO INSURANCE FRAUD";
- S.B. No. 2838, SD 1, HD 1, entitled: "RELATING TO INSURANCE";
- S.B. No. 2842, HD 1, entitled: "RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN";
- S.B. No. 2846, SD 2, HD 2, entitled: "RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS";
- S.B. No. 2849, SD 1, HD 1, entitled: "RELATING TO CIGARETTE SALES TO MINORS";
- S.B. No. 2850, SD 2, HD 2, entitled: "RELATING TO SOLID WASTE MANAGEMENT";
- S.B. No. 2852, SD 1, HD 2, entitled: "RELATING TO THE VOLUNTARY RESPONSE PROGRAM";
- S.B. No. 2874, SD 2, HD 2, entitled: "RELATING TO CHILD WELFARE SERVICES";
- S.B. No. 2887, SD 1, HD 1, entitled: "RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING";
- S.B. No. 2914, SD 1, HD 2, entitled: "RELATING TO COMMERCIAL DRIVER LICENSING";
- S.B. No. 2922, SD 1, HD 2, entitled: "RELATING TO GOVERNMENT";
- S.B. No. 2966, SD 2, HD 2, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";
- S.B. No. 2970, SD 1, HD 3, entitled: "RELATING TO NOISE";
- S.B. No. 2981, SD 1, HD 1, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";
- S.B. No. 2983, SD 2, HD 2, entitled: "RELATING TO OFFICE OF INFORMATION PRACTICES";
- S.B. No. 2987, SD 2, HD 3, entitled: "RELATING TO CHILD PROTECTION";
- S.B. No. 3000, SD 2, HD 2, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";
- S.B. No. 3006, HD 1, entitled: "RELATING TO THE COLLECTION OF TAXES";
- S.B. No. 3007, SD 1, HD 2, entitled: "RELATING TO BUSINESS DEVELOPMENT CORPORATIONS";
- S.B. No. 3018, HD 1, entitled: "RELATING TO THE UNIFORM COMMERCIAL CODE";
- S.B. No. 3024, SD 1, HD 1, entitled: "RELATING TO QUARANTINE";
- S.B. No. 3025, SD 1, HD 1, entitled: "RELATING TO MILK CONTROL";
- S.B. No. 3035, SD 2, HD 2, entitled: "RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII";
- S.B. No. 3043, SD 2, HD 2, entitled: "RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000 COMPLIANT";
- S.B. No. 3076, SD 1, HD 1, entitled: "RELATING TO EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS";
- S.B. No. 3088, SD 1, HD 2, entitled: "RELATING TO JOB REFERENCE LIABILITY";
- S.B. No. 3094, SD 2, HD 2, entitled: "RELATING TO MOTOR VEHICLES";
- S.B. No. 3105, SD 1, HD 1, entitled: "RELATING TO INSURANCE";
- S.B. No. 3113, SD 1, HD 1, entitled: "RELATING TO REAL PROPERTY";
- S.B. No. 3114, SD 2, HD 2, entitled: "RELATING TO THE RENTAL HOUSING TRUST FUND";
- S.B. No. 3137, SD 1, HD 2, entitled: "RELATING TO MOTOR CARRIERS";
- S.B. No. 3143, SD 1, HD 2, entitled: "RELATING TO UTILITY TRANSMISSION LINES";
- S.B. No. 3159, SD 2, HD 1, entitled: "RELATING TO THE TIME SHARE LAW";

- S.B. No. 3204, HD 2, entitled: "RELATING TO TRACKING DEVICES"; 17 Committee on Public Safety and Military Affairs, then to the Committee on Labor and Public Employment, then to the Committee on Finance
- S.B. No. 3220, SD 1, HD 2, entitled: "RELATING TO THE CONVEYANCE TAX"; 19 Committee on Health, then to the Committee on Consumer, Protection and Commerce, then to the Committee on Finance
- S.B. No. 3228, SD 1, HD 1, entitled: "RELATING TO HEALTH"; 20 Committee on Education, then to the Committee on Labor and Public Employment, then to the Committee on Finance
- S.B. No. 3230, SD 1, HD 1, entitled: "RELATING TO PUBLIC SAFETY"; and 25 Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- S.B. No. 3248, SD 2, HD 2, entitled: "RELATING TO SPEICAL PURPOSE REVENUE BONDS". 28 Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance

**INTRODUCTIONS**

The following introductions were made to the members of the House:

Representative Santiago introduced Ms. Mimi Foxhall, Corporate Vice President of Government Affairs with Continental Airlines; Mr. Mike Luga, Director of Government Affairs with Continental Airlines; and Mr. Joe DeMattos.

Representative Santiago then introduced a former colleague, Dr. Len Pepper.

Representative Tarnas introduced Ms. Jana Smith, Early Childhood Director on the Board of the Good Beginnings Alliance, and Director of Hawaii Montessori Schools.

Representative Garcia introduced 45 students from Lanakila Baptist Academy. They were accompanied by their teachers: Ms. Penny Holland, Ms. Lynn Tolentino, Mr. Tim Harris, Ms. Elaine Rodrigues and Mr. Charles Dizon.

Representative Thielen rose and stated:

"Mr. Speaker, I would like to acknowledge some of the members on the floor of the House of Representatives -- almost one-third of us -- that are wearing Aloha industrial hemp shirts in honor of Aloha Friday during Earth Week, and also some staffers in the gallery.

"In honor of Earth Week, Mr. Speaker, we are all wearing these products that are made without herbicides or pesticides and that are much more environmentally sensitive. Vermont has already passed a resolution asking the Drug Enforcement Administration to review the Canadian regulations where they are allowing commerical production of industrial hemp."

**ORDER OF THE DAY**

**DEFERRED RESOLUTIONS**

The following Senate Concurrent Resolutions were referred to committee by the Speaker:

**S.C.R.**

**Nos. Referred to:**

- 9 Committee on Tourism, then to the Committee on Finance
- 12 Committee on Transportation, then to the Committee on Finance

- 17 Committee on Public Safety and Military Affairs, then to the Committee on Labor and Public Employment, then to the Committee on Finance
- 19 Committee on Health, then to the Committee on Consumer, Protection and Commerce, then to the Committee on Finance
- 20 Committee on Education, then to the Committee on Labor and Public Employment, then to the Committee on Finance
- 25 Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 28 Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 29 Committee on Judiciary, then to the Committee on Finance
- 31 Committee on Health, then to the Committee on Finance
- 42 Committee on Economic Development and Business Concerns, then to the Committee on Finance
- 48 Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 51 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 59 Committee on Energy and Environmental Protection, then to the Committee on Finance
- 64 Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 68 Committee on Education, then to the Committee on Finance
- 73 Committee on Higher Education, then to the Committee on Finance
- 80 Committee on Human Services and Housing, then to the Committee on Finance
- 81 Committee on Energy and Environmental Protection, then to the Committee on Finance
- 87 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 89 Committee on Higher Education, then to the Committee on Finance
- 90 Committee on Energy and Environmental Protection, then jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary
- 94 Committee on Judiciary, then to the Committee on Finance
- 101 Committee on Energy and Environmental Protection, then to the Committee on Transportation

- 118 Committee on Labor and Public Employment, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 121 Committee on Hawaiian Affairs, then to the Committee on Judiciary
- 123 Committee on Hawaiian Affairs, then to the Committee on Water and Land Use, then to the Committee on Finance
- 125 Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance
- 128 Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance
- 130 Committee on Energy and Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
- 132 Committee on Judiciary, then to the Committee on Finance
- 140 Jointly to the Committee on Water and Land Use and the Committee on Energy and Environmental Protection, then to the Committee on Finance
- 146 Committee on Human Services and Housing, then to the Committee on Finance
- 147 Committee on Finance
- 153 Jointly to the Committee on Water and Land Use and the Committee on Energy and Environmental Protection, then to the Committee on Finance
- 154 Committee on Energy and Environmental Protection, then jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary
- 157 Committee on Water and Land Use, then to the Committee on Education, then to the Committee on Finance
- 161 Committee on Transportation, then to the Committee on Finance
- 170 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 171 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 172 Committee on Labor and Public Employment, then to the Committee on Finance
- 174 Committee on Hawaiian Affairs, then to the Committee on Judiciary
- 184 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 186 Committee on Public Safety and Military Affairs, then to the Committee on Labor and Public Employment, then to the Committee on Finance
- 188 Committee on Judiciary
- 190 Committee on Tourism, then to the Committee on Finance
- 191 Committee on Tourism, then to the Committee on Finance
- 193 Committee on Judiciary, then to the Committee on Finance
- 196 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Finance
- 207 Committee on Health, then to the Committee on Finance
- 210 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 213 Committee on Higher Education, then to the Committee on Finance

#### COMMITTEE REASSIGNMENTS

The following Senate Concurrent Resolutions were re-referred to committee by the Speaker:

#### S.C.R.

#### Nos. Re-referred to:

- 12 Committee on Finance
- 125 Jointly to the Committee on Health, to the Committee on Human Services and Housing and to the Committee on Labor and Public Employment, then to the Committee on Finance
- 140 Jointly to the Committee on Energy and Environmental Protection and the Committee on Water and Land Use, then to the Committee on Finance
- 153 Jointly to the Committee on Energy and Environmental Protection and the Committee on Water and Land Use, then to the Committee on Finance
- 161 Committee on Finance

#### INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 83) was announced by the Clerk and the following action taken:

H.R. No. 83, entitled: "HOUSE RESOLUTION COMMENDING HAWAII'S 1998 SMALL BUSINESS AWARD WINNERS," was offered by Representative Herkes.

On motion by Representative Herkes, seconded by Representative Hamakawa and carried, H.R. No. 83 was adopted, with Representatives Ahu Isa, Cachola, Jones, Kahikina, Menor, Morihara, Nakasone, Takai, Takamine and Whalen being excused.

Representative Herkes rose and introduced Ms. Jean Sawyer and Mr. Andy Poepoe from the Small Business Administration, and family and friends of the honorees, who were seated in the gallery.

Representative Ward introduced Mr. Eddie Flores, Jr. and Mr. Kwock Yum Kam of the L&L Franchise, Inc., the 1998 Small Business Persons of the Year.

Representative Lee introduced Mr. Charles Fortner, President of Island Page, Inc., the 1998 SBA Young Entrepreneur of the Year.

Representative Yoshinaga introduced Mr. Clifford Laughton of the Columbia Communications Systems, the 1998 SBA Entrepreneurial Success.

Representative Yamane introduced Mr. Warren K.K. Luke, President of the Hawaii National Bank, the 1998 SBA Financial Services Advocate.

Representative Pendleton introduced Mr. You Soukaseum, owner of You Soukaseum Farms, the 1998 SBA Minority Service Advocate.

Representative Hiraki introduced Mr. Kenneth Simon, President of Menehune Water Company, the 1998 SBA Exporter of the Year.

Representative Chang introduced Mr. Theodore (Ted) Yamanaka, President of Ted Yamanaka & Associates, the 1998 SBA Veterans Small Business Advocate.

Representative Kawanakoa introduced the following:

Ms. Dawn Krause, owner of the Calico General Store, the 1998 SBA Women in Business Advocate.

Mr. Craig Parkin, President of Team Clean, Inc., the 1998 SBA Welfare to Work Award for Small Business Owner.

Ms. Patricia Windrath, owner of Windy's Unlimited, the 1998 SBA Welfare to Work Entrepreneur of the Year.

Representative Okamura introduced Mrs. Nancy Evans Tudor, CPA, the 1998 SBA Accountant Advocate of the Year.

Representative Stegmaier introduced the following:

Mr. S. Randy Brandt, Producer, Writer and Director of KGMB-TV's Hawaiian Moving Company, the 1998 SBA Media Advocate of the Year.

Dr. Tin Myaing Thein, Executive Director of The Immigrant Center, the 1998 Welfare to Work Award for SBA Associates.

Reverend Douglas Olsen.

Representative Kawakami introduced Mr. Michael Faye, Vice President of Wrangler's Restaurant, the 1998 SBA Phoenix Award for Disaster Recovery.

At 12:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:28 o'clock p.m.

#### ANNOUNCEMENTS

Representative Kawanakoa rose and stated:

"I just want to announce for the benefit of my colleagues here today that we will be sponsoring a forum and a discussion this afternoon at 5:00 p.m. with regard to complementary medical services, and a possibility of perhaps creating a Cancer Institute here to draw upon our natural environment and have another export industry to help diversify and to provide meaningful jobs for our citizens.

"It will be in Room 423 this afternoon, from 5:00 p.m. to 7:00 p.m. We will have light refreshments, and I encourage everyone who has a moment to please stop by.

We will have a panel of experts from the chiropractic, naturopathic, alternative and complementary medicine fields to discuss the innovations and, again, we hope for a new industry for our islands."

Representative Arakaki rose and stated:

"I just want to announce very proudly that although we had set a goal of five thousand points, which is pounds and dollars for our Foodbank Food Drive, our current total is over fifteen thousand total points, so we have tripled our goal. I think everyone here ought to pat themselves on their backs, and especially our staff people for their work. I want to thank my staff, especially Mr. Chris Collier and his creativity and energy for planning a lot of these events with Representative Fox's Office.

"The Foodbank pickup will be this afternoon at 2:00 p.m. For those who have not turned in their food yet, you have until 1:00 p.m. to do so in the basement area. If you want to add to the total, you need to get it weighed at the Sergeant-at-Arms Office.

"And finally, we have a display contest that is going on right now, and I will announce the winners on Monday. But tomorrow is the Foodbank Food Drive celebration at Restaurant Row. If you want to join us, we will be there at 10:30 a.m."

#### ADJOURNMENT

At 12:32 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m. on Monday, April 20, 1998. (Representatives Ahu Isa, Cachola, Menor, Morihara, Nakasone, Saiki, Takamine and Takai were excused.)

## FIFTY-FIRST DAY

Monday, April 20, 1998

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:40 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Nobu Yonamine, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Chang, Menor, Meyer, Saiki, Takamine, Takumi and Ward, who were excused.

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

## SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 658) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 658, informing the House that the President has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bill on April 17, 1998:

**H.B. No. 2500, HD 1, SD 1:**

Senators Baker/Fukunaga, Co-Chairs; Chun Oakland, Fernandes Salling, M. Ige, Ihara, Iwase, Kawamoto, Levin, McCartney, Tam, Taniguchi and Anderson.

## INTRODUCTION

Representative Aiona introduced a group of 40 students (Leadership class) from Roosevelt High School. They were accompanied by their teachers, Ms. Carrie Mizoguchi and Ms. Shawnelle Palomares.

## 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>
867	Jointly to the Committee on Finance, to the Committee on Higher Education and to the Committee on Labor and Public Employment
1533	Committee on Finance
1866	Jointly to the Committee on Finance, to the Committee on Consumer Protection and Commerce and to the Committee on Judiciary
2649	Jointly to the Committee on Economic Development and Business Concerns, to the Committee on Labor and Public Employment, to the Committee on Consumer Protection and Commerce and to the Committee on Finance
2655	Jointly to the Committee on Finance, to the Committee on Economic Development and Business Concerns and to the Committee on Tourism

2675 Jointly to the Committee on Consumer Protection and Commerce and to the Committee on Finance

2702 Jointly to the Committee on Consumer Protection and Commerce, to the Committee on Economic Development and Business Concerns, to the Committee on Energy and Environmental Protection and to the Committee on Finance

3367 Committee on Tourism, then to the Committee on Higher Education, then to the Committee on Finance

3625 Jointly to the Committee on Finance and to the Committee on Agriculture

The following Senate Concurrent Resolutions were re-referred to committee by the Speaker:

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

34 Committee on Culture and the Arts

121 Jointly to the Committee on Hawaiian Affairs and to the Committee on Judiciary

## APPOINTMENT OF CONFEREES

In accordance with the disagreement of the House to the amendments proposed by the Senate in the following House Bills and the request for a conference on the respective subject matter thereof, the Speaker appointed the following Managers on the part of the House at such conference:

**H.B. No. 92, HD 2, SD 1:**

Representatives Hiraki/Tom, Co-Chairs; Nakasone, Yamane and Whalen.

**H.B. No. 503, HD 2, SD 2:**

Representatives Garcia/Nakasone, Co-Chairs; Saiki, Suzuki and Meyer.

**H.B. No. 867, HD 1, SD 2:**

Representatives Say/Morihara/Yonamine, Co-Chairs; Suzuki and McDermott.

**H.B. No. 1099, HD 2, SD 1:**

Representatives Santiago/Menor/Tom, Co-Chairs; Yamane and Ward.

**H.B. No. 1160, HD 1, SD 1:**

Representatives Tom, Chair; Herkes and Yamane.

**H.B. No. 1332, HD 2, SD 2:**

Representatives Jones/Hamakawa/Say, Co-Chairs; Abinsay and Fox.

**H.B. No. 1533, HD 2, SD 1:**

Representatives Say, Chair; Kawakami, Suzuki and Marumoto.

**H.B. No. 1577, HD 2, SD 2:**

Representatives Jones/Say, Co-Chairs; Chang and Whalen.

**H.B. No. 1699, HD 2, SD 1:**

Representatives Herkes/Ahu Isa, Co-Chairs; Ito and Aiona.

**H.B. No. 1800, SD 1:**

Representatives Suzuki, Chair; White and Marumoto.

- H.B. No. 1815, HD 1, SD 2:**  
Representatives Yonamine/Nakasone, Co-Chairs; Case and Marumoto.
- H.B. No. 1824, HD 2, SD 2:**  
Representatives Santiago/Kawakami, Co-Chairs; Kahikina and Ward.
- H.B. No. 1830, HD 1, SD 1:**  
Representatives Kahikina/Garcia/Tom/Kawakami, Co-Chairs; and Kawanakoa.
- H.B. No. 1866, HD 2, SD 2:**  
Representatives Say/Menor/Tom, Co-Chairs; and Suzuki.
- H.B. No. 1868, HD 2, SD 2:**  
Representatives Menor/Say, Co-Chairs; Cachola, Hamakawa and Lee.
- H.B. No. 1966, HD 2, SD 2:**  
Representatives Arakaki/Santiago/Say, Co-Chairs; Abinsay and Ward.
- H.B. No. 2222, HD 2, SD 2:**  
Representatives Herkes/Ahu Isa, Co-Chairs; Ito and Fox.
- H.B. No. 2331, HD 1, SD 1:**  
Representatives Menor/Tom, Co-Chairs; Yamane and Whalen.
- H.B. No. 2332, HD 2, SD 1:**  
Representatives Hiraki/Tom, Co-Chairs; Nakasone, Yamane and Marumoto.
- H.B. No. 2355, HD 1, SD 1:**  
Representatives Tom, Chair; Case, Jones, Yamane and Pendleton.
- H.B. No. 2357, HD 2, SD 1:**  
Representatives Tom/White, Co-Chairs; Cachola, Hamakawa and Whalen.
- H.B. No. 2358, HD 2, SD 1:**  
Representatives Hiraki/Tom, Co-Chairs; Jones, Yonamine and Marumoto.
- H.B. No. 2361, HD 1, SD 2:**  
Representatives Hiraki/Tom, Co-Chairs; Nakasone, Yoshinaga and Moses.
- H.B. No. 2362, HD 1, SD 1:**  
Representatives Yamane, Chair; Cachola, Jones and Whalen.
- H.B. No. 2366, HD 2, SD 2:**  
Representatives Hiraki/Cachola/Say, Co-Chairs; Takumi and Aiona.
- H.B. No. 2381, HD 1, SD 1:**  
Representatives Tom/Garcia, Co-Chairs; Yamane and Whalen.
- H.B. No. 2423, HD 1, SD 1:**  
Representatives Menor/Tom, Co-Chairs; Lee, Yamane and Aiona.
- H.B. No. 2426, HD 1, SD 1:**  
Representatives Kawakami, Chair; Ito, Kahikina and Marumoto.
- H.B. No. 2437, HD 1, SD 1:**  
Representatives Tom, Chair; Yamane, Yoshinaga and Thielen.
- H.B. No. 2443, HD 2, SD 1:**  
Representatives Hamakawa/Tom, Co-Chairs; Goodenow, Herkes and Thielen.
- H.B. No. 2486, HD 3, SD 2:**  
Representatives Arakaki/Santiago/Menor/Tom/Kawakami, Co-Chairs; Aiona and McDermott.
- H.B. No. 2490, HD 3, SD 1:**  
Representatives Herkes/Menor/Tom, Co-Chairs; Ahu Isa and Fox.
- H.B. No. 2496, HD 2, SD 1:**  
Representatives Tom/White, Co-Chairs; Abinsay, Lee and Pendleton.
- H.B. No. 2498, HD 2, SD 1:**  
Representatives Santiago/Menor/Tom, Co-Chairs; Lee and Ward.
- H.B. No. 2500, HD 1, SD 1:**  
Representatives Say, Chair; Abinsay, Ahu Isa, Chang, Goodenow, Hamakawa, Ito, Kahikina, Kanoho, Kawakami, Nakasone, Suzuki, White, Fox, Marumoto and Meyer.
- H.B. No. 2506, HD 1, SD 1:**  
Representatives Menor/Tom, Co-Chairs; Cachola, Yamane and Aiona.
- H.B. No. 2512, HD 1, SD 1:**  
Representatives Say, Chair; Goodenow, Suzuki and Marumoto.
- H.B. No. 2524, HD 1, SD 1:**  
Representatives Tom, Chair; Herkes, Yamane, Yoshinaga and Whalen.
- H.B. No. 2533, HD 1, SD 2:**  
Representatives Jones/Tom, Co-Chairs; Abinsay and Halford.
- H.B. No. 2537, HD 1, SD 1:**  
Representatives Menor/Tom, Co-Chairs; Lee, Yoshinaga and Aiona.
- H.B. No. 2552, HD 1, SD 3:**  
Representatives Say, Chair; Kawakami, Nakasone, Suzuki and Marumoto.
- H.B. No. 2558, HD 1, SD 1:**  
Representatives Say, Chair; Chang, Nakasone and Fox.
- H.B. No. 2560, HD 2, SD 2:**  
Representatives Morihara/Say, Co-Chairs; Goodenow, Takai, Tarnas, Halford and Moses.
- H.B. No. 2563, SD 2:**  
Representatives Stegmaier/Kawakami, Co-Chairs; Kanoho, Morihara and Halford.
- H.B. No. 2564, HD 1, SD 2:**  
Representatives Stegmaier/Say, Co-Chairs; Kawakami, Morita and Fox.
- H.B. No. 2567, HD 2, SD 1:**  
Representatives Yonamine/Nakasone, Co-Chairs; Chang, Takumi and Meyer.
- H.B. No. 2596, SD 1:**  
Representatives Takamine, Chair; Hamakawa, Morihara and Thielen.
- H.B. No. 2598, HD 2, SD 2:**

- Representatives Santiago/Tom, Co-Chairs; Kawakami, Yamane and McDermott.
- H.B. No. 2613, HD 1, SD 1:**  
Representatives Tom, Chair; Case, Yamane and Pendleton.
- H.B. No. 2614, SD 1:**  
Representatives Yonamine, Chair; Case, Nakasone, Takumi and Moses.
- H.B. No. 2648, HD 2, SD 1:**  
Representatives Yonamine/Say, Co-Chairs; Nakasone, Suzuki and Marumoto.
- H.B. No. 2649, HD 2, SD 2:**  
Representatives Herkes/Yonamine/Menor/Say, Co-Chairs; and Moses.
- H.B. No. 2655, HD 1, SD 2:**  
Representatives Say/Herkes/Cachola, Co-Chairs; Ito, White, Aiona and Meyer.
- H.B. No. 2660, SD 1:**  
Representatives Kawakami, Chair; Suzuki and Meyer.
- H.B. No. 2666, HD 1, SD 1:**  
Representatives Tom, Chair; Lee, Yamane, Yoshinaga and Thielen.
- H.B. No. 2667, HD 1, SD 1:**  
Representatives Tom, Chair; Hiraki, Yamane and Thielen.
- H.B. No. 2670, HD 2, SD 1:**  
Representatives Santiago/Menor, Co-Chairs; Cachola, Stegmaier and Ward.
- H.B. No. 2671, HD 2, SD 1:**  
Representatives Menor/Kawakami, Co-Chairs; Chang, Yoshinaga and Pendleton.
- H.B. No. 2672, HD 1, SD 1:**  
Representatives Menor, Chair; Herkes, Yamane and Aiona.
- H.B. No. 2675, HD 2, SD 1:**  
Representatives Menor/Say, Co-Chairs; Abinsay, Herkes and Meyer.
- H.B. No. 2680, HD 2, SD 1:**  
Representatives Stegmaier/Say, Co-Chairs; Kawakami, Morita and Moses.
- H.B. No. 2693, HD 1, SD 1:**  
Representatives Stegmaier, Chair; Morita, Takai, Tarnas and Moses.
- H.B. No. 2701, HD 2, SD 1:**  
Representatives Herkes/Menor/Tom, Co-Chairs; Ahu Isa and Whalen.
- H.B. No. 2702, HD 2, SD 2:**  
Representatives Menor/Herkes/Yoshinaga/Say, Co-Chairs; and Fox.
- H.B. No. 2710, HD 1, SD 1:**  
Representatives Say, Chair; Ito, Kanoho and Marumoto.
- H.B. No. 2711, HD 1, SD 1:**  
Representatives Ito, Chair; Abinsay and Fox.
- H.B. No. 2714, HD 2, SD 1:**  
Representatives Tom/White, Co-Chairs; Hamakawa, Yamane and Ward.
- H.B. No. 2734, SD 1:**  
Representatives Tom, Chair; Hiraki, Jones, Yamane and Thielen.
- H.B. No. 2749, HD 1, SD 1:**  
Representatives Say, Chair; Goodenow, Kawakami, Suzuki and Meyer.
- H.B. No. 2750, HD 1, SD 1:**  
Representatives Say, Chair; Abinsay, Ahu Isa, Chang, Goodenow, Hamakawa, Ito, Kahikina, Kanoho, Kawakami, Nakasone, Suzuki, White, Fox, Marumoto, Meyer and Ward.
- H.B. No. 2758, HD 1, SD 2:**  
Representatives Say, Chair; Nakasone, Suzuki, White and Ward.
- H.B. No. 2760, HD 1, SD 2:**  
Representatives Yonamine/Nakasone, Co-Chairs; Case, Suzuki and Marumoto.
- H.B. No. 2761, SD 1:**  
Representatives Yonamine/Nakasone, Co-Chairs; Case, Suzuki and Marumoto.
- H.B. No. 2762, HD 1, SD 1:**  
Representatives Kawakami, Chair; Chang, Kanoho and Meyer.
- H.B. No. 2765, HD 1, SD 1:**  
Representatives Say, Chair; Nakasone, Suzuki, White and Ward.
- H.B. No. 2774, SD 1:**  
Representatives Tom, Chair; Herkes, Jones, Yamane and Thielen.
- H.B. No. 2776, HD 1, SD 2:**  
Representatives Tom, Chair; Jones, Lee, Yamane and Whalen.
- H.B. No. 2778, SD 1:**  
Representatives Suzuki, Chair; Kahikina and Ward.
- H.B. No. 2779, SD 1:**  
Representatives Tom, Chair; Hiraki, Lee, Yamane and Pendleton.
- H.B. No. 2780, SD 1:**  
Representatives Tom, Chair; Jones, Lee, Yamane and Thielen.
- H.B. No. 2786, HD 2, SD 2:**  
Representatives Tom/White, Co-Chairs; Hamakawa, Herkes and Fox.
- H.B. No. 2793, SD 1:**  
Representatives Arakaki/Say, Co-Chairs; Kawakami, Saiki and McDermott.
- H.B. No. 2800, SD 1:**  
Representatives Suzuki, Chair; Kanoho, White and Meyer.
- H.B. No. 2801, HD 1, SD 1:**  
Representatives Arakaki/Kawakami, Co-Chairs; Kahikina, Saiki and McDermott.
- H.B. No. 2803, SD 2:**  
Representatives Yonamine/Say, Co-Chairs; Nakasone, Suzuki and Marumoto.
- H.B. No. 2823, HD 1, SD 1:**

- Representatives Menor/Tom/Say, Co-Chairs; Yamane and Aiona.
- H.B. No. 2837, HD 1, SD 2:**  
Representatives Stegmaier/Tom, Co-Chairs; Morita, Yamane and Halford.
- H.B. No. 2842, HD 1, SD 1:**  
Representatives Santiago/Kawakami, Co-Chairs; Ahu Isa, Saiki and McDermott.
- H.B. No. 2843, HD 1, SD 2:**  
Representatives Santiago/Tom, Co-Chairs; Hiraki, Kahikina and Pendleton.
- H.B. No. 2844, HD 1, SD 1:**  
Representatives Santiago/Menor/Kawakami, Co-Chairs; and Meyer.
- H.B. No. 2846, HD 1, SD 1:**  
Representatives Tom, Chair; Herkes, Jones, Yamane and Whalen.
- H.B. No. 2847, HD 2, SD 2:**  
Representatives Yoshinaga/Tom, Co-Chairs; Garcia, Herkes and Thielen.
- H.B. No. 2852, HD 2, SD 2:**  
Representatives Santiago/Menor, Co-Chairs; Lee, Saiki and Aiona.
- H.B. No. 2855, HD 1, SD 1:**  
Representatives Santiago/Menor, Co-Chairs; Arakaki, Lee and Pendleton.
- H.B. No. 2858, HD 2, SD 2:**  
Representatives Santiago/Kawakami, Co-Chairs; White and Meyer.
- H.B. No. 2862, HD 2, SD 2:**  
Representatives Santiago/Kawakami, Co-Chairs; Ito, Kahikina and McDermott.
- H.B. No. 2866, SD 1:**  
Representatives Yonamine/Tom, Co-Chairs; Takumi, Yamane and Moses.
- H.B. No. 2869, HD 1, SD 1:**  
Representatives Menor, Chair; Cachola, Case, Saiki and Aiona.
- H.B. No. 2870, SD 2:**  
Representatives Yonamine/Menor/Nakasone, Co-Chairs; Case and Pendleton.
- H.B. No. 2871, SD 1:**  
Representatives Yonamine, Chair; Hiraki, Takumi and Moses.
- H.B. No. 2872, HD 1, SD 1:**  
Representatives Tom/White, Co-Chairs; Abinsay, Yamane and Fox.
- H.B. No. 2878, HD 1, SD 1:**  
Representatives Tarnas/Tom, Co-Chairs; Yamane, Yoshinaga and Whalen.
- H.B. No. 2888, HD 2, SD 1:**  
Representatives Tom/White, Co-Chairs; Yoshinaga and Fox.
- H.B. No. 2889, HD 1, SD 1:**  
Representatives Tom, Chair; Jones, Lee, Yamane and Whalen.
- H.B. No. 2892, HD 1, SD 1:**
- Representatives Nakasone, Chair; Ahu Isa, Kanoho, Suzuki and Marumoto.
- H.B. No. 2909, HD 2, SD 1:**  
Representatives Jones/Kanoho, Co-Chairs; Chang, Herkes and Halford.
- H.B. No. 2912, HD 1, SD 1:**  
Representatives Kawakami, Chair; Ahu Isa, Chang, Suzuki and Ward.
- H.B. No. 2921, HD 1, SD 1:**  
Representatives Tom, Chair; Jones, Yamane, Yoshinaga and Whalen.
- H.B. No. 2932, SD 1:**  
Representatives Tom, Chair; Jones, Lee, Yamane and Whalen.
- H.B. No. 2935, SD 1:**  
Representatives Tom, Chair; Case, Yamane, Yoshinaga and Whalen.
- H.B. No. 2941, HD 1, SD 1:**  
Representatives Tom, Chair; Herkes, Hiraki, Lee and Whalen.
- H.B. No. 2957, HD 2, SD 1:**  
Representatives Hamakawa/Kanoho, Co-Chairs; Goodenow and Meyer.
- H.B. No. 2958, HD 1, SD 1:**  
Representatives Nakasone, Chair; Ito, Kanoho and Fox.
- H.B. No. 2985, HD 1, SD 1:**  
Representatives Jones/Say, Co-Chairs; Abinsay, Chang and Fox.
- H.B. No. 2990, HD 2, SD 2:**  
Representatives Jones/Say, Co-Chairs; Abinsay, Hamakawa and Whalen.
- H.B. No. 2992, HD 2, SD 1:**  
Representatives Tom/White, Co-Chairs; Ahu Isa, Goodenow and Thielen.
- H.B. No. 2998, HD 2, SD 2:**  
Representatives Hiraki/Hamakawa/Tarnas/Say, Co-Chairs; and Marumoto
- H.B. No. 3005, HD 2, SD 1:**  
Representatives Arakaki/Kawakami, Co-Chairs; Goodenow, Kahikina and McDermott.
- H.B. No. 3010, SD 2:**  
Representatives Tom, Chair; Case, Jones, Yamane and Whalen.
- H.B. No. 3021, HD 1, SD 1:**  
Representatives Santiago/Say, Co-Chairs; Arakaki, Kahikina and Ward.
- H.B. No. 3022, HD 2, SD 1:**  
Representatives Garcia/Ito, Co-Chairs; Abinsay, Saiki and Kawanakoa.
- H.B. No. 3024, SD 1:**  
Representatives Arakaki/Say, Co-Chairs; Kawakami, Santiago and Ward.
- H.B. No. 3027, HD 2, SD 1:**  
Representatives Arakaki/Tom/Kawakami, Co-Chairs; Saiki and McDermott.
- H.B. No. 3028, HD 1, SD 2:**



- Representatives Arakaki/Kawakami, Co-Chairs; Abinsay, Stegmaier and Ward.
- H.B. No. 3033, HD 2, SD 2:**  
Representatives Garcia/Say, Co-Chairs; Chang, Saiki and Marumoto.
- H.B. No. 3059, SD 1:**  
Representatives Yonamine, Chair; Case, Suzuki and Moses.
- H.B. No. 3065, HD 2, SD 2:**  
Representatives Tom/Say, Co-Chairs; Suzuki, Yamane and Whalen.
- H.B. No. 3082, HD 1, SD 1:**  
Representatives Hiraki/Tom, Co-Chairs; Jones, Takumi and Moses.
- H.B. No. 3130, HD 1, SD 1:**  
Representatives Tom, Chair; Herkes, Jones, Yamane and Whalen.
- H.B. No. 3132, HD 1, SD 1:**  
Representatives Yonamine, Chair; Case, Nakasone, Suzuki and Moses.
- H.B. No. 3138, HD 1, SD 1:**  
Representatives Takamine, Chair; Goodenow, Hamakawa, Morihara and Meyer.
- H.B. No. 3167, HD 1, SD 1:**  
Representatives Stegmaier, Chair; Morita, Takai, Tarnas and Halford.
- H.B. No. 3185, HD 1, SD 1:**  
Representatives Hiraki/Tom, Co-Chairs; Jones, Takumi and Moses.
- H.B. No. 3192, HD 1, SD 1:**  
Representatives Tom, Chair; Herkes, Lee, Yamane and Thielen.
- H.B. No. 3199, HD 2, SD 1:**  
Representatives Yonamine/Say, Co-Chairs; Nakasone, Suzuki and Marumoto.
- H.B. No. 3200, HD 1, SD 2:**  
Representatives Yonamine/Say, Co-Chairs; Case, Nakasone, Suzuki, Fox and Moses.
- H.B. No. 3247, HD 1, SD 1:**  
Representatives Ito, Chair; Chang, Goodenow, Kanoho and Fox.
- H.B. No. 3248, HD 1, SD 1:**  
Representatives Chang, Chair; Abinsay, Ahu Isa, Kanoho and Meyer.
- H.B. No. 3252, SD 1:**  
Representatives Tom, Chair; Herkes, Hiraki, Yamane and Pendleton.
- H.B. No. 3257, HD 2, SD 1:**  
Representatives Yonamine/Tom, Co-Chairs; Case, Yamane and Pendleton.
- H.B. No. 3281, HD 1, SD 1:**  
Representatives Menor, Chair; Cachola, Garcia, Lee and Aiona.
- H.B. No. 3289, HD 1, SD 1:**  
Representatives Cachola/Tom, Co-Chairs; Herkes, White and Fox.
- H.B. No. 3302, HD 2, SD 2:**
- Representatives Morihara/Menor/Tom, Co-Chairs; Takai and Halford.
- H.B. No. 3361, HD 3, SD 2:**  
Representatives Arakaki/Tom/Kawakami, Co-Chairs; Lee and Meyer.
- H.B. No. 3367, HD 1, SD 1:**  
Representatives Cachola/Morihara/Chang, Co-Chairs; Ahu Isa and Halford.
- H.B. No. 3403, HD 2, SD 1:**  
Representatives Jones/Tom, Co-Chairs; Abinsay, Yamane and Whalen.
- H.B. No. 3437, HD 2, SD 2:**  
Representatives Menor/Say, Co-Chairs; Cachola, Kanoho and Aiona.
- H.B. No. 3443, HD 1, SD 2:**  
Representatives Herkes/Chang, Co-Chairs; Ito, Suzuki and Fox.
- H.B. No. 3446, SD 2:**  
Representatives Arakaki/Santiago/Abinsay, Co-Chairs; Chang and Ward.
- H.B. No. 3453, HD 2, SD 1:**  
Representatives Kawakami, Chair; Ahu Isa, Hamakawa and Marumoto.
- H.B. No. 3457, HD 2, SD 2:**  
Representatives Tarnas/Kawakami, Co-Chairs; Hamakawa, Morihara and Meyer.
- H.B. No. 3468, HD 2, SD 2:**  
Representatives Santiago/Kawakami, Co-Chairs; Nakasone, Saiki and Ward.
- H.B. No. 3489, HD 2, SD 2:**  
Representatives Hiraki/Abinsay, Co-Chairs; Kanoho, Takumi and Fox.
- H.B. No. 3527, HD 1, SD 2:**  
Representatives Yoshinaga/Kanoho, Co-Chairs; Chang, Goodenow and Meyer.
- H.B. No. 3528, HD 1, SD 2:**  
Representatives Yonamine/Tom, Co-Chairs; Nakasone, Yamane and Marumoto.
- H.B. No. 3553, SD 1:**  
Representatives Tom, Chair; Herkes, Jones, Yamane and Whalen.
- H.B. No. 3568, HD 1, SD 1:**  
Representatives Menor/Tom, Co-Chairs; Case, Lee and Whalen.
- H.B. No. 3581, HD 1, SD 1:**  
Representatives Hiraki/Tom, Co-Chairs; Case, Yamane and Moses.
- H.B. No. 3613, HD 2, SD 2:**  
Representatives Menor/Kawakami, Co-Chairs; Hamakawa, Saiki and Pendleton.
- H.B. No. 3625, HD 3, SD 2:**  
Representatives Say/Jones, Co-Chairs; Chang, Kanoho and Whalen.

## ADJOURNMENT

At 12:46 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Marumoto and

carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 21, 1998. (Representatives Ahu Isa, Chang, Fox, Menor, Meyer, Saiki, Takamine, Takumi and Ward were excused.)

## FIFTY-SECOND DAY

**Tuesday, April 21, 1998**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m., with the Vice Speaker presiding.

The invocation was delivered by Representative Terry Nui Yoshinaga, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Hamakawa, Kawakami, Menor, Morita, Say, Souki, Ward and White, who were excused.

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

## GOVERNOR'S MESSAGE

Gov. Msg. No. 205, transmitting copies of the report of the Waikiki Planning Working Group, prepared by the Department of Business, Economic Development and Tourism and the Office of Planning was received and announced by the Clerk and was placed on file.

## SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 659) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 659, informing the House that the President has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bills on April 20, 1998:

**S.B. No. 379, SD 2, HD 2:**

Senators Levin/Fernandes Salling/Chumbley, Matsunaga, Co-Chairs; Chun Oakland and Slom.

**S.B. No. 632, SD 2, HD 3:**

Senators Kawamoto/Sakamoto/Matsunaga/Chumbley/Baker, Co-Chairs; Fernandes Salling and Anderson.

**S.B. No. 682, SD 2, HD 1:**

Senators Bunda/M. Ige/D. Ige/Metcalf, Co-Chairs; Kanno, Matsunaga and Slom.

**S.B. No. 719, SD 2, HD 2:**

Senators Matsunaga/Chumbley/Baker/Fukunaga, Co-Chairs; Ihara, McCartney and Anderson.

**S.B. No. 720, SD 2, HD 2:**

Senators Chumbley/Matsunaga/Fukunaga, Co-Chairs; Bunda and Anderson.

**S.B. No. 721, SD 1, HD 2:**

Senators Chumbley/Matsunaga/Baker, Co-Chairs; and Sakamoto.

**S.B. No. 1065, SD 1, HD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Ihara and Anderson.

**S.B. No. 1122, SD 1, HD 1:**

Senators Levin/Fernandes Salling, Co-Chairs; Metcalf and Slom.

**S.B. No. 1273, SD 1, HD 2:**

Senators Chumbley/Matsunaga/Baker/Fukunaga, Co-Chairs; Ihara, McCartney and Anderson.

**S.B. No. 1309, SD 1, HD 2:**

Senators Matsunaga/Chumbley/Baker, Co-Chairs; Sakamoto and Anderson.

**S.B. No. 1310, SD 1, HD 2:**

Senators Chumbley/Matsunaga, Co-Chairs; Ihara and Anderson.

**S.B. No. 1362, HD 1:**

Senators D. Ige/Metcalf, Co-Chairs; and Slom.

**S.B. No. 1469, SD 1, HD 1:**

Senators Baker/Fukunaga, Co-Chairs; and Levin.

**S.B. No. 1559, SD 2, HD 3:**

Senators Levin/Fernandes Salling/Baker/Fukunaga, Co-Chairs; and Anderson.

**S.B. No. 1597, SD 1, HD 2:**

Senators Taniguchi/Solomon/Chumbley, Co-Chairs; McCartney and Anderson.

**S.B. No. 1601, SD 1, HD 2:**

Senators Iwase/Solomon/Matsunaga/Chumbley, Co-Chairs; and Anderson.

**S.B. No. 1638, SD 1, HD 1:**

Senators Baker/Fukunaga, Co-Chairs; Chun Oakland, Ihara, Iwase, Kawamoto, Levin, McCartney, Tam, Taniguchi and Anderson.

**S.B. No. 1946, SD 1, HD 2:**

Senators D. Ige/Metcalf, Co-Chairs; and Slom.

**S.B. No. 2025, SD 2, HD 2:**

Senators Taniguchi/Baker, Co-Chairs; Kawamoto and Slom.

**S.B. No. 2026, SD 1, HD 1:**

Senators Taniguchi/Fukunaga/Baker, Co-Chairs; Bunda, Ihara and Slom.

**S.B. No. 2037, SD 1, HD 2:**

Senators D. Ige/Metcalf, Co-Chairs; Chun Oakland, Kanno and Slom.

**S.B. No. 2056, SD 1, HD 1:**

Senators Levin/Fernandes Salling, Co-Chairs; Chun Oakland, Metcalf, Tam and Slom.

**S.B. No. 2063, SD 2, HD 1:**

Senators Iwase/Solomon/Taniguchi/Tanaka/Fukunaga/Baker, Co-Chairs; Ihara, Levin and Anderson.

**S.B. No. 2078, SD 1, HD 3:**

Senators Taniguchi/Tanaka, Co-chairs; Levin, McCartney and Slom.

**S.B. No. 2092, SD 1, HD 1:**

Senators Taniguchi/Fukunaga/Baker, Co-Chairs; Kawamoto and Slom.

**S.B. No. 2099, SD 2, HD 1:**

Senators Sakamoto/Kawamoto/Matsunaga/Chumbley, Co-Chairs; and Anderson.

**S.B. No. 2136, SD 1, HD 1:**

Senators Sakamoto/Kawamoto/Chumbley/Matsunaga, Co-Chairs; Ihara, Kanno and Slom.

**S.B. No. 2204, SD 2, HD 2:**

- Senators D. Ige/Metcalf/Levin/Fernandes Salling/Baker/Fukunaga, Co-Chairs; Chun Oakland, Kanno and Slom.
- S.B. No. 2213, SD 2, HD 2:**  
Senators Kanno/Chun Oakland/Fukunaga/Baker/Bunda/M. Ige, Co-Chairs; Metcalf, Sakamoto and Anderson.
- S.B. No. 2249, SD 1, HD 2:**  
Senators Chumbley/Matsunaga, Co-Chairs; McCartney and Anderson.
- S.B. No. 2253, SD 1, HD 1:**  
Senators Matsunaga/Chumbley, Co-Chairs; Ihara and Anderson.
- S.B. No. 2254, SD 2, HD 2:**  
Senators Matsunaga/Chumbley/Fukunaga, Co-Chairs; Ihara and Anderson.
- S.B. No. 2256, SD 1, HD 1:**  
Senators Kawamoto/Sakamoto, Co-Chairs; Kanno and Slom.
- S.B. No. 2259, SD 1, HD 1:**  
Senators Baker/Fukunaga, Co-Chairs; Chun Oakland, Ihara, Levin, Taniguchi and Anderson.
- S.B. No. 2292, SD 1, HD 1:**  
Senators Baker/Fukunaga, Co-Chairs; Ihara, Kawamoto and Levin.
- S.B. No. 2297, SD 2, HD 1:**  
Senators Levin/Fernandes Salling/Chun Oakland/Kanno/D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2326, SD 1, HD 2:**  
Senators Kanno/Chun Oakland/Fukunaga/Baker/Metcalf/D. Ige, Co-Chairs; and Anderson.
- S.B. No. 2334, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2338, SD 2, HD 2:**  
Senators Kanno/Chun Oakland/Fukunaga/Baker/Metcalf/D. Ige, Co-Chairs; Kawamoto and Anderson.
- S.B. No. 2345, SD 1, HD 1:**  
Senators Levin/Fernandes Salling, Co-Chairs; Chun Oakland, Metcalf and Slom.
- S.B. No. 2346, SD 2, HD 2:**  
Senators D. Ige/Metcalf/Baker, Co-Chairs; Chun Oakland and Slom.
- S.B. No. 2349, SD 1, HD 2:**  
Senators Levin/Fernandes Salling/Baker/Fukunaga, Co-Chairs; and Anderson.
- S.B. No. 2350, SD 1, HD 2:**  
Senators Levin/Fernandes Salling/Fukunaga, Co-Chairs; Chun Oakland, Ihara and Anderson.
- S.B. No. 2363, SD 1, HD 1:**  
Senators Baker/Fukunaga, Co-Chairs; Ihara, Levin and Anderson.
- S.B. No. 2386, SD 2, HD 2:**  
Senators Kanno/Chun Oakland/Fukunaga/Metcalf/D. Ige, Co-Chairs; McCartney and Anderson.
- S.B. No. 2389, SD 1, HD 2:**
- Senators Levin/Fernandes Salling/Chumbley/Matsunaga, Co-Chairs; and Slom.
- S.B. No. 2399, SD 2, HD 2:**  
Senators Chumbley/Matsunaga/Baker, Co-Chairs; Ihara, McCartney and Sakamoto.
- S.B. No. 2402, SD 1, HD 2:**  
Senators Matsunaga/Chumbley/Fukunaga, Co-Chairs; Sakamoto and Anderson.
- S.B. No. 2411, SD 2, HD 1:**  
Senators D. Ige/Metcalf/Chumbley/Matsunaga, Co-Chairs; Levin and Slom.
- S.B. No. 2413, SD 2, HD 2:**  
Senators Levin/Fernandes Salling/Baker/Fukunaga, Co-Chairs; Chun Oakland and Anderson.
- S.B. No. 2414, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2454, SD 1, HD 2:**  
Senators Kanno/Chun Oakland, Co-Chairs; Metcalf, Sakamoto and Anderson.
- S.B. No. 2460, SD 2, HD 2:**  
Senators Levin/Fernandes Salling/Chumbley/Matsunaga, Co-Chairs; and Slom.
- S.B. No. 2469, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2495, SD 1, HD 1:**  
Senators Kanno/Chun Oakland/Fukunaga, Co-Chairs; Kawamoto, Metcalf and Anderson.
- S.B. No. 2554, SD 1, HD 1:**  
Senators D. Ige/Metcalf/Chumbley/Matsunaga, Co-Chairs; Chun Oakland and Slom.
- S.B. No. 2559, SD 2, HD 1:**  
Senators Sakamoto/Kawamoto/Chun Oakland/Kanno/Baker, Co-Chairs; and Slom.
- S.B. No. 2564, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; Levin, Solomon and Slom.
- S.B. No. 2575, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2581, HD 1:**  
Senators D. Ige/Metcalf, Fukunaga, Co-Chairs; Chun Oakland, Kanno and Slom.
- S.B. No. 2582, SD 1, HD 2:**  
Senators D. Ige/Metcalf/Fukunaga, Co-Chairs; and Slom.
- S.B. No. 2586, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2588, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2602, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2610, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2618, SD 1, HD 1:**  
Senators Chun Oakland/Kanno/Fernandes Salling/Levin/Baker/Fukunaga, Co-Chairs; Sakamoto and Anderson.

- S.B. No. 2619, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; Chun Oakland and Slom.
- S.B. No. 2624, SD 2, HD 2:**  
Senators Bunda/M. Ige/Baker/Fukunaga, Co-Chairs; Chun Oakland, Kanno and Anderson.
- S.B. No. 2633, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; Kanno and Slom.
- S.B. No. 2644, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2655, SD 1, HD 1:**  
Senators Sakamoto/Kawamoto, Co-Chairs; and Slom.
- S.B. No. 2689, SD 2, HD 2:**  
Senators Kanno/Chun Oakland/Fukunaga/Baker, Co-Chairs; and Anderson.
- S.B. No. 2697, SD 1, HD 1:**  
Senators Matsunaga/Chumbley, Co-Chairs; McCartney and Anderson.
- S.B. No. 2717, SD 1, HD 1:**  
Senators Matsunaga/Chumbley, Co-Chairs; Ihara, Sakamoto and Anderson.
- S.B. No. 2757, SD 1, HD 1:**  
Senators Levin/Fernandes Salling, Co-Chairs; Tam and Slom.
- S.B. No. 2759, SD 2, HD 1:**  
Senators Kawamoto/Sakamoto/Baker, Co-Chairs; McCartney and Anderson.
- S.B. No. 2761, SD 2, HD 2:**  
Senators Kawamoto/Sakamoto/Metcalf/D. Ige, Co-Chairs; and Anderson.
- S.B. No. 2768, SD 1, HD 2:**  
Senators Kanno/Chun Oakland/Fukunaga, Co-Chairs; Metcalf, Sakamoto and Anderson.
- S.B. No. 2770, SD 2, HD 2:**  
Senators Taniguchi/Metcalf/Chumbley, Co-Chairs; and Slom.
- S.B. No. 2774, SD 3, HD 1:**  
Senators M. Ige/Bunda/Fukunaga/Baker, Co-Chairs; Chun Oakland, Kawamoto and Anderson.
- S.B. No. 2782, HD 2:**  
Senators Chumbley/Matsunaga/Baker, Co-Chairs; Sakamoto and Anderson.
- S.B. No. 2786, HD 1:**  
Senators Matsunaga/Chumbley, Co-Chairs; McCartney, Sakamoto and Anderson.
- S.B. No. 2803, SD 2, HD 2:**  
Senators Taniguchi/Metcalf/Levin/Baker, Co-Chairs; and Anderson.
- S.B. No. 2805, SD 1, HD 1:**  
Senators D. Ige/Metcalf/Chumbley/Matsunaga, Co-Chairs; Levin and Slom.
- S.B. No. 2816, SD 2, HD 1:**  
Senators Kanno/Chun Oakland/Fukunaga/Baker, Co-Chairs; and Anderson.
- S.B. No. 2820, HD 1:**  
Senators D. Ige/Metcalf/Baker, Co-Chairs; Levin, Tanaka and Slom.
- S.B. No. 2821, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; Levin, Tanaka and Slom.
- S.B. No. 2822, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; Kanno and Slom.
- S.B. No. 2823, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2829, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2832, SD 2, HD 1:**  
Senators D. Ige/Metcalf/Chumbley/Matsunaga, Co-Chairs; Levin and Slom.
- S.B. No. 2833, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2835, SD 1, HD 2:**  
Senators D. Ige/Metcalf/Baker, Co-Chairs; Levin and Slom.
- S.B. No. 2836, SD 1, HD 1:**  
Senators D. Ige/Metcalf/Chumbley/Matsunaga, Co-Chairs; and Slom.
- S.B. No. 2838, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; Kanno, Solomon and Slom.
- S.B. No. 2842, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; Chun Oakland and Slom.
- S.B. No. 2846, SD 2, HD 2:**  
Senators Levin/Fernandes Salling/Matsunaga, Co-Chairs; McCartney and Slom.
- S.B. No. 2849, SD 1, HD 1:**  
Senators Matsunaga/Chumbley/Fukunaga, Co-Chairs; Sakamoto and Anderson.
- S.B. No. 2850, SD 2, HD 2:**  
Senators Levin/Fernandes Salling/Matsunaga/D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 2852, SD 1, HD 2:**  
Senators Levin/Fernandes Salling, Co-Chairs; Chun Oakland, Tam and Slom.
- S.B. No. 2866, SD 1, HD 1:**  
Senators Levin/Fernandes Salling/Chun Oakland/Kanno/Metcalf/D. Ige, Fukunaga, Co-Chairs; and Anderson.
- S.B. No. 2874, SD 2, HD 2:**  
Senators Chun Oakland/Kanno/Fukunaga, Co-Chairs; Metcalf and Anderson.
- S.B. No. 2884, SD 1, HD 1:**  
Senators Kanno/Chun Oakland, Co-Chairs; Metcalf, Sakamoto and Anderson.
- S.B. No. 2887, SD 1, HD 1:**  
Senators Kanno/Chun Oakland, Co-Chairs; Fukunaga, Metcalf and Anderson.
- S.B. No. 2889, SD 1, HD 1:**  
Senators Kanno/Chun Oakland, Co-Chairs; and Anderson.

- S.B. No. 2922, SD 1, HD 2:**  
Senators Baker/Fukunaga, Co-Chairs; Chun Oakland, Ihara, Kawamoto and Levin.
- S.B. No. 2957, SD 2, HD 1:**  
Senators Kawamoto/Sakamoto/Chumbley/Matsunaga, Co-Chairs; Ihara and Slom.
- S.B. No. 2966, SD 2, HD 2:**  
Senators Matsunaga/Chumbley/Baker, Co-Chairs; Ihara and Anderson.
- S.B. No. 2970, SD 1, HD 3:**  
Senators Levin/Fernandes Salling/Fukunaga, Co-Chairs; Ihara and Anderson.
- S.B. No. 2981, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; Chun Oakland and Slom.
- S.B. No. 2983, SD 2, HD 2:**  
Senators D. Ige/Metcalf/Baker, Co-Chairs; Ihara and Slom.
- S.B. No. 2987, SD 2, HD 3:**  
Senators Chun Oakland/Kanno/Chumbley, Matsunaga/Baker, Co-Chairs; Sakamoto and Anderson.
- S.B. No. 3000, SD 2, HD 2:**  
Senators Kanno/Chun Oakland/Baker, Co-Chairs; and Anderson.
- S.B. No. 3002, SD 2, HD 1:**  
Senators Chun Oakland/Kanno/Fukunaga, Co-Chairs; and Anderson.
- S.B. No. 3004, SD 1, HD 1:**  
Senators Baker/Fukunaga, Co-Chairs; McCartney, Tam and Anderson.
- S.B. No. 3006, HD 1:**  
Senators Baker, Chair; Levin and Anderson.
- S.B. No. 3007, SD 1, HD 2:**  
Senators Taniguchi/Tanaka/Metcalf/Fukunaga/Baker, Co-Chairs; and Slom.
- S.B. No. 3015, SD 2, HD 1:**  
Senators Taniguchi/Baker/Fukunaga, Co-Chairs; Kawamoto and Tanaka.
- S.B. No. 3018, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 3024, SD 1, HD 1:**  
Senators Taniguchi/Baker, Co-Chairs; Iwase and Levin.
- S.B. No. 3025, SD 1, HD 1:**  
Senators Taniguchi/Baker, Co-Chairs; Iwase and Levin.
- S.B. No. 3035, SD 2, HD 2:**  
Senators Bunda/M. Ige/Fukunaga/Baker, Co-Chairs; Chun Oakland, McCartney and Anderson.
- S.B. No. 3043, SD 2, HD 2:**  
Senators D. Ige/Metcalf/Chumbley/Matsunaga/Baker, Co-Chairs; and Slom.
- S.B. No. 3076, SD 1, HD 1:**  
Senators Levin/Fernandes Salling/Chun Oakland/Kanno/Bunda/M. Ige/Baker/Fukunaga, Co-Chairs; and Anderson.
- S.B. No. 3088, SD 1, HD 2:**  
Senators Kanno/Chun Oakland/Chumbley/Matsunaga, Co-Chairs; McCartney and Anderson.
- S.B. No. 3105, SD 1, HD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; Kanno and Slom.
- S.B. No. 3113, SD 1, HD 1:**  
Senators Bunda/M. Ige, Co-Chairs; Matsunaga and Anderson.
- S.B. No. 3114, SD 2, HD 2:**  
Senators M. Ige/Bunda/Fukunaga/Baker, Co-Chairs; Chun Oakland, Kawamoto and Anderson.
- S.B. No. 3137, SD 1, HD 2:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- S.B. No. 3141, SD 1, HD 1:**  
Senators Baker/Fukunaga, Co-Chairs; Chun Oakland, Kawamoto and Anderson.
- S.B. No. 3143, SD 1, HD 2:**  
Senators D. Ige/Metcalf, Co-Chairs; Kanno and Slom.
- S.B. No. 3159, SD 2, HD 1:**  
Senators M. Ige/Bunda/D. Ige/Metcalf, Co-Chairs; Solomon, Tanaka and Anderson.
- S.B. No. 3213, SD 2, HD 1:**  
Senators D. Ige/Metcalf/Baker, Co-Chairs; Kanno and Anderson.
- S.B. No. 3220, SD 1, HD 2:**  
Senators Bunda/M. Ige/Baker/Fukunaga, Co-Chairs; Chun Oakland, Kawamoto and Anderson.
- S.B. No. 3228, SD 1, HD 1:**  
Senators Levin/Fernandes Salling/Matsunaga, Co-Chairs; McCartney and Slom.
- S.B. No. 3230, SD 1, HD 1:**  
Senators Chumbley/Matsunaga/Fukunaga, Co-Chairs; Levin, McCartney and Anderson.
- S.B. No. 3248, SD 2, HD 2:**  
Senators Levin/Fernandes Salling/Baker/Fukunaga, Co-Chairs; Chun Oakland, Ihara and Anderson.
- Sen. Com. No. 660, informing the House that the Senate had inadvertently omitted Senator Sakamoto as a member at the conference to the following Senate Bill: S.B. No. 2386, SD 2, HD 2.

#### INTRODUCTION

Representative Aiona introduced 48 fifth grade students from Kamehameha Schools. They were accompanied by their teachers, Mrs. Christianson, Mrs. Tano and Mrs. Kekuna; and a parent, Mrs. Luke.

#### 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>
92	Committee on Transportation, then jointly to the Committee on Judiciary and the Committee on Consumer Protection and Commerce
2648	Committee on Labor and Public Employment, then to the Committee on Consumer Protection

- and Commerce, then to the Committee on Finance
- 2660 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 2762 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 2846 Committee on Judiciary, then to the Committee on Finance
- 3361 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
- 3453 Committee on Health, then to the Committee on Finance
- 3625 Jointly to the Committee on Finance, to the Committee on Agriculture, and to the Committee on Health

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

**S.B.**  
**Nos.**

**Re-referred to:**

- 2213 Committee on Labor and Public Employment, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 2253 Jointly to the Committee on Judiciary and the Committee on Public Safety and Military Affairs
- 2259 Jointly to the Committee on Finance and the Committee on Tourism
- 2413 Jointly to the Committee on Energy and Environmental Protection and the Committee on Ocean and Marine Resources, then to the Committee on Finance
- 2557 Committee on Judiciary, then to the Committee on Finance
- 2922 Jointly to the Committee on Finance and the Committee on Consumer Protection and Commerce

The following Senate Concurrent Resolutions were re-referred to committee by the Speaker:

**S.C.R.**  
**Nos.**

**Re-referred to:**

- 51 Committee on Finance
- 123 Committee on Finance
- 157 Committee on Education, then to the Committee on Finance
- 172 Committee on Finance
- 184 Committee on Finance
- 210 Committee on Finance

**APPOINTMENT OF CONFEREES**

In accordance with the disagreement of the Senate to the amendments proposed by the House in the following Senate Bills and the request for a conference on the respective subject matter thereof, the Speaker appointed the following conferees on the part of the House at such conference:

**S.B. No. 379, SD 2, HD 2:**

Representatives Yoshinaga/Kanoho, Co-Chairs; Chang, Goodenow and Meyer.

**S.B. No. 632, SD 2, HD 3:**

Representatives Hiraki/Tom/Nakasone, Co-Chairs; Yamane and Moses.

**S.B. No. 682, SD 2, HD 1:**

Representatives Menor/Tom, Co-Chairs; Lee, Yamane and Aiona.

**S.B. No. 705, SD 2, HD 1:**

Representatives Tom/White, Co-Chairs; Ahu Isa, Herkes and Marumoto.

**S.B. No. 719, SD 2, HD 2:**

Representatives Tom/Say, Co-Chairs; Herkes, Ito and Pendleton.

**S.B. No. 720, SD 2, HD 2:**

Representatives Tom/White, Co-Chairs; Kanoho, Yoshinaga and Whalen.

**S.B. No. 721, SD 1, HD 2:**

Representatives Tom/Kawakami, Co-Chairs; Suzuki, Yamane and Whalen.

**S.B. No. 760, HD 2:**

Representatives Stegmaier/Say, Co-Chairs; Goodenow, Santiago and Fox.

**S.B. No. 1065, SD 1, HD 1:**

Representatives Tom, Chair; Case, Hiraki, Yamane and Thielen.

**S.B. No. 1122, SD 1, HD 1:**

Representatives Yoshinaga/Kanoho, Co-Chairs; Goodenow, Hamakawa and Meyer.

**S.B. No. 1273, SD 1, HD 2:**

Representatives Tom/White, Co-Chairs; Ahu Isa, Lee and Fox.

**S.B. No. 1309, SD 1, HD 2:**

Representatives Tom/White, Co-Chairs; Abinsay, Yoshinaga and Ward.

**S.B. No. 1310, SD 1, HD 2:**

Representatives Tom/White, Co-Chairs; Abinsay, Yoshinaga and Ward.

**S.B. No. 1362, HD 1:**

Representatives Menor, Chair; Case, Garcia, Lee and Whalen.

**S.B. No. 1465, HD 1:**

Representatives Yonamine/Say, Co-Chairs; Case, Nakasone and Marumoto.

**S.B. No. 1469, SD 1, HD 1:**

Representatives Kanoho, Chair; Ahu Isa, Hamakawa, Nakasone and Marumoto.

**S.B. No. 1559, SD 2, HD 3:**

Representatives Yoshinaga/Tom/Goodenow, Co-Chairs; Hamakawa and Meyer.

**S.B. No. 1597, SD 1, HD 2:**

- Representatives Tarnas/Tom, Co-Chairs; Goodenow, Jones and Pendleton.
- S.B. No. 1601, SD 1, HD 2:**  
Representatives Tarnas/Tom, Co-Chairs; Goodenow, Jones and Pendleton.
- S.B. No. 1638, SD 1, HD 1:**  
Representatives Say, Chair; Suzuki and Meyer.
- S.B. No. 1946, SD 1, HD 2:**  
Representatives Santiago/Menor, Co-Chairs; Case, Kahikina and Aiona.
- S.B. No. 2025, SD 2, HD 2:**  
Representatives Jones/Tom/Abinsay, Co-Chairs; Chang and Meyer.
- S.B. No. 2026, SD 1, HD 1:**  
Representatives Ahu Isa, Chair; Abinsay, Ito and Fox.
- S.B. No. 2037, SD 1, HD 2:**  
Representatives Menor/Say, Co-Chairs; Cachola, Hamakawa and Marumoto.
- S.B. No. 2056, SD 1, HD 1:**  
Representatives Yoshinaga, Chair; Garcia, Goodenow, Morihara and Meyer.
- S.B. No. 2063, SD 1, HD 1:**  
Representatives Say, Chair; Chang, Nakasone and Fox.
- S.B. No. 2078, SD 1, HD 3:**  
Representatives Cachola/Tarnas/Nakasone, Co-Chairs; Chang and Ward.
- S.B. No. 2092, SD 1, HD 1:**  
Representatives Yoshinaga/Say, Co-Chairs; Goodenow, Kanoho and Thielen.
- S.B. No. 2099, SD 2, HD 1:**  
Representatives Hiraki/Tom, Co-Chairs; Jones, Yonamine and Marumoto.
- S.B. No. 2132, SD 1, HD 1:**  
Representatives Menor, Chair; Garcia, Lee, Saiki and Aiona.
- S.B. No. 2135, SD 1, HD 1:**  
Representatives Menor, Chair; Cachola, Lee, Saiki and Aiona.
- S.B. No. 2136, SD 1, HD 1:**  
Representatives Menor/Tom, Co-Chairs; Cachola, Yamane and Pendleton.
- S.B. No. 2180, SD 1, HD 1:**  
Representatives Hiraki/Menor/Tom, Co-Chairs; Takumi and Moses.
- S.B. No. 2204, SD 2, HD 2:**  
Representatives Menor/Say, Co-Chairs; Nakasone, Yoshinaga and Marumoto.
- S.B. No. 2207, SD 2, HD 2:**  
Representatives Morihara/Say, Co-Chairs; Goodenow, Takai, Tarnas, Halford and Moses.
- S.B. No. 2211, SD 2, HD 1:**  
Representatives Stegmaier/Say, Co-Chairs; Kahikina, Kawakami and Morita.
- S.B. No. 2213, SD 2, HD 2:**  
Representatives Yonamine/Menor/Say, Co-Chairs; Nakasone, Suzuki, Marumoto and Ward.
- S.B. No. 2249, SD 1, HD 2:**  
Representatives Garcia/Tom/Ito, Co-Chairs; Saiki and Kawananaoka.
- S.B. No. 2253, SD 1, HD 1:**  
Representatives Tom/Garcia, Co-Chairs; Yamane and Whalen.
- S.B. No. 2254, SD 2, HD 2:**  
Representatives Tom/Ito, Co-Chairs; White, Yamane and Fox.
- S.B. No. 2256, SD 1, HD 1:**  
Representatives Takamine, Chair; Hamakawa, Morihara and Thielen.
- S.B. No. 2259, SD 1, HD 1:**  
Representatives Say/Cachola, Co-Chairs; Chang, Kanoho, Kawakami and Suzuki.
- S.B. No. 2292, SD 1, HD 1:**  
Representatives Say, Chair; Kawakami, Suzuki and Marumoto.
- S.B. No. 2297, SD 2, HD 1:**  
Representatives Menor/Tom, Co-Chairs; Lee, Yamane and Aiona.
- S.B. No. 2326, SD 1, HD 2:**  
Representatives Yonamine/Menor/Say, Co-Chairs; Case and Pendleton.
- S.B. No. 2334, SD 1, HD 1:**  
Representatives Menor, Chair; Cachola, Lee, Saiki and Aiona.
- S.B. No. 2338, SD 2, HD 2:**  
Representatives Menor/Say, Co-Chairs; Goodenow, Lee and Fox.
- S.B. No. 2345, SD 1, HD 1:**  
Representatives Yoshinaga, Chair; Goodenow, Morihara, Tarnas and Meyer.
- S.B. No. 2346, SD 2, HD 2:**  
Representatives Santiago/Menor/Kawakami, Co-Chairs; and Meyer.
- S.B. No. 2349, SD 1, HD 2:**  
Representatives Yoshinaga/Kanoho, Co-Chairs; Goodenow and Thielen.
- S.B. No. 2350, SD 1, HD 2:**  
Representatives Yoshinaga/Say, Co-Chairs; Goodenow, Morihara and Thielen.
- S.B. No. 2363, SD 1, HD 1:**  
Representatives Say, Chair; Kanoho, White and Meyer.
- S.B. No. 2386, SD 2, HD 2:**  
Representatives Yonamine/Menor/Say, Co-Chairs; Nakasone and Marumoto.
- S.B. No. 2389, SD 1, HD 2:**  
Representatives Santiago/Tom, Co-Chairs; Kawakami, Yamane and McDermott.
- S.B. No. 2399, SD 2, HD 2:**  
Representatives Tom/Say, Co-Chairs; Abinsay, Yamane and Whalen.
- S.B. No. 2402, SD 1, HD 2:**  
Representatives Tom/White, Co-Chairs; Abinsay, Lee and Fox.
- S.B. No. 2411, SD 2, HD 1:**



- Representatives Menor/Tom, Co-Chairs; Herkes, Saiki and Pendleton.
- S.B. No. 2413, SD 2, HD 2:**  
Representatives Yoshinaga/Tarnas/Say, Co-Chairs; Goodenow and Meyer.
- S.B. No. 2414, SD 1, HD 1:**  
Representatives Menor, Chair; Case, Garcia, Lee and Pendleton.
- S.B. No. 2454, SD 1, HD 2:**  
Representatives Yonamine/Nakasone, Co-Chairs; Suzuki, Takumi and Moses.
- S.B. No. 2460, SD 2, HD 2:**  
Representatives Santiago/Menor/Tom, Co-Chairs; Lee and Ward.
- S.B. No. 2469, SD 1, HD 1:**  
Representatives Menor, Chair; Cachola, Herkes, Lee and Aiona.
- S.B. No. 2495, SD 1, HD 1:**  
Representatives Yonamine, Chair; Case, Nakasone, Suzuki and Moses.
- S.B. No. 2554, SD 1, HD 1:**  
Representatives Menor/Tom, Co-Chairs; Case, Lee and Whalen.
- S.B. No. 2557, SD 1, HD 1:**  
Representatives Tom/Say, Co-Chairs; White, Yamane and Whalen.
- S.B. No. 2559, SD 1, HD 1:**  
Representatives Yonamine/Nakasone, Co-Chairs; Suzuki and Moses.
- S.B. No. 2564, SD 1, HD 1:**  
Representatives Menor, Chair; Cachola, Lee, Yamane and Aiona.
- S.B. No. 2575, SD 1, HD 1:**  
Representatives Menor, Chair; Cachola, Lee, Yoshinaga and Whalen.
- S.B. No. 2580, SD 1, HD 1:**  
Representatives Stegmaier, Chair; Morita, Takai, Tarnas and Moses.
- S.B. No. 2581, HD 1:**  
Representatives Menor/Tom/Kawakami, Co-Chairs; Chang and Meyer.
- S.B. No. 2582, SD 1, HD 2:**  
Representatives Menor/Tom/Say, Co-Chairs; Yamane and Marumoto.
- S.B. No. 2586, SD 1, HD 1:**  
Representatives Menor, Chair; Herkes, Yamane and Aiona.
- S.B. No. 2588, SD 1, HD 1:**  
Representatives Menor, Chair; Cachola, Herkes, Lee and Aiona.
- S.B. No. 2602, SD 1, HD 1:**  
Representatives Menor, Chair; Cachola, Herkes, Lee and Aiona.
- S.B. No. 2610, SD 1, HD 1:**  
Representatives Menor, Chair; Cachola, Herkes, Lee and Aiona.
- S.B. No. 2618, SD 1, HD 1:**
- Representatives Santiago/Arakaki/Kawakami, Co-Chairs; Kahikina and McDermott.
- S.B. No. 2619, SD 1, HD 1:**  
Representatives Menor/Tom, Co-Chairs; Lee, Yamane and Pendleton.
- S.B. No. 2624, SD 2, HD 2:**  
Representatives Arakaki/Kawakami, Co-Chairs; Kahikina, Saiki and Ward.
- S.B. No. 2625, SD 1, HD 2:**  
Representatives Stegmaier/Say, Co-Chairs; Kawakami, Morita and Fox.
- S.B. No. 2633, SD 1, HD 1:**  
Representatives Menor/Say, Co-Chairs; Cachola, Suzuki and Marumoto.
- S.B. No. 2644, SD 1, HD 1:**  
Representatives Menor, Chair; Case, Lee, Saiki and Pendleton.
- S.B. No. 2655, SD 1, HD 1:**  
Representatives Hiraki/Tom, Co-Chairs; Takumi, Yoshinaga and Thielen.
- S.B. No. 2689, SD 2, HD 2:**  
Representatives Yonamine/Say, Co-Chairs; Nakasone and Marumoto.
- S.B. No. 2697, SD 1, HD 1:**  
Representatives Tom, Chair; Herkes, Lee, Yamane and Whalen.
- S.B. No. 2717, SD 1, HD 1:**  
Representatives Tom, Chair; Herkes, Yamane, Yoshinaga and Whalen.
- S.B. No. 2757, SD 1, HD 1:**  
Representatives Yoshinaga, Chair; Garcia, Goodenow, Kanoho and Thielen.
- S.B. No. 2759, SD 1, HD 1:**  
Representatives Tom, Chair; Case, Jones, Yamane and Thielen.
- S.B. No. 2761, SD 2, HD 2:**  
Representatives Hiraki/Menor, Co-Chairs; Lee, Takumi and Moses.
- S.B. No. 2768, SD 1, HD 2:**  
Representatives Yonamine/Menor/Nakasone, Co-Chairs; Suzuki and Moses.
- S.B. No. 2770, SD 2, HD 2:**  
Representatives Jones/Menor/Tom, Co-Chairs; Abinsay and Halford.
- S.B. No. 2774, SD 3, HD 1:**  
Representatives Say, Chair; Nakasone, Suzuki, White and Ward.
- S.B. No. 2782, HD 2:**  
Representatives Tom/Kawakami, Co-Chairs; Hamakawa, Yamane and Ward.
- S.B. No. 2786, HD 1:**  
Representatives Tom, Chair; Herkes, Lee, Yamane and Whalen.
- S.B. No. 2803, SD 2, HD 2:**  
Representatives Herkes/Say, Co-Chairs; Ahu Isa, Ito and Aiona.
- S.B. No. 2805, SD 1, HD 1:**

- Representatives Menor/Tom, Co-Chairs; Case, Jones and Pendleton.
- S.B. No. 2816, SD 2, HD 1:**  
Representatives Yonamine/Say, Co-Chairs; Nakasone, Suzuki and Marumoto.
- S.B. No. 2820, HD 1:**  
Representatives Menor/Tom/Kawakami, Co-Chairs; Hamakawa and Whalen.
- S.B. No. 2821, HD 1:**  
Representatives Menor, Chair; Cachola, Lee, Yoshinaga and Aiona.
- S.B. No. 2822, SD 1, HD 1:**  
Representatives Menor, Chair; Garcia, Lee, Saiki and Pendleton.
- S.B. No. 2823, SD 1, HD 1:**  
Representatives Menor, Chair; Cachola, Case, Yoshinaga and Pendleton.
- S.B. No. 2829, HD 1:**  
Representatives Menor, Chair; Case, Garcia, Saiki and Pendleton.
- S.B. No. 2832, SD 2, HD 1:**  
Representatives Menor/Tom, Co-Chairs; Saiki, Yamane and Whalen.
- S.B. No. 2833, HD 1:**  
Representatives Menor, Chair; Garcia, Lee, Saiki and Aiona.
- S.B. No. 2835, SD 1, HD 2:**  
Representatives Menor/Tom/Say, Co-Chairs; Ahu Isa and Aiona.
- S.B. No. 2836, SD 1, HD 1:**  
Representatives Menor/Tom, Co-Chairs; Herkes, Yamane and Thielen.
- S.B. No. 2838, SD 1, HD 1:**  
Representatives Menor, Chair; Garcia, Herkes, Saiki and Whalen.
- S.B. No. 2842, HD 1:**  
Representatives Menor, Chair; Herkes, Saiki, Yamane and Whalen.
- S.B. No. 2846, SD 2, HD 2:**  
Representatives Santiago/Tom, Co-Chairs; Hiraki, Kahikina and Pendleton.
- S.B. No. 2849, SD 1, HD 1:**  
Representatives Tom/Say, Co-Chairs; Herkes, Jones, Yamane, Fox and Whalen.
- S.B. No. 2850, SD 2, HD 2:**  
Representatives Yoshinaga/Tom, Co-Chairs; Garcia, Herkes and Thielen.
- S.B. No. 2852, SD 1, HD 2:**  
Representatives Yoshinaga/Kanoho, Co-Chairs; Goodenow, Ito and Meyer.
- S.B. No. 2866, SD 1, HD 1:**  
Representatives Santiago/Kahikina, Co-Chairs; Ito, Stegmaier and McDermott.
- S.B. No. 2874, SD 2, HD 2:**  
Representatives Arakaki/Kawakami, Co-Chairs; Kahikina, Santiago and Ward.
- S.B. No. 2884, SD 1, HD 1:**
- Representatives Yonamine/Tom, Co-Chairs; Takumi, Yamane and Moses.
- S.B. No. 2887, SD 1, HD 1:**  
Representatives Menor, Chair; Cachola, Case, Saiki and Aiona.
- S.B. No. 2889, SD 1, HD 1:**  
Representatives Yonamine, Chair; Hiraki, Takumi and Moses.
- S.B. No. 2914, SD 1, HD 2:**  
Representatives Hiraki/Menor/Tom, Co-Chairs; Takumi and Moses.
- S.B. No. 2922, SD 1, HD 2:**  
Representatives Say/Menor, Co-Chairs; Kanoho, Nakasone and Meyer.
- S.B. No. 2957, SD 2, HD 1:**  
Representatives Tom, Chair; Herkes, Lee, Yamane and Whalen.
- S.B. No. 2966, SD 2, HD 2:**  
Representatives Tom/White, Co-Chairs; Abinsay, Herkes and Fox.
- S.B. No. 2970, SD 1, HD 3:**  
Representatives Yoshinaga/Cachola/Say, Co-Chairs; Chang and Meyer.
- S.B. No. 2981, SD 1, HD 1:**  
Representatives Menor, Chair; Garcia, Lee, Saiki and Aiona.
- S.B. No. 2983, SD 2, HD 2:**  
Representatives Tom/Say, Co-Chairs; Abinsay, Jones and Marumoto.
- S.B. No. 2987, SD 2, HD 3:**  
Representatives Arakaki/Santiago/Tom/Kawakami, Co-Chairs; and Meyer.
- S.B. No. 3000, SD 2, HD 2:**  
Representatives Yonamine/Say, Co-Chairs; Nakasone, Suzuki and Marumoto.
- S.B. No. 3002, SD 2, HD 1:**  
Representatives Arakaki/Tom/Kawakami, Co-Chairs; Kahikina and McDermott.
- S.B. No. 3004, SD 1, HD 1:**  
Representatives Say, Chair; Goodenow, Suzuki and Marumoto.
- S.B. No. 3006, HD 1:**  
Representatives Suzuki, Chair; Nakasone and Fox.
- S.B. No. 3007, SD 1, HD 2:**  
Representatives Herkes/Say, Co-Chairs; Ahu Isa, Kanoho and Meyer.
- S.B. No. 3015, SD 2, HD 1:**  
Representatives Say, Chair; Goodenow, Kawakami, Suzuki and Meyer.
- S.B. No. 3018, HD 1:**  
Representatives Menor, Chair; Case, Lee, Yoshinaga and Whalen.
- S.B. No. 3024, SD 1, HD 1:**  
Representatives Jones/Say, Co-Chairs; Abinsay, Chang and Ward.
- S.B. No. 3025, SD 1, HD 1:**

- Representatives Jones/Say, Co-Chairs; Abinsay, Chang and Ward.
- S.B. No. 3035, SD 2, HD 2:**  
Representatives Arakaki/Kawakami, Co-Chairs; Goodenow, Kahikina and McDermott.
- S.B. No. 3043, SD 2, HD 2:**  
Representatives Tom/Say, Co-Chairs; Ito, Yamane and Whalen.
- S.B. No. 3076, SD 1, HD 1:**  
Representatives Arakaki/Santiago/Kawakami, Co-Chairs; Kahikina and Ward.
- S.B. No. 3094, SD 2, HD 2:**  
Representatives Hiraki/Menor, Co-Chairs; Nakasone, Yamane and Whalen.
- S.B. No. 3105, SD 1, HD 1:**  
Representatives Menor/Tom, Co-Chairs; Herkes, Yamane and Aiona.
- S.B. No. 3113, SD 1, HD 1:**  
Representatives Menor, Chair; Lee, Saiki, Yoshinaga and Aiona.
- S.B. No. 3114, SD 2, HD 2:**  
Representatives Arakaki/Kawakami, Co-Chairs; Abinsay, Santiago and McDermott.
- S.B. No. 3137, SD 1, HD 2:**  
Representatives Hiraki/Menor/Tom, Co-Chairs; Takumi and Moses.
- S.B. No. 3141, SD 1, HD 1:**  
Representatives Say, Chair; Nakasone, White and Meyer.
- S.B. No. 3143, SD 1, HD 2:**  
Representatives Menor/Say, Co-Chairs; Nakasone, Yamane and Marumoto.
- S.B. No. 3159, SD 2, HD 1:**  
Representatives Menor, Chair; Case, Garcia, Lee and Whalen.
- S.B. No. 3213, SD 2, HD 1:**  
Representatives Menor/Say, Co-Chairs; Cachola, Ito and Aiona.
- S.B. No. 3220, SD 1, HD 2:**  
Representatives Arakaki/Kawakami, Co-Chairs; Abinsay, Santiago and Ward.
- S.B. No. 3228, SD 1, HD 1:**  
Representatives Tom, Chair; Jones, Lee, Yamane and Whalen.
- S.B. No. 3230, SD 1, HD 1:**  
Representatives Garcia/Say, Co-Chairs; Hamakawa, Saiki and Kawanakoa.
- S.B. No. 3248, SD 2, HD 2:**  
Representatives Santiago/Kawakami, Co-Chairs; Ahu Isa, Hamakawa and Marumoto.

#### APPOINTMENT AND DISCHARGE OF CONFEREES

- H.B. No. 92, HD 2, SD 1:**  
Added Representative Menor as a Co-Chair.  
Added Representative Moses as a member.
- H.B. No. 2648, HD 2, SD 1:**

- Added Representative Menor as a Co-Chair.  
Added Representative Ward as a member.
- H.B. No. 2660, SD 1:**  
Added Representative Menor as a Co-Chair.
- H.B. No. 2762, HD 1, SD 1:**  
Added Representative Menor as a Co-Chair.
- H.B. No. 2846, HD 1, SD 1:**  
Added Representative Say as a Co-Chair.  
Added Representative Fox as a member.
- H.B. No. 3361, HD 3, SD 2:**  
Added Representative Santiago as a Co-Chair.  
Discharged Representative Lee as a member.
- H.B. No. 3453, HD 2, SD 1:**  
Added Representative Santiago as a Co-Chair.

#### ANNOUNCEMENTS

Representative Arakaki rose and stated:

Representative Yoshinaga mentioned in her prayer from James that we should give generously, and I think when it comes to the Foodbank Food Drive, we certainly did that. I just want to cite one example of the kind of 'giving spirit' that we've had. Ms. Tracy Okubo from Representative Yamane's office donated her entire paycheck to the Foodbank Food Drive and she is probably just a part-timer. But for anyone to give up a paycheck for the cause, I think really speaks to the kind of spirit and generosity we have here in the House.

"If you can indulge me, Mr. Speaker and colleagues, just to let you folks know that the top five givers started with my office, Representative Morita, Sergeant-at-Arms, Representative Ito who also had the highest cash contribution of \$560, and the Chief Clerk's Office. So the top five were all over a thousand points in giving.

"The display contest winners: first place, the House Printshop; second place, Representative Morita's Office; third place, Representative Takai's Office. In addition to that, we had a bake sale that raised \$873, thanks to Ms. Kela Suehiro from Representative Fox's Office, and of course, our 'infamous' dunking booth, and we need to thank our Speaker for helping us to raise \$508. We raised a total of 20,403 points -- this is pounds and dollars -- as opposed to the Senate who raised only 7,497 points, so we really whopped them this year. But I really need to congratulate all of you. I want to especially thank one of my aides, Mr. Chris Collier, who really used a lot of creative energy to raise the awareness of every office and every member here, so 'thank you' to him, and 'thank you' Mr. Speaker and colleagues, for all of your efforts in behalf of the Foodbank Food Drive. Mahalo."

Representative Yoshinaga rose and requested waiver of the 48-hour hearing notice requirement for the Energy and Environmental Protection Committee, jointly with the Water and Land Use Committee, to hear S.C.R. Nos. 153, SD 1, and 140, SD 1, tomorrow morning at 9:30 in Conference Room 312, and the Chair "so ordered."

Representative Garcia rose and requested waiver of the 48-hour hearing notice requirement for the purpose of decision making on S.C.R. Nos. 17, SD 1; 71, SD 1; and 186, at 10:30 a.m. tomorrow in Conference Room 325, and the Chair "so ordered."

Representative Kanoho rose and stated:

"Mr. Speaker and members, this past Sunday one of our own members was ordained into the ministry of service to our Lord Jesus Christ. We all know that it takes a lot to serve as legislators in terms of dedication, personal skills and commitment, but I think we all agree that service to the Lord requires a level of commitment that far exceeds almost anything else. So it is very significant that the title of 'Reverend' has been added to Michael Puamamo Kahikina, and I would like to congratulate him on that and to wish him God's blessings in all of his endeavors."

#### **ADJOURNMENT**

At 11:50 o'clock a.m., on motion by Representative M. Oshiro, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 22, 1998. (Representatives Ahu Isa, Hamakawa, Kawakami, Menor, Morita, Say, Souki, Ward and White were excused.)

## FIFTY-THIRD DAY

**Wednesday, April 22, 1998**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:41 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Felipe P. Abinsay, Jr., after which the Roll was called showing all members present with the exception of Representatives Kahikina, Menor and Takamine, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 661 and 662) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 661, returning H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO REQUIRE THAT THE IMPORTATION OF ALL AGRICULTURAL PRODUCTS INTO HAWAII HAVE A DESIGNATION OF COUNTRY OR ORIGIN AND A CERTIFICATION OF INSPECTION BASED ON UNITED STATES DEPARTMENT OF AGRICULTURE STANDARD," which was adopted by the Senate on April 21, 1998.

Sen. Com. No. 662, informing the House that the President has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills on April 21, 1998:

**H.B. No. 1099, HD 2, SD 1:**

Senators D. Ige/Metcalf, Co-Chairs; and Slom.

**H.B. No. 1160, HD 1, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Ihara, McCartney and Anderson.

**H.B. No. 1332, HD 2, SD 2:**

Senators Taniguchi/Iwase/Baker/Fukunaga, Co-Chairs; Ihara, Kawamoto, McCartney, Tanaka and Slom.

**H.B. No. 1533, HD 2, SD 1:**

Senators Baker/Fukunaga, Co-Chairs; Ihara, Kawamoto, Levin and Anderson.

**H.B. No. 1577, HD 2, SD 2:**

Senators Taniguchi/Baker/Fukunaga, Co-Chairs; Levin, Tanaka and Slom.

**H.B. No. 1647, HD 1, SD 1:**

Senators Baker/Fukunaga, Co-Chairs; Levin, Taniguchi and Anderson.

**H.B. No. 1649, HD 2, SD 1:**

Senators Matsunaga/Chumbley/Baker/Fukunaga, Co-Chairs; Sakamoto and Anderson.

**H.B. No. 1699, HD 2, SD 1:**

Senators Taniguchi/Baker/Fukunaga, Co-Chairs; McCartney, Tanaka and Slom.

**H.B. No. 1800, SD 1:**

Senators Baker, Chair; Kawamoto and Anderson.

**H.B. No. 1866, HD 2, SD 2:**

Senators D. Ige/Metcalf/Baker/Fukunaga, Co-Chairs; Chun Oakland and Kanno.

**H.B. No. 1868, HD 2, SD 2:**

Senators D. Ige/Metcalf/Baker, Co-Chairs; Levin, Solomon and Slom.

**H.B. No. 2222, HD 2, SD 2:**

Senators Taniguchi/Baker/Fukunaga, Co-Chairs; Chun Oakland and Anderson.

**H.B. No. 2355, HD 1, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Ihara and Anderson.

**H.B. No. 2362, HD 1, SD 1:**

Senators Matsunaga/Chumbley/Baker/Fukunaga, Co-Chairs; Ihara, McCartney and Anderson.

**H.B. No. 2381, HD 1, SD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; Ihara and Anderson.

**H.B. No. 2423, HD 1, SD 1:**

Senators D. Ige/Metcalf/Chumbley/Matsunaga, Co-Chairs; Levin and Slom.

**H.B. No. 2437, HD 1, SD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; Bunda, McCartney and Anderson.

**H.B. No. 2443, HD 2, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Ihara, Sakamoto and Anderson.

**H.B. No. 2486, HD 3, SD 2:**

Senators D. Ige/Metcalf/Baker, Co-Chairs; and Slom.

**H.B. No. 2490, HD 3, SD 1:**

Senators D. Ige/Metcalf, Co-Chairs; Chun Oakland, Kanno, Levin and Slom.

**H.B. No. 2506, HD 1, SD 1:**

Senators D. Ige/Metcalf/Chumbley/Matsunaga, Co-Chairs; Kanno, Levin and Slom.

**H.B. No. 2512, HD 1, SD 1:**

Senators Baker/Fukunaga, Co-Chairs; Levin, McCartney and Anderson.

**H.B. No. 2524, HD 1, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Ihara and Anderson.

**H.B. No. 2533, HD 1, SD 2:**

Senators Taniguchi/Chumbley/Matsunaga, Co-Chairs; and Anderson.

**H.B. No. 2537, HD 1, SD 1:**

Senators D. Ige/Metcalf/Chumbley/Matsunaga, Co-Chairs; Chun Oakland and Slom.

**H.B. No. 2558, HD 1, SD 1:**

Senators Iwase/Solomon/Fukunaga/Baker/Taniguchi/Tanaka, Co-Chairs; Ihara, Levin and Anderson.

**H.B. No. 2655, HD 1, SD 2:**

Senators Taniguchi/Baker/Fukunaga, Co-Chairs; Ihara, Kawamoto and McCartney.

**H.B. No. 2660, SD 1:**

Senators D. Ige/Metcalf/Baker/Fukunaga, Co-Chairs; and Slom.

- H.B. No. 2666, HD 1, SD 1:**  
Senators Matsunaga/Chumbley, Co-Chairs; McCartney and Anderson.
- H.B. No. 2667, HD 1, SD 1:**  
Senators Chumbley/Matsunaga, Co-Chairs; Bunda, McCartney and Anderson.
- H.B. No. 2670, HD 2, SD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; Kanno, Levin and Slom.
- H.B. No. 2671, HD 2, SD 1:**  
Senators D. Ige/Metcalf/Baker/Fukunaga, Co-Chairs; Kanno and Slom.
- H.B. No. 2672, HD 1, SD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- H.B. No. 2675, HD 2, SD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Kanno.
- H.B. No. 2701, HD 2, SD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; and Slom.
- H.B. No. 2702, HD 2, SD 2:**  
Senators D. Ige/Metcalf/Fukunaga, Co-Chairs; and Slom.
- H.B. No. 2710, HD 1, SD 1:**  
Senators Baker/Fukunaga, Co-Chairs; Chun Oakland, Fernandes Salling, M. Ige, Ihara, Iwase, Kawamoto, Levin, McCartney, Tam, Taniguchi and Anderson.
- H.B. No. 2711, HD 1, SD 1:**  
Senators Chumbley/Matsunaga/Baker, Co-Chairs; and Sakamoto.
- H.B. No. 2714, HD 2, SD 1:**  
Senators Chumbley/Matsunaga/Baker/Fukunaga, Co-Chairs; and Bunda.
- H.B. No. 2749, HD 1, SD 1:**  
Senators Baker/Fukunaga, Co-Chairs; Ihara, McCartney and Anderson.
- H.B. No. 2750, HD 1, SD 1:**  
Senators Baker/Fukunaga, Co-Chairs; and Anderson.
- H.B. No. 2762, HD 1, SD 1:**  
Senators D. Ige/Metcalf/Fukunaga, Co-Chairs; and Slom.
- H.B. No. 2774, SD 1:**  
Senators D. Ige/Metcalf/Chumbley/Matsunaga, Co-Chairs; Ihara and Slom.
- H.B. No. 2776, HD 1, SD 2:**  
Senators Chumbley/Matsunaga/Fukunaga, Co-Chairs; McCartney and Anderson.
- H.B. No. 2779, SD 1:**  
Senators Chumbley/Matsunaga, Co-Chairs; Ihara, Sakamoto and Anderson.
- H.B. No. 2780, SD 1:**  
Senators Taniguchi/Chumbley/Matsunaga, Co-Chairs; Tanaka and Anderson.
- H.B. No. 2786, HD 2, SD 2:**  
Senators Matsunaga/Chumbley/Fukunaga, Co-Chairs; Bunda and Anderson.
- H.B. No. 2800, SD 1:**
- Senators Baker/Fukunaga, Co-Chairs; Chun Oakland, Levin, Taniguchi and Anderson.
- H.B. No. 2823, HD 1, SD 1:**  
Senators D. Ige/Metcalf, Co-Chairs; Kanno, Levin and Slom.
- H.B. No. 2846, HD 1, SD 1:**  
Senators Matsunaga/Chumbley/Baker, Co-Chairs; McCartney and Anderson.
- H.B. No. 2878, HD 1, SD 1:**  
Senators Taniguchi, Chair; Levin, McCartney, Tanaka and Slom.
- H.B. No. 2888, HD 2, SD 1:**  
Senators Chumbley/Matsunaga/Fukunaga, Co-Chairs; Sakamoto and Anderson.
- H.B. No. 2889, HD 1, SD 1:**  
Senators Chumbley/Matsunaga, Co-Chairs; Ihara and Anderson.
- H.B. No. 2909, HD 2, SD 1:**  
Senators Taniguchi/Baker/Fukunaga, Co-Chairs; Iwase, Levin and Slom.
- H.B. No. 2912, HD 1, SD 1:**  
Senators Baker/Fukunaga, Co-Chairs; and Anderson.
- H.B. No. 2921, HD 1, SD 1:**  
Senators Chumbley/Matsunaga, Co-Chairs; Ihara and Anderson.
- H.B. No. 2932, SD 1:**  
Senators Matsunaga/Chumbley, Co-Chairs; Ihara and Anderson.
- H.B. No. 2935, SD 1:**  
Senators Matsunaga/Chumbley, Co-Chairs; McCartney, Sakamoto and Anderson.
- H.B. No. 2941, HD 1, SD 1:**  
Senators Matsunaga/Chumbley, Co-Chairs; Ihara, Sakamoto and Anderson.
- H.B. No. 2957, HD 2, SD 1:**  
Senators Taniguchi/Baker, Co-Chairs; Chumbley, Iwase and Slom.
- H.B. No. 2967, HD 1, SD 1:**  
Senators Taniguchi/Tanaka, Co-Chairs; McCartney and Slom.
- H.B. No. 2985, HD 1, SD 1:**  
Senators Taniguchi/Kanno/Baker, Co-Chairs; Ihara, Metcalf and Slom.
- H.B. No. 2990, HD 2, SD 2:**  
Senators Taniguchi/Iwase/Baker/Fukunaga, Co-Chairs; Ihara, Kawamoto and McCartney.
- H.B. No. 2992, HD 2, SD 1:**  
Senators Matsunaga/Chumbley/Baker/Fukunaga, Co-Chairs; Bunda and Anderson.
- H.B. No. 3010, SD 2:**  
Senators Matsunaga/Chumbley, Co-Chairs; Bunda, McCartney and Anderson.
- H.B. No. 3033, HD 2, SD 2:**  
Senators Chumbley/Matsunaga/Baker/Fukunaga, Co-Chairs; Ihara, Levin, McCartney and Anderson.
- H.B. No. 3130, HD 1, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Bunda, Ihara, McCartney, Sakamoto and Anderson.	48	Committee on Health, then to the Committee on Finance
<b>H.B. No. 3192, HD 1, SD 1:</b> Senators Matsunaga/Chumbley/Fukunaga, Co-Chairs; Sakamoto and Anderson.	64	Committee on Health, then to the Committee on Finance
<b>H.B. No. 3289, HD 1, SD 1:</b> Senators Taniguchi/Chumbley/Matsunaga, Co-Chairs; Levin and Slom.	118	Committee on Labor and Public Employment, then to the Committee on Finance
<b>H.B. No. 3403, HD 2, SD 1:</b> Senators Taniguchi/Chumbley/Matsunaga, Co-Chairs; and Anderson.	132	Committee on Judiciary
<b>H.B. No. 3437, HD 2, SD 2:</b> Senators D. Ige/Metcalf/Baker, Co-Chairs; Levin, Solomon and Slom.		
<b>H.B. No. 3443, HD 1, SD 2:</b> Senators Taniguchi/Baker/Fukunaga, Co-Chairs; Chumbley and Slom.		
<b>H.B. No. 3457, HD 2, SD 2:</b> Senators Taniguchi/Baker, Co-Chairs; Levin, McCartney and Slom.		
<b>H.B. No. 3527, HD 1, SD 2:</b> Senators Taniguchi/Tanaka/Baker/Fukunaga, Co-Chairs; Levin and Slom.		
<b>H.B. No. 3553, SD 1:</b> Senators Matsunaga/Chumbley, Co-Chairs; Ihara, Sakamoto and Anderson.		
<b>H.B. No. 3568, HD 1, SD 1:</b> Senators D. Ige/Metcalf/Chumbley/Matsunaga, Co-Chairs; and Slom.		
<b>H.B. No. 3613, HD 2, SD 2:</b> Senators D. Ige/Metcalf/Fukunaga, Co-Chairs; Kanno and Levin.		
<b>H.B. No. 3625, HD 3, SD 2:</b> Senators Taniguchi/Baker/Fukunaga, Co-Chairs; Ihara, Kawamoto, Levin, McCartney and Anderson.		

**STANDING COMMITTEE REPORTS**

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1452-98) recommending that S.C.R. No. 9, SD 1, 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 S.C.R. No. 9, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was referred to the Committee on Finance, with Representatives Kahikina, Menor and Takamine being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1453-98) recommending that S.C.R. No. 190, SD 1, 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 S.C.R. No. 190, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ESTABLISH A BANNER WELCOME PROGRAM FOR THE STREET LAMPPOSTS FRONTING THE HAWAII CONVENTION CENTER MAIN ENTRANCE," was referred to the Committee on Finance, with Representatives Kahikina, Menor and Takamine being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1454-98) recommending that S.C.R. No. 191, SD 2, as amended in HD 1, be referred to the Committee on Finance.

Representative Okamura moved that the report of the Committee be adopted and S.C.R. No. 191, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative M. Oshiro.

Representative Aiona rose and requested the Clerk to register 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 S.C.R. No. 191, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND CITY AND COUNTY OF HONOLULU TO WORK TOGETHER TO ESTABLISH A JOINT WAIKIKI TASK FORCE TO EXPLORE THE REVITALIZATION AND RENOVATION OF WAIKIKI AND SURROUNDING AREAS INCLUDING THE HAWAII CONVENTION CENTER," was referred to the Committee on Finance, with Representatives Kahikina, Menor and Takamine being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1455-98) recommending that

**INTRODUCTION**

Representative Hamakawa, on behalf of Representatives Chang, Case and himself, introduced to the members of the House 12 students from the Kula Kai O Puni Immersion School - Keaukaha.

**ORDER OF THE DAY**

**COMMITTEE REASSIGNMENTS**

The following Senate Concurrent Resolutions were re-referred to committee by the Speaker:

<u>S.C.R. Nos.</u>	<u>Re-referred to:</u>
19	Committee on Health, then to the Committee on Finance
25	Committee on Health, then to the Committee on Finance
28	Committee on Health, then to the Committee on Finance

S.C.R. No. 128, SD 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 S.C.R. No. 128, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A THRILL CRAFT ADVISORY COMMITTEE TO REVIEW PRIVATELY-OWNED THRILL CRAFT SAFETY AND THE FEASIBILITY OF REGISTRATION AND CERTIFICATION OF PRIVATE THRILL CRAFT OPERATORS," was referred to the Committee on Finance, with Representatives Kahikina, Menor and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1456-98) recommending that S.C.R. No. 31, SD 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 S.C.R. No. 31, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE ISLAND OF HAWAII, INCLUDING THE DISTRICTS OF PUNA AND KA'U," was referred to the Committee on Finance, with Representatives Kahikina, Menor and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1457-98) recommending that S.C.R. No. 207, SD 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 S.C.R. No. 207, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO UNDERTAKE STUDIES OF HEPATITIS C INCIDENCE AND PREVALENCE WITHIN SELECTED POPULATIONS IN HAWAII," was referred to the Committee on Finance, with Representatives Kahikina, Menor and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1458-98) recommending that S.C.R. No. 47 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 S.C.R. No. 47, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SCHOOL OF PUBLIC HEALTH TO STUDY THE FEASIBILITY OF UTILIZING COMPLEMENTARY AND ALTERNATIVE MEDICAL CARE IN THE HEALTH CARE SYSTEM IN HAWAII," was referred to the Committee on Higher Education, with Representatives Kahikina, Menor and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1459-98) recommending that S.C.R. No. 64, SD 1, 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 S.C.R. No. 64, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED

REGULATION CONTAINED IN H.B. NO. 3123 (1998) OF PROFESSIONAL CERTIFIED MIDWIVES," was referred to the Committee on Consumer Protection and Commerce, with Representatives Kahikina, Menor and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1460-98) recommending that S.C.R. No. 19, SD 1, as amended in HD 1, 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 S.C.R. No. 19, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MEDICAL FOODS FOR THE TREATMENT OF INHERITED METABOLIC DISEASES," was referred to the Committee on Consumer Protection and Commerce, with Representatives Kahikina, Menor and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1461-98) recommending that S.C.R. No. 25, as amended in HD 1, 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 S.C.R. No. 25, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF PROFESSIONAL MENTAL HEALTH COUNSELORS AND PROFESSIONAL REHABILITATION COUNSELORS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was referred to the Committee on Consumer Protection and Commerce, with Representatives Kahikina, Menor and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1462-98) recommending that S.C.R. No. 28, SD 1, as amended in HD 1, 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 S.C.R. No. 28, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY," was referred to the Committee on Consumer Protection and Commerce, with Representatives Kahikina, Menor and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1463-98) recommending that S.C.R. No. 48, SD 1, as amended in HD 1, 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 S.C.R. No. 48, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY



INTERVENTION SERVICES," was referred to the Committee on Consumer Protection and Commerce, with Representatives Kahikina, Menor and Takamine being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1464-98) recommending that S.B. No. 1081, SD 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 S.B. No. 1081, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Kahikina, Menor and Takamine being excused.

#### HOUSE COMMUNICATIONS

A communication, dated April 22, 1998, to the Honorable President and members of the Senate of the State of Hawaii from Patricia Mau-Shimizu, Chief Clerk, House of Representatives, informing the Senate that the Speaker has added Representative Ahu Isa as an additional conferee on the part of the House at the conference on House Bill No. 2655, HD 1, SD 2, was placed on file.

A communication, dated April 22, 1998, to the Honorable President and members of the Senate of the State of Hawaii from Patricia Mau-Shimizu, Chief Clerk, House of Representatives, informing the Senate that the Speaker has added Representative Santiago as a Co-Chair and Representative Meyer as an additional conferee on the part of the House at the conference on House Bill No. 3625, HD 3, SD 2, was placed on file.

#### ANNOUNCEMENTS

Representative Arakaki rose and requested waiver of the 48-hour hearing notice requirement to reconsider action taken on S.C.R. No. 146 after session in the Majority Caucus Room, and the Chair "so ordered."

Representative Thielen rose and wished everyone a "Happy Earth Day."

#### ADJOURNMENT

At 11:50 o'clock a.m., on motion by Representative M. Oshiro, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Thursday, April 23, 1998. (Representatives Kahikina, Menor and Takamine were excused.)

## FIFTY-FOURTH DAY

**Thursday, April 23, 1998**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:42 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Judge Elwin P. Ahu of the New Hope Christian Fellowship, after which the Roll was called showing all members present with the exception of Representatives Hamakawa, Menor and Takamine, who were excused.

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

## GOVERNOR'S MESSAGE

Gov. Msg. No. 206, transmitting copies of the 1996-1997 Annual Report prepared by the Hawaii Housing Authority, pursuant to Chapter 356, Hawaii Revised Statutes, as amended, was received and announced by the Clerk and was placed on file.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 663 through 669) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 663, returning H.C.R. No. 149, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE FEDERAL AVIATION ADMINISTRATION, THE U.S. SENATE COMMITTEE ON COMMERCE SCIENCE AND TRANSPORTATION AND THE U.S. HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO PROMOTE ACTIONS TO ENSURE HAWAII'S ROLE AS A TEST SITE IN THE FLIGHT 2000 DEMONSTRATION PROJECT," which was adopted by the Senate on April 22, 1998.

Sen. Com. No. 664, informing the House that the Senate has reconsidered its action of April 6, 1998, in disagreeing to the amendments proposed by the House in Senate Bill No. 2697, SD 1, HD 1, and has moved to agree to the amendments. The Senate further informs the House that said Senate Bill No. 2697, SD 1, HD 1, entitled: "RELATING TO THE JURISDICTION OF COURTS," passed Final Reading in the Senate on April 22, 1998.

Sen. Com. No. 665, informing the House that the President has added Senator Kawamoto as an additional conferee on the part of the Senate at the conference on Senate Bill No. 2063, SD 2, HD 1, on April 22, 1998.

Sen. Com. No. 666, informing the House that the President has added Senator Ihara as an additional conferee on the part of the Senate at the conference on Senate Bill No. 2803, SD 2, HD 2, on April 22, 1998.

Sen. Com. No. 667, informing the House that the Senate has made the following changes to Senate conferee assignments for the House Bill listed below:

**H.B. No. 2558, HD 1, SD 1:**

Discharges Taniguchi/Tanaka as Co-Chairs;  
Appoints Taniguchi, Tanaka, Kawamoto as members.

Sen. Com. No. 668, informing the House that the President has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bills on April 22, 1998:

**S.B. No. 760, HD 2:**

Senators Tam/Aki/Fukunaga, Co-Chairs; D. Ige, McCartney and Slom.

**S.B. No. 2207, SD 2, HD 2:**

Senators Aki/Tam/Fukunaga/Baker, Co-Chairs; Iwase, McCartney and Slom.

**S.B. No. 2211, SD 2, HD 1:**

Senators Tam/Aki/Baker, Co-Chairs; Iwase, McCartney, Solomon and Slom.

**S.B. No. 2580, SD 1, HD 1:**

Senators Tam/Aki, Co-Chairs; M. Ige, Iwase and Slom.

**S.B. No. 2625, SD 1, HD 2:**

Senators Tam/Aki/Baker/Fukunaga, Co-Chairs; Fernandes Salling, D. Ige, M. Ige, McCartney and Anderson.

Sen. Com. No. 669, informing the House that the President has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills on April 22, 1998:

**H.B. No. 92, HD 2, SD 1:**

Senators Kawamoto/Sakamoto, Co-Chairs; and Slom.

**H.B. No. 503, HD 2, SD 2:**

Senators M. Ige/Bunda/Matsunaga, Co-Chairs; Sakamoto and Anderson.

**H.B. No. 867, HD 1, SD 2:**

Senators Kanno/Chun  
Oakland/Aki/Tam/Baker/Fukunaga, Co-Chairs; and  
McCartney.

**H.B. No. 1815, HD 1, SD 2:**

Senators Kanno/Chun Oakland/Baker/Fukunaga, Co-Chairs; Metcalf, Taniguchi and Anderson.

**H.B. No. 1824, HD 2, SD 2:**

Senators Levin/Fernandes Salling/Chun  
Oakland/Kanno/Baker/Fukunaga, Co-Chairs; and  
Anderson.

**H.B. No. 1830, HD 1, SD 1:**

Senators Levin/Fernandes Salling/Baker, Co-Chairs; Chun Oakland and Anderson.

**H.B. No. 1966, HD 2, SD 2:**

Senators Chun Oakland/Kanno/Baker/Fukunaga, Co-Chairs; Kawamoto, Sakamoto and Anderson.

**H.B. No. 2331, HD 1, SD 1:**

Senators Bunda/M. Ige/D. Ige/Metcalf, Co-Chairs; Kanno, Matsunaga and Slom.

**H.B. No. 2332, HD 2, SD 1:**

Senators Sakamoto/Kawamoto/Chumbley/Matsunaga, Co-Chairs; and Slom.

**H.B. No. 2357, HD 2, SD 1:**

Senators Kawamoto/Sakamoto/Chumbley/Matsunaga, Co-Chairs; and Anderson.

**H.B. No. 2358, HD 2, SD 1:**

Senators Sakamoto/Kawamoto/Chumbley/Matsunaga, Co-Chairs; and Slom.

- H.B. No. 2361, HD 1, SD 2:**  
Senators Kawamoto/Sakamoto/Baker, Co-Chairs; Tam and Anderson.
- H.B. No. 2366, HD 2, SD 2:**  
Senators Kawamoto/Sakamoto/Baker/Fukunaga, Co-Chairs; and Anderson.
- H.B. No. 2426, HD 1, SD 1:**  
Senators M. Ige/Bunda/D. Ige/Metcalf/Fukunaga, Co-Chairs; Kanno and Slom.
- H.B. No. 2496, HD 2, SD 1:**  
Senators Chun  
Oakland/Kanno/Chumbley/Matsunaga/Baker/Fukunaga,  
Co-Chairs; Bunda, Metcalf and Anderson.
- H.B. No. 2498, HD 2, SD 1:**  
Senators Levin/Fernandes  
Salling/Chumbley/Matsunaga, Co-Chairs; and Slom.
- H.B. No. 2552, HD 1, SD 3:**  
Senators Kanno/Chun Oakland/Baker/Fukunaga, Co-Chairs; McCartney and Metcalf.
- H.B. No. 2560, HD 2, SD 2:**  
Senators Aki/Tam/Fukunaga/Baker, Co-Chairs; Ihara, Iwase, McCartney and Slom.
- H.B. No. 2563, SD 2:**  
Senators Tam/Aki/Baker/Fukunaga, Co-Chairs; M. Ige, McCartney and Slom.
- H.B. No. 2564, HD 1, SD 2:**  
Senators Tam/Aki/Baker/Fukunaga, Co-Chairs; D. Ige, McCartney and Slom.
- H.B. No. 2567, HD 2, SD 1:**  
Senators M.  
Ige/Bunda/Sakamoto/Kawamoto/Baker/Fukunaga, Co-Chairs; Levin and Anderson.
- H.B. No. 2596, SD 1:**  
Senators Kawamoto/Sakamoto, Co-Chairs; Kanno and Slom.
- H.B. No. 2598, HD 2, SD 2:**  
Senators Levin/Fernandes  
Salling/Chumbley/Matsunaga, Co-Chairs; and Slom.
- H.B. No. 2613, HD 1, SD 1:**  
Senators Sakamoto/Kawamoto, Co-Chairs; and Slom.
- H.B. No. 2614, SD 1:**  
Senators Kanno/Chun Oakland/Fukunaga, Co-Chairs; Metcalf and Anderson.
- H.B. No. 2648, HD 2, SD 1:**  
Senators Kanno/Chun Oakland/Baker/Fukunaga, Co-Chairs; Ihara and Metcalf.
- H.B. No. 2680, HD 2, SD 1:**  
Senators Tam/Aki/Baker/Fukunaga, Co-Chairs; D. Ige, McCartney and Slom.
- H.B. No. 2693, HD 1, SD 1:**  
Senators Tam/Aki, Co-Chairs; M. Ige and Slom.
- H.B. No. 2734, SD 1:**  
Senators Kawamoto/Sakamoto, Co-Chairs; and Slom.
- H.B. No. 2758, HD 1, SD 2:**  
Senators M. Ige/Bunda/Chun  
Oakland/Kanno/Fukunaga/Baker, Co-Chairs; and Anderson.
- H.B. No. 2760, HD 1, SD 2:**  
Senators Kanno/Chun Oakland/Fukunaga/Baker, Co-Chairs; and Anderson.
- H.B. No. 2761, SD 1:**  
Senators Kanno/Chun Oakland/Baker, Co-Chairs; M. Ige and Anderson.
- H.B. No. 2765, HD 1, SD 1:**  
Senators M. Ige/Bunda/Fukunaga/Baker, Co-Chairs; Ihara, Iwase and Kawamoto.
- H.B. No. 2778, SD 1:**  
Senators Baker/Fukunaga, Co-Chairs; and Anderson.
- H.B. No. 2793, SD 1:**  
Senators M. Ige/Bunda/Fukunaga, Co-Chairs; Kawamoto, Matsunaga, Taniguchi and Anderson.
- H.B. No. 2801, HD 1, SD 1:**  
Senators M. Ige/Bunda/Fukunaga, Co-Chairs; Kawamoto, Matsunaga, McCartney and Anderson.
- H.B. No. 2803, SD 2:**  
Senators Kanno/Chun Oakland/Baker/Fukunaga, Co-Chairs; Metcalf, Taniguchi and Anderson.
- H.B. No. 2837, HD 1, SD 2:**  
Senators Tam/Aki/Matsunaga/Chumbley, Co-Chairs; M. Ige, McCartney and Slom.
- H.B. No. 2842, HD 1, SD 1:**  
Senators Fernandes Salling/Levin/Baker/Fukunaga, Co-Chairs; and Anderson.
- H.B. No. 2843, HD 1, SD 2:**  
Senators Levin/Fernandes  
Salling/Chumbley/Matsunaga, Co-Chairs; and Slom.
- H.B. No. 2844, HD 1, SD 1:**  
Senators Levin/Fernandes Salling/D. Ige/Metcalf, Co-Chairs; Chun Oakland and Slom.
- H.B. No. 2847, HD 2, SD 2:**  
Senators Levin/Fernandes  
Salling/Chumbley/Matsunaga, Co-Chairs; and Slom.
- H.B. No. 2852, HD 2, SD 2:**  
Senators Fernandes Salling/Levin/Metcalf/D. Ige/Baker/Fukunaga, Co-Chairs; Chun Oakland and Anderson.
- H.B. No. 2855, HD 1, SD 1:**  
Senators Levin/Fernandes Salling/D. Ige/Metcalf, Co-Chairs; and Slom.
- H.B. No. 2858, HD 2, SD 2:**  
Senators Levin/Fernandes Salling/Fukunaga/Baker, Co-Chairs; Chun Oakland and Anderson.
- H.B. No. 2862, HD 2, SD 2:**  
Senators Levin/Fernandes Salling/Baker/Fukunaga, Co-Chairs; Chun Oakland, Ihara and Anderson.
- H.B. No. 2866, SD 1:**  
Senators Kanno/Chun Oakland, Co-Chairs; Metcalf, Sakamoto and Anderson.
- H.B. No. 2869, HD 1, SD 1:**  
Senators Kanno/Chun Oakland, Co-Chairs; Fukunaga, Metcalf and Anderson.
- H.B. No. 2870, SD 2:**  
Senators Kanno/Chun Oakland/Fukunaga, Co-Chairs; Metcalf and Anderson.

- H.B. No. 2871, SD 1:**  
Senators Kanno/Chun Oakland, Co-Chairs; and Anderson.
- H.B. No. 2872, HD 1, SD 1:**  
Senators Kawamoto/Sakamoto, Co-Chairs; and Slom.
- H.B. No. 2892, HD 1, SD 1:**  
Senators Kawamoto/Sakamoto/Fukunaga, Co-Chairs; Taniguchi and Slom.
- H.B. No. 2958, HD 1, SD 1:**  
Senators Bunda/M. Ige/Fukunaga/Baker, Co-Chairs; Kawamoto, McCartney and Anderson.
- H.B. No. 2998, HD 2, SD 2:**  
Senators Kawamoto/Sakamoto/Iwase/Taniguchi, Baker/Fukunaga, Co-Chairs; and Slom.
- H.B. No. 3005, HD 2, SD 1:**  
Senators Bunda/M. Ige/Fukunaga, Co-Chairs; Chun Oakland, Ihara, Levin and Anderson.
- H.B. No. 3021, HD 1, SD 1:**  
Senators Fernandes Salling/Levin/Baker/Fukunaga, Co-Chairs; Chun Oakland and Anderson.
- H.B. No. 3022, HD 2, SD 1:**  
Senators Chun Oakland/Kanno/Fukunaga, Co-Chairs; Metcalf and Anderson.
- H.B. No. 3024, SD 1:**  
Senators Chun Oakland/Kanno/Baker, Co-Chairs; and Metcalf.
- H.B. No. 3027, HD 2, SD 1:**  
Senators Chun Oakland/Kanno/Baker/Fukunaga, Co-Chairs; M. Ige, Metcalf and Anderson.
- H.B. No. 3028, HD 1, SD 2:**  
Senators Chun Oakland/Kanno/Baker, Co-Chairs; Sakamoto and Anderson.
- H.B. No. 3059, SD 1:**  
Senators Sakamoto/Kawamoto/Kanno/Chun Oakland, Co-Chairs; and Slom.
- H.B. No. 3065, HD 2, SD 2:**  
Senators Levin/Fernandes Salling/Baker/Fukunaga, Co-Chairs; and Anderson.
- H.B. No. 3082, HD 1, SD 1:**  
Senators Kawamoto/Sakamoto/Matsunaga/Chumbley, Co-Chairs; and Slom.
- H.B. No. 3132, HD 1, SD 1:**  
Senators Kanno/Chun Oakland, Co-Chairs; Fukunaga, Kawamoto, Metcalf and Anderson.
- H.B. No. 3138, HD 1, SD 1:**  
Senators Kawamoto/Sakamoto/Iwase, Co-Chairs; Taniguchi and Slom.
- H.B. No. 3167, HD 1, SD 1:**  
Senators Tam/Aki, Co-Chairs; M. Ige and Slom.
- H.B. No. 3185, HD 1, SD 1:**  
Senators Sakamoto/Kawamoto/Chumbley/Matsunaga, Co-Chairs; and Anderson.
- H.B. No. 3199, HD 2, SD 1:**  
Senators Kanno/Chun Oakland/M. Ige/Bunda/Baker/Fukunaga, Co-Chairs; Metcalf, Sakamoto and Anderson.
- H.B. No. 3200, HD 1, SD 2:**  
Senators Kanno/Chun Oakland/Baker/Fukunaga, Co-Chairs; Ihara, Metcalf and Anderson.
- H.B. No. 3247, HD 1, SD 1:**  
Senators Sakamoto/Kawamoto/Baker, Co-Chairs; Taniguchi and Slom.
- H.B. No. 3248, HD 1, SD 1:**  
Senators Sakamoto/Kawamoto/Fukunaga, Co-Chairs; M. Ige and Slom.
- H.B. No. 3252, SD 1:**  
Senators Sakamoto/Kawamoto/Chumbley/Matsunaga, Co-Chairs; and Slom.
- H.B. No. 3257, HD 2, SD 1:**  
Senators Kanno/Chun Oakland/Kawamoto/Sakamoto/Chumbley/Matsunaga, Co-Chairs; and Anderson.
- H.B. No. 3281, HD 1, SD 1:**  
Senators M. Ige/Bunda, Co-Chairs; Matsunaga and Anderson.
- H.B. No. 3302, HD 2, SD 2:**  
Senators Aki/Tam/D. Ige/Metcalf, Co-Chairs; M. Ige, Levin and Slom.
- H.B. No. 3361, HD 3, SD 2:**  
Senators Chun Oakland/Kanno/Chumbley/Matsunaga/Baker, Co-Chairs; Sakamoto and Anderson.
- H.B. No. 3367, HD 1, SD 1:**  
Senators Aki/Tam/Levin/Baker, Co-Chairs; Chun Oakland, Solomon and Slom.
- H.B. No. 3446, SD 2:**  
Senators M. Ige/Bunda/Levin/Fernandes Salling/Baker/Fukunaga, Co-Chairs; Ihara and Anderson.
- H.B. No. 3453, HD 2, SD 1:**  
Senators Levin/Fernandes Salling/Baker/Fukunaga, Co-Chairs; Chun Oakland and Anderson.
- H.B. No. 3468, HD 2, SD 2:**  
Senators Fernandes Salling/Levin/Baker/Fukunaga, Co-Chairs; and Anderson.
- H.B. No. 3489, HD 2, SD 2:**  
Senators Sakamoto/Kawamoto/Taniguchi/Tanaka/Baker, Co-Chairs; Tam and Slom.
- H.B. No. 3528, HD 1, SD 2:**  
Senators Kanno/Chun Oakland/Chumbley/Matsunaga, Co-Chairs; Ihara, McCartney and Anderson.
- H.B. No. 3581, HD 1, SD 1:**  
Senators Sakamoto/Kawamoto/Chumbley/Matsunaga, Co-Chairs; and Slom.

#### INTRODUCTIONS

The following introductions were made to the members of the House:

Representative White introduced a group of students from Princess Nahienaena Elementary School in Lahaina, Maui.

Representative Ahu Isa introduced Mrs. Joy Ahu, wife of Judge Elwin P. Ahu.

Representative Morita introduced 48 students from Kamehameha Schools. They were accompanied by their teachers: Mrs. Ohia, Mrs. Broadbent and Mrs. Kekuna, and a parent, Mr. Kunipo.

Representative Arakaki introduced his daughter, Ms. Cammie Arakaki.

Representative P. Oshiro introduced a group of students from Our Lady of Perpetual Help School, accompanied by their teachers and parents.

Representative Marumoto introduced two "shadows": Ms. Chandra Shih and Ms. Adele Mulkern, both sixth graders at La Pietra-Hawaii School for Girls.

Representative Stegmaier introduced his daughter, Ms. Jessica Stegmaier, a student at Kaiser High School.

At 11:55 o'clock a.m., Representative M. Oshiro asked for a recess and the Chair declared a recess, subject to the call of the Chair.

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

**ORDER OF THE DAY**

**COMMITTEE REASSIGNMENTS**

The following Senate Concurrent Resolutions were referred to committee by the Speaker:

<u>S.C.R. Nos.</u>	<u>Re-referred to:</u>
72	Committee on Transportation, then to the Committee on Consumer Protection and Commerce
87	Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management
90	Committee on Energy and Environmental Protection
154	Committee on Energy and Environmental Protection
186	Committee on Public Safety and Military Affairs, then to the Committee on Finance

**STANDING COMMITTEE REPORTS**

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1465-98) recommending that S.C.R. No. 73, SD 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 S.C.R. No. 73, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE SUN YAT-SEN UNIVERSITY OF MEDICAL SCIENCES," was referred to the Committee on Finance, with Representatives Hamakawa, Menor and Takamine being excused.

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

1466-98) recommending that S.C.R. No. 213, SD 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 S.C.R. No. 213, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE NATIONAL TAIPEI UNIVERSITY OF TECHNOLOGY," was referred to the Committee on Finance, with Representatives Hamakawa, Menor and Takamine being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1467-98) recommending that S.C.R. No. 89, SD 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 S.C.R. No. 89, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM," was referred to the Committee on Finance, with Representatives Hamakawa, Menor and Takamine being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 1468-98) recommending that S.C.R. No. 71, SD 1, as amended in HD 1, be referred to the Committee on Economic Development and Business Concerns.

Representative Okamura moved that the report of the Committee be adopted and S.C.R. No. 71, SD 1, HD 1, be referred to the Committee on Economic Development and Business Concerns, seconded by Representative M. Oshiro.

Representative Kawanakoa rose in strong support of the resolution, stating:

"Unfortunately, I wasn't able to make the Committee hearing that was called without the 48-hour notice and I apologize. I did want to note my support for this resolution urging the homeport of an aircraft carrier at Pearl Harbor. Not only will that encourage more business activity for our economy, but this is also a wise decision. I believe we need to have the military prominently a part of our Pacific fleet here in Hawaii. And certainly, the homeporting of a new aircraft carrier in our islands will be beneficial not only to our constituents, our economy in the State of Hawaii, but also for our nation.

"Thank you, Mr. Speaker."

Representative Moses rose in support of the resolution with reservations, stating:

"My reservations are that if the State is serious, and I think they should be about pursuing getting the carrier here, then they ought to make it a total package that will be acceptable to the Navy. The Navy, in my opinion, will never accept putting the carrier air wing at Barbers Point if the State has control of the airport. I've been in the Navy as a Naval Flight Officer. I was a Marine Officer. I was a senior member of the Carrier Air Group (CAG) many times, and I know the Navy policy. They will never, never put their carrier air wing at a base where they don't control the base totally -- one hundred percent.

"Now, the carrier will bring in thousands of jobs, and that's wonderful. If the State takes over Barbers Point, we only have fifteen airplanes in the State that is supposed to use it, and that is in the whole State. There are only two or three that will even use it that have said that in surveys. . .

The Chair interrupted and said:

"Representative, please speak to the merits of the resolution."

Representative Moses answered:

"I will speak to the merits of the resolution, Mr. Speaker.

"My point is, I think the resolution is headed in the right direction. I just think we need to make a package that will be acceptable to the Navy and show them that we actually are committed to getting that carrier here.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise with similar reservations. In addition to what the previous speaker noted, I think we're missing one thing that the Navy is presently doing, Mr. Speaker, in regards to homeporting and repairing and what we've called 'job creation.'

"Mr. Speaker, there are literally \$30 million worth of jobs that we're going to lose as we speak because of what the Navy is doing, in terms of deprivatizing the shipyard repairs. If we homeport this ship and we don't have that private sector around, we are going to be causing a lot of trouble. Right now, it's where we are almost threatening to have to send Sea-Land, Matson and Young Brothers' ships to the mainland in order to get repairs. If we get this huge aircraft carrier and yet we don't have any private sector shipyards, in addition to the Pearl Harbor Naval Shipyard, we will have 'cut our nose to spite our face.'

"So I would have loved to see this resolution amended to include that, because the Navy is actually doing a collusive decision on us, the way they have taken away the private sector shipyard funds.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 71, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," was referred to the Committee on Economic Development and Business Concerns, with Representatives Hamakawa, Menor and Takamine being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 1469-98) recommending that S.C.R. No. 186, as amended in HD 1, 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 S.C.R. No. 186, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, IN COLLABORATION

WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, THE DEPARTMENT OF TAXATION, AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DEVELOP A WORKING DEFINITION OF 'HAWAII RESIDENT' AND TO PROPOSE THE USE OF THIS DEFINITION TO THE FEDERAL GOVERNMENT TO CLARIFY AND TO FACILITATE ENFORCEMENT OF PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII," was referred to the Committee on Labor and Public Employment, with Representatives Hamakawa, Menor and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1470-98) recommending that S.C.R. No. 80 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 S.C.R. No. 80, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DISCUSSIONS WITH THE WOMEN'S COALITION AND SEXUAL ASSAULT SERVICE PROVIDERS TO EXTEND ITS FAMILY VIOLENCE OPTION TO INCLUDE ALL VICTIMS OF SEXUAL ASSAULT," was referred to the Committee on Finance, with Representatives Hamakawa, Menor and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1471-98) recommending that S.C.R. No. 146, SD 2, 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 S.C.R. No. 146, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT, FINANCIAL, AND PROGRAM AUDIT FOCUSING ON DECISION-MAKING PROCESSES OF THE CHILD PROTECTIVE SERVICES," was referred to the Committee on Finance, with Representatives Hamakawa, Menor and Takamine being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 1472-98) recommending that S.C.R. No. 196, SD 1, be referred to the Committee on Finance.

Representative Okamura moved that the joint report of the Committees be adopted and S.C.R. No. 196, SD 1, be referred to the Committee on Finance, seconded by Representative M. Oshiro.

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

"I just want to say that this effort to have two departments examine ways to eliminate duplication of administration and provision of certain programs and services is just the 'tip of the iceberg' for many of our departments. Concerning the Department of Labor, the Department of Human Services, Department of Health and the Department of Education, there is significant overlap in service in which a family will sometimes have up to five departmental services providing plans that operate concerning either the entire family or individual members. Somehow, that duplication has to be dealt with and I appreciate this resolution for its effort to indicate that the departments have that responsibility.

"Thank you."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and S.C.R. No. 196, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF HEALTH TO EXAMINE WAYS TO ELIMINATE DUPLICATION OF THE ADMINISTRATION AND PROVISION OF HOME- AND COMMUNITY-BASED PROGRAMS AND SERVICES BY THE TWO DEPARTMENTS," was referred to the Committee on Finance, with Representatives Hamakawa, Menor and Takamine being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1473-98) recommending that S.C.R. No. 59, SD 1, 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 S.C.R. No. 59, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was referred to the Committee on Finance, with Representatives Hamakawa, Menor and Takamine being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1474-98) recommending that S.C.R. No. 81, SD 1, 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 S.C.R. No. 81, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENTS OF TRANSPORTATION, ACCOUNTING AND GENERAL SERVICES, AND LAND AND NATURAL RESOURCES TO REQUIRE PRIVATE CONTRACTORS TO HAUL AWAY GREEN WASTE TO COMPOSTING COMPANIES AND ENCOURAGING STATE AGENCIES AND DEPARTMENTS TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK," was referred to the Committee on Finance, with Representatives Hamakawa, Menor and Takamine being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1475-98) recommending that S.C.R. No. 101, SD 1, as amended in HD 1, be referred to the Committee on Transportation.

Representative Okamura moved that the report of the Committee be adopted and S.C.R. No. 101, SD 1, HD 1, be referred to the Committee on Transportation, seconded by Representative M. Oshiro.

Representative Meyer rose in support of the resolution with reservations, stating:

"This is a resolution that will actually direct the counties to adopt the management plan for roadside maintenance with the objective of reducing the use of herbicides to minimize risk to the public. These resolutions dealing with the subject come up every year. I guess my objection is that, as far as the risk to the public, there really is none when these herbicides are used as directed. I feel that it's sort of like the global warming

thing again. It's this repetition, repetition that these herbicides are somehow killing people or hurting them. When the counties testified, they talked about more injuries happening when people are just cutting with sickles and climbing hillsides, and not using herbicides in various instances.

"I am pleased to see in here that they have asked the counties to collect data, to see what kind of injuries there are so that can be documented. But I just do have somewhat of a problem where we are painting herbicides as poisons when Mr. Anderson from the Department of Health has testified in Committee that herbicides used as directed pose no harm to public health.

"Thank you, Mr. Speaker."

Representative Tarnas rose in support of the resolution, stating:

"The previous speaker is quite correct. We need to be aware that herbicides do play a useful role in roadside maintenance and that actually, as noted in the resolution, it is the improper use of herbicides that may be harmful to human health.

"We do have to be very realistic and base our decisions on good science. That is why I think the resolution was crafted in its amended form to be much more balanced and address not only the benefits of the use of herbicides in certain areas and recognize those, but also to say that if we are looking at alternative measures, let's get some data about potential risks and cost of that as well, and the benefits of non-herbicide roadside maintenance. So I urge the members to support this balanced approach.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 101, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ADOPTION OF MANAGEMENT PLANS FOR ROADSIDE MAINTENANCE," was referred to the Committee on Transportation, with Representatives Hamakawa, Menor and Takamine being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1476-98) recommending that S.C.R. No. 34, SD 1, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 34, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER," was adopted, with Representatives Hamakawa, Menor and Takamine being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1477-98) recommending that S.C.R. No. 159, as amended in HD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and S.C.R. No. 159, HD 1, be adopted, seconded by Representative M. Oshiro.

Representative Arakaki rose in support of the resolution, stating:

"I would like to thank the Culture and the Arts Committee for developing language for the Okinawan

Centennial Celebration Commission, and I would like to request that my comments in support of this measure be entered into this Journal," and the Chair "so ordered."

Representative Arakaki's remarks are as follows:

"Mr. Speaker, let me thank the Chair of the Culture and Arts Committee, Representative K. Mark Takai, for his sensitivity to revive this important issue of recognizing and planning for the Centennial Celebration of Okinawan immigration to Hawaii in the year 2000.

"In behalf of those legislators of Okinawan ancestry and for the Hawaii United Okinawan Association, let me say, 'Ippe nihe debiru,' thank you for the recognition of our cultural heritage and the request to the Governor to establish an Okinawan Centennial Celebration Commission by Executive Order.

"During the 90th Anniversary celebration of Okinawan immigration to Hawaii, I played the role of Kyuzo Toyama, the man who brought the first 26 immigrant plantation laborers to Hawaii from the village of Kin in Okinawa. The celebration of the 100th Anniversary of immigration from Okinawa to Hawaii will be especially significant to Hawaii's Okinawan community as it remains a tight-knit group of Japanese-Americans, proud of their culture and heritage.

"While the measure doesn't provide any appropriation for a commission, should it be appointed by the Governor, the important part of the resolution is the recognition of the significance of the anniversary and the establishment of the commission to plan for the celebration. The commission will be able to tap into many community resources in order to obtain financial support for their planning activities. The commission along with the Hawaii United Okinawa Association and the many member and affiliated organization will collaborate and cooperate to plan a spectacular year long series of activities for the year 2000.

"The activities being planned at this time are as follows:

#### 1999

Nov. Tsunahiki using gigantic rope from Naha matsuri (Okinawan festival)

#### 2000

Jan. Memorial service for Isseis  
Opening Banquet  
Ms. Uchinanchu Pageant

Feb. Plantation Fair  
Maui/Lanai Okinawan music/dance performance  
Okinawan rock concert

March Honolulu Matsuri - JTB  
Molokai Okinawan music/dance performance

April International Uchinanchu piano exhibition  
Forum on Overseas Uchinanchu history/culture/business

May Craft Fair  
Undo Kai (athletic field day)  
Kauai Okinawan music/dance performance  
Golf Tournament

June HOC 10th Anniversary Celebration  
Matsuri in Hawaii - Kintetsu  
Super Sensei dance/music performance  
UH Summer Session in Okinawa  
Gateball Tournament

July Uchinanchu Live! Performance at NBC Arena  
Hari Boat Races

Aug Big Island Okinawan music/dance performance  
Softball Tournament in Hilo  
Eisa Festival

Okinawan Play  
Sept. Okinawan Festival  
Hanagasa formation skydiving jump  
Oct. Drums of the Pacific performance  
Nov. Worldwide Uchinanchu Festival in Okinawa  
Awamori Tasting Party  
Craft Fair  
Dec. Next Generation performance  
Closing Banquet

"Thank you, Mr. Speaker and colleagues, for supporting the resolution. Okage sama de."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 159, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE OKINAWAN CENTENNIAL CELEBRATION COMMISSION BY EXECUTIVE ORDER," was adopted, with Representatives Hamakawa, Menor and Takamine being excused.

### SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Marumoto 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 Hamakawa, Menor and Takamine were excused.)

### THIRD READING

#### **S.B. No. 1081, SD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, S.B. No. 1081, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES," passed Third Reading by a vote of 48 ayes, with Representatives Hamakawa, Menor and Takamine being excused.

The Chair directed the Clerk to note that S.B. No. 1081 had passed Third Reading at 12:11 o'clock p.m.

### HOUSE COMMUNICATIONS

A communication, dated April 23, 1998, to the Honorable President and members of the Senate of the State of Hawaii from Patricia Mau-Shimizu, Clerk, House of Representatives, informing the Senate that the Speaker has replaced Representative Kahikina with Representative Santiago as a Co-Chair on the part of the House at the conference on House Bill No. 1830, HD 1, SD 1, was placed on file.

A communication, dated April 23, 1998, to the Honorable President and members of the Senate of the State of Hawaii from Patricia Mau-Shimizu, Clerk, House of Representatives, informing the Senate that the Speaker has replaced Representative Cachola with Representative Yoshinaga as a conferee on the part of the House at the conference on House Bill No. 2362, HD 1, SD 1, was placed on file.

A communication, dated April 23, 1998, to the Honorable President and members of the Senate of the State of Hawaii from Patricia Mau-Shimizu, Clerk, House of Representatives, informing the Senate that the Speaker has replaced Representative Case with Representative Lee as a conferee on the part of the House at the conference on Senate Bill No. 2887, SD 1, HD 1, was placed on file.



A communication, dated April 23, 1998, to the Honorable President and members of the Senate of the State of Hawaii from Patricia Mau-Shimizu, Clerk, House of Representatives, informing the Senate that the Speaker has appointed Representatives Yonamine and Tom as Co-Chairs, and Representatives Nakasone, Yamane and Marumoto as conferees on the part of the House at the conference on Senate Bill No. 3088, SD 1, HD 2, was placed on file.

At 12:12 o'clock p.m., Representative Say asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:14 o'clock p.m.

#### ANNOUNCEMENTS

Representative Kawakami rose and requested waiver of the 48-hour hearing notice requirement for the Finance Committee to hear and make decision on S.C.R. Nos. 9, SD 1, HD 1; 12, SD 1; 31, SD 1; 123, SD 1; 128, SD 1; 147; 161; 172; 184; 28; 190; 191; 207; 210; 73; 89; 213, SD 1; 25, HD 1; 59, SD 1, HD 1; 146, SD 2, HD 1; 73, SD 1; 213, SD 1; 89, SD 1; 80; 146, SD 2, HD 1; 196, SD 1; 59, SD 1, HD 1; and 81, SD 1, HD 1, tomorrow, and the Chair "so ordered."

Representative Takai rose and requested waiver of the 48-hour hearing notice requirement for the Higher Education Committee to hear S.C.R. No. 47 with decision making to follow, and decision making only on S.C.R. No. 215 tomorrow at 1:00 p.m. in Conference Room 429, and the Chair "so ordered."

Representative Say rose and stated:

"Mr. Speaker, I just wanted to apologize to you and the members of the House for the number of Senate Concurrent Resolutions we will be hearing tomorrow. Because of our internal deadline, Vice Chair Kawakami even incorporated those resolutions that were referred today to Finance to be heard tomorrow to accommodate all of the subject Committee Chairs.

"Thank you."

#### ADJOURNMENT

At 12:18 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m. on Monday, April 27, 1998. (Representatives Hamakawa, Menor and Takamine were excused.)

## FIFTY-FIFTH DAY

Monday, April 27, 1998

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:40 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Lane K. Akiona from the St. Augustine By-the-Sea Church, after which the Roll was called showing all members present with the exception of Representatives Aiona, Arakaki, Cachola, Kahikina, Kanohe, Kawakami, Lee, McDermott, Menor, Say and Takamine, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 207 through 210) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 207, transmitting copies of the 1997 State Energy Resource Coordinator's Annual Report, pursuant to Section 196-4(11), Hawaii Revised Statutes.

Gov. Msg. No. 208, transmitting copies of the Error Notice which should be attached to the 1996 Annual Report of the Executive Office on Aging which was transmitted to the House on February 2, 1998.

Gov. Msg. No. 209, transmitting copies of a report prepared by the Department of Business, Economic Development, and Tourism pursuant to House Concurrent Resolution No. 40.

Gov. Msg. No. 210, informing the House that on April 23, 1998, he signed the following bills into law:

Senate Bill No. 2740 as Act 024, entitled: "RELATING TO TRUSTS";

Senate Bill No. 2913 as Act 025, entitled: "RELATING TO HIGHWAY SAFETY";

House Bill No. 3317 as Act 026, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 3020 as Act 027, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED";

Senate Bill No. 3215 as Act 028, entitled: "RELATING TO ANIMAL IMPORTATION"; and

House Bill No. 2895 as Act 029, entitled: "RELATING TO RIDING BICYCLES ON ROADWAYS".

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 670 through 674) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 670, informing the House that the Senate has made the following changes to Senate conferee assignments for the House Bill listed below:

**H.B. No. 2490, HD 3, SD 1:**

Discharges Senator D. Ige as a Co-Chair.

Sen. Com. No. 671, informing the House that the Senate has reconsidered its action of April 16, 1998, in disagreeing to the amendments proposed by the House to the Senate Bills listed below and has moved to agree to the amendments. The Senate further informs the House that said bills have passed Final Reading in the Senate on April 23, 1998.

S.B. No. 705, SD 2, HD 1, entitled: "RELATING TO CIVIL SERVICE EXEMPTIONS FOR THE JUDICIARY";

S.B. No. 1465, HD 1, entitled: "RELATING TO PUBLIC EMPLOYEES";

S.B. No. 2132, SD 1, HD 1, entitled: "RELATING TO LIQUOR LICENSES";

S.B. No. 2180, SD 1, HD 1, entitled: "RELATING TO MOTOR CARRIERS";

S.B. No. 2914, SD 1, HD 2, entitled: "RELATING TO COMMERCIAL DRIVER LICENSING";

S.B. No. 3094, SD 2, HD 2, entitled: "RELATING TO MOTOR VEHICLES";

S.B. No. 3204, HD 2, entitled: "RELATING TO TRACKING DEVICES".

Sen. Com. No. 672, informing the House that the President has added Senator Taniguchi as an additional Co-Chair and Senator McCartney as an additional member on the part of the Senate at the conference on Senate Bill No. 2056, SD 1, HD 1, on April 23, 1998.

Sen. Com. No. 673, informing the House that the President has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bill on April 23, 1998:

**S.B. No. 2135, SD 1, HD 1:**

Senators D. Ige/Metcalf, Co-Chairs; and Slom.

Sen. Com. No. 674, informing the House that the President has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bill on April 23, 1998:

**H.B. No. 2649, HD 2, SD 2:**

Senators Kawamoto/Sakamoto/Baker/Fukunaga/Taniguchi, Co-Chairs; Ihara, Kanno and Anderson.

## INTRODUCTION

Representative Takai, on behalf of Representatives Yonamine, Takumi and himself, introduced 9 students from Pearl City High School who are in the Alternative Learning Program located at Waimano Home. They were accompanied by their teachers, Ms. Michelle Kim, Ms. Elaine Murakami, Mr. Dennis Kea and Mr. Alonzo Piche.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following House Bill (H.B. No. 2843) was referred to committee by the Speaker:

H.B.  
No.

Re-referred to:

2843 Committee on Health, then jointly to the Committee on Judiciary and the Committee on Public Safety and Military Affairs

The following Senate Concurrent Resolutions were re-referred to committee by the Speaker:

S.C.R.  
Nos.

Re-referred to:

140 Jointly to the Committee on Energy and Environmental Protection and to the Committee on Water and Land Use

153 Jointly to the Committee on Energy and Environmental Protection and to the Committee on Water and Land Use

157 Committee on Education

**STANDING COMMITTEE REPORTS**

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1478-98) recommending that S.C.R. No. 90, SD 1, as amended in HD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and S.C.R. No. 90, SD 1, HD 1, be adopted, seconded by Representative M. Oshiro.

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

"This is the resolution that requests the Governor to direct the Attorney General to reevaluate the basis for the final judgment and consent decree regarding Texaco Incorporated and Shell Oil Company, and apply to the U.S. District Court to modify or completely withdraw from that consent decree.

"I am speaking in support of this resolution. A number of us have heard this matter, serving on the Committee, or else heard from the Shell or Texaco dealers who operate in our different areas in this State.

"Mr. Speaker, this mandate to Shell and Texaco to divest their assets on Oahu was the result of the Attorney General's actions really holding the national merger of the two companies hostage until they would agree to this divestiture on this island. It's very wrong for an agency of State government to force a business to make a detrimental change such as this. The forced divestiture may have an extremely negative impact on many small businesses that operate in our districts, a negative impact on hundreds of employees, and in the end have no positive benefit for the consumer at all.

"The Attorney General and her Deputy AG, Ted Clause, claim that a Shell/Texaco merger would hurt the consumer. In fact, there is ample evidence that a merger would foster healthier competition and pass savings on to customers. The rationale of companies going through mergers are the decreased cost, maximized synergies, to operate more competitively in the marketplace, and typically the savings in those operating costs are then passed on in price reductions to customers.

"I think that would happen here, Mr. Speaker, were Shell and Texaco able to merge, and they still at that point, Mr. Speaker, would only have a 23 percent share

of the market. The other larger players are in the 30 percents, so we're not really talking about unfair competition. We're talking, in fact, about strengthened competition where we would end up with lower gas prices for our consumers.

"Thank you."

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

"Mr. Speaker, I am very much in favor of this resolution and I had hoped it would have come out before the decree from the courts. But I am really very upset that the AG has come out with this stance of decreeing the sale of either the Texaco or Shell assets and stations in the State.

"What this means is all these businesses will be out of business. All these dealers will have nothing to do. All these families will have no livelihood, and many employees will be thrown out of work. It proves to us that Hawaii is an anti-business State, and it is very harmful to our national reputation.

"I cannot, for the life of me, understand the rationale of the Attorney General that by selling one company or the other which controls only twelve or thirteen percent of the market, this will keep our prices down, or why they would rise if they were able to do this. . .

The Chair interrupted and asked:

"Are you speaking for the motion or against the motion?"

Representative Marumoto answered:

"I'm speaking in favor of the resolution. I guess I am speaking against the Attorney General's actions however. But I would certainly hope that the Attorney General will pay attention to this resolution and rescind the order on the sale of, I think it turns out to be Texaco in this case. It's very sad if this should occur, and I don't think we would benefit one single bit if this should happen.

"So, Mr. Speaker, thank you for hearing my arguments, and I appreciate your indulgence."

Representative Case rose in support of the resolution with reservations, stating:

"Briefly, I expressed reservations on the House version of this concurrent resolution when that version was before us, and I simply wish to incorporate those earlier remarks by reference. I hope those items are addressed in the upcoming conference on this.

"Two quick additional points. First, the rationale of the Attorney General is to avoid consolidation and monopolization in the local gasoline market, and I think that's a good rationale. That is also the rationale of the resolution that we discussed just previously. I wouldn't want to see two resolutions -- Stand. Com. Rep. 1478 and Stand. Com. Rep. 1479 and their respective resolutions -- passed which are exactly opposite of each other in their direction.

"Second, some of the previous speaker's factual statements were inaccurate in terms of who has to divest and what assets have to be divested. As to the remarks of the Representative from Kailua, I agree that you do have some savings if you consolidate to some extent. But once you start to have a monopoly over the market, the consumers do not do well by monopolies.

"Thank you."

Representative Marumoto, in response, stated:

"Mr. Speaker, if I need to be corrected, I stand corrected. However, my understanding is that Shell and Texaco each control twelve and thirteen percent of the markets, respectively, and I don't see how that could cause a monopoly or help control prices.

"Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 90, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO REEVALUATE THE BASIS FOR THE FINAL JUDGMENT AND CONSENT DECREE REGARDING TEXACO INCORPORATED AND SHELL OIL COMPANY AND APPLY TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII TO MODIFY OR COMPLETELY WITHDRAW FROM THAT CONSENT DECREE," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1479-98) recommending that S.C.R. No. 154, as amended in HD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and S.C.R. No. 154, HD 1, be adopted, seconded by Representative M. Oshiro.

Representative Ward rose in support of the resolution, stating:

"Mr. Speaker, to paraphrase an old saying of an old entrepreneur before he went under, he said: 'If you're not buying your diamonds from the House of Adler, you're paying too much.' It has almost come to the point if you're buying products in Hawaii, you're paying too much, and that we know because of the retailers. When we got Costco we realized we didn't have to pay that much, and then Sam's Club. And now, Mr. Speaker, with the gasoline prices. When the wholesale price goes down 40 percent and in fact we get a penny, we are actually being 'injured' by buying gasoline in the State of Hawaii.

"We're not sure what is going on but I wanted, for the sake of this body, for your information, to know that my office has, in addition to this resolution, filed a formal complaint with the Federal Trade Commission in San Francisco and, hopefully, that will proceed to not only help us, but buttress what otherwise is: we are paying too much in the State of Hawaii for gasoline.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 154, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1480-98) recommending that S.C.R. No. 180 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 180, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO NAME THE MAUI HIGH SCHOOL GYMNASIUM IN HONOR OF FORMER SENATOR MAMORU YAMASAKI," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1481-98) recommending that S.C.R. No. 192 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 192, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE KIHAI HIGH SCHOOL COMMUNITY COMMITTEE TO CONTINUE ITS EFFORTS TO ESTABLISH A CHARTER SCHOOL IN KIHAI, MAUI, CENTERED ON SYSTEMS TECHNOLOGY AND BASED ON PUBLIC-PRIVATE PARTNERSHIPS," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1482-98) recommending that S.C.R. No. 137, SD 1, as amended in HD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and S.C.R. No. 137, SD 1, HD 1, be adopted, seconded by Representative M. Oshiro.

Representative Moses rose in support of the resolution with reservations, stating:

"This measure calls for establishing a second language in our school system and asking for competency by the year 2000, and also added to it in the final amendment was computer literacy by the same time. I'm all for that. I'm for the second language, I'm for the computer literacy.

"The only problem I have is we don't have standards developed yet for second language competency. We haven't determined what those second languages would be. We don't have teachers in all those languages. And we're going to do it starting immediately which will be next school year and have it all done in a year, and it takes about four years to develop competency in a language, so it's unrealistic.

"And secondly, with the computer literacy, we don't have computers in all the schools. We don't have enough. In fact, we don't have enough power in the schools to run the computers and, of course, we have been told we don't have the money to do that either. So I'm all for the 'go,' but I think it's unrealistic to expect it by the year 2000.

"Thank you, Mr. Speaker."

Representative Stegmaier rose and stated:

"I rise to speak in support of this concurrent resolution and bring to the members' attention that we're asking the Board to do the very things that the previous speaker was talking about. We're asking the Board to consider the proposals of the ERTF on computer literacy and language competency. We are also asking the Board to establish those very standards that the previous speaker said we don't have, and I am in agreement that we don't have them. But we're encouraging the Board to establish those

standards and clarify exactly what we can do, when we can do it.

"I like the approach of the ERTF to establish ambitious goals for our students in the area of foreign language competency and computer literacy, and that we are saying that this is an area for the Board to consider further based on resources that the Department of Education would have available.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 137, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER THE PROPOSALS OF THE ECONOMIC REVITALIZATION TASK FORCE THAT ALL PUPILS GRADUATING FROM HIGH SCHOOL BEGINNING WITH THE 2000 SCHOOL YEAR SHALL BE COMPETENT IN LANGUAGES OTHER THAN ENGLISH AND SHALL ALSO BE COMPUTER LITERATE," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representatives Case and Tom, for the Committees on Hawaiian Affairs and Judiciary, presented a joint report (Stand. Com. Rep. No. 1483-98) recommending that S.C.R. No. 121, SD 1, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 121, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE NEGOTIATED SETTLEMENT TO BE FILED IN THE FEDERAL DISTRICT COURT OF PROVIDENCE, RHODE ISLAND FOR THE REPATRIATION OF THE SACRED KI'I LA'AU," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1484-98) recommending that S.C.R. No. 132, SD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 132, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY RELATING TO PENAL RESPONSIBILITY," was adopted.

Representatives Tom and Garcia, for the Committees on Judiciary and Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1485-98) recommending that S.C.R. No. 200, SD 1, as amended in HD 1, be adopted.

Representative Okamura moved that the joint report of the Committees be adopted and S.C.R. No. 200, SD 1, HD 1, be adopted, seconded by Representative M. Oshiro.

Representative Whalen rose in opposition to the resolution, stating:

"I realize the Judiciary Vice Chair tried to tone down the resolution to some extent, but I once again feel we're heading in the wrong direction with this. We've heard other resolutions along this line where the Legislature is making a judgment decision on facts that we really aren't aware of. I don't know if anyone in the House was there at the hearing or presentation of the case, which resulted in Carl Richie's conviction, and this resolution is very much slanted in favor of him and casts a great deal of

doubt, and in my mind paints our Judicial System as the Paroling Authority and the police force as vindictive and promoting an injustice on this person.

"I am concerned that even the way it was written, I don't know who the person was, but I doubt they are in a position to be able to determine what is a legally compelling argument when, in the same resolution, they say that the person was sentenced to receive the maximum sentence when it is the only available sentence possible under the charge. I will not go into any details, but those of you who understand the criminal law will understand that everyone is sentenced to the maximum indefinite term of imprisonment, and that is all Carl Richie got.

"I am personally concerned about the result on page 2, where we are certainly indicating that we're directing the Paroling Authority to take all remedial options. You don't have to do something remedial. And again this is remedial for them, not for Carl Richie. But you don't have to take corrective measures unless you made a mistake. And I don't believe it is proper for this body to be passing this sort of judgment on another body -- the Judicial branch and the Executive -- when it comes to the prosecution, without us really knowing what is going on, and we don't know all the facts in the case in detail. We don't know what was actually said or done and what sort of evidence they had. But obviously, it was enough for the Judicial branch to convict.

"Mr. Speaker, I'll wrap it up by saying: the main reason I'm opposing this. . .this isn't the first time but I hope it will be the last, but I kind of doubt it. We are doing something for a certain special interest of that particular Representative or Senator and not really caring about our role as State legislators, and we're getting involved with 'nickel and dime' stuff -- taking positions we really shouldn't take.

"Thank you, Mr. Speaker."

Representative Meyer rose and stated:

"I want to thank my colleague from Kona for bringing this to our attention, and I would like the Clerk to register a 'no' vote for me on this resolution," and the Chair "so ordered."

Representative Pendleton rose in support of the resolution with strong reservations, stating:

"I think that the title we have here. . .I think it's called 'lap dancing' under S.C.R. No. 200, SD 1, HD 1. We are all very concerned about this and think we ought to act on this and take a look at whether or not those are the kinds of activities we want available in our community.

"I want to have the remarks of the Representative from Kona into the Journal as though they were my own, because again we are having our House of Representatives jump into the case when none of us were in the courtroom, and it seems like we have already reached the conclusion about whether or not what was done in the Judiciary was right or not. So those are some of the reservations that I share with Representative Whalen.

"Thank you."

The Chair "so ordered." (By reference only)

Representative Garcia rose in support of the resolution, stating:

"Mr. Speaker, during the hearing I made it quite clear, at least to this Chair, and it was by vote of the Joint Committees that we are not forcing upon the Hawaii

Paroling Authority the intent or the support behind the testimony that was proffered by the previous speakers. I made sure, as Chairman of the Public Safety Committee, that the Hawaii Paroling Authority will be acting on its own in its decision making as to whether or not it will parole Mr. Carl Richie. And I don't contest much of what the Representative from Kona had attested to, as far as the facts of this case. I don't think any of us here in this chamber sat in during the court proceedings, but I will say this: the case is unusual. It is the only one of its kind, and this resolution might give us pause to consider how we might be able to deal with similar matters as they might arise in the future.

"Thank you very much."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and S.C.R. No. 200, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO PROMPTLY REVIEW MATERIAL RELEVANT TO THE "LAP DANCING" CASES AND EXERCISE APPROPRIATE REMEDIAL OPTIONS," was adopted with Representatives Meyer, Pendleton and Whalen voting no, and Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1486-98) recommending that S.C.R. No. 9, SD 1, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 9, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1487-98) recommending that S.C.R. No. 12, SD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 12, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A LEGISLATIVE AUDIT OF THE PREVENTIVE MAINTENANCE PROGRAMS OF THE HIGHWAYS DIVISION OF THE DEPARTMENT OF TRANSPORTATION," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1488-98) recommending that S.C.R. No. 19, SD 1, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 19, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MEDICAL FOODS FOR THE TREATMENT OF INHERITED METABOLIC DISEASES," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1489-98) recommending that S.C.R. No. 25, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 25, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF PROFESSIONAL MENTAL HEALTH COUNSELORS AND PROFESSIONAL REHABILITATION COUNSELORS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1490-98) recommending that S.C.R. No. 28, SD 1, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 28, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1491-98) recommending that S.C.R. No. 31, SD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 31, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE ISLAND OF HAWAII, INCLUDING THE DISTRICTS OF PUNA AND KA'U," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1492-98) recommending that S.C.R. No. 48, SD 1, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 48, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1493-98) recommending that S.C.R. No. 59, SD 1, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 59, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1494-98) recommending that S.C.R. No. 64, SD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 64, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION CONTAINED IN H.B. NO. 3123 (1998) OF PROFESSIONAL CERTIFIED MIDWIVES," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1495-98) recommending that S.C.R. No. 80 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 80, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DISCUSSIONS WITH THE WOMEN'S COALITION AND SEXUAL ASSAULT SERVICE PROVIDERS TO EXTEND ITS FAMILY VIOLENCE OPTION TO INCLUDE ALL VICTIMS OF SEXUAL ASSAULT," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1496-98) recommending that S.C.R. No. 81, SD 1, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 81, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENTS OF TRANSPORTATION, ACCOUNTING AND GENERAL SERVICES, AND LAND AND NATURAL RESOURCES TO REQUIRE PRIVATE CONTRACTORS TO HAUL AWAY GREEN WASTE TO COMPOSTING COMPANIES AND ENCOURAGING STATE AGENCIES AND DEPARTMENTS TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1497-98) recommending that S.C.R. No. 123, SD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 123, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE WITHDRAWAL OF LAND FROM THE OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1529, DATED OCTOBER 1, 1952, TO THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY AND THE TRANSFER OF CERTAIN PUBLIC LANDS AT KALAWAHINE, HONOLULU, OAHU TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1498-98) recommending that S.C.R. No. 128, SD 1, be adopted, seconded by Representative M. Oshiro.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 128, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A THRILL CRAFT ADVISORY COMMITTEE TO REVIEW PRIVATELY-OWNED THRILL CRAFT SAFETY AND THE FEASIBILITY OF REGISTRATION AND CERTIFICATION OF PRIVATE THRILL CRAFT OPERATORS," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1499-98) recommending that S.C.R. No. 146, SD 2, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 146, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT, FINANCIAL, AND PROGRAM AUDIT FOCUSING ON DECISION-MAKING PROCESSES OF THE CHILD PROTECTIVE SERVICES," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1500-98) recommending that S.C.R. No. 147 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 147, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO AMEND ITS RULES FOR EMPLOYERS PAYING STATE WITHHOLDING TAXES FOR NONRESIDENTS," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1501-98) recommending that S.C.R. No. 161 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 161, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESSIONAL ACTION ON FEDERAL HIGHWAY LEGISLATION AND FUNDING," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1502-98) recommending that S.C.R. No. 172, SD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 172, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR TO INITIATE A PARTNERSHIP WITH THE NATIONAL PERFORMANCE REVIEW," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1503-98) recommending that S.C.R. No. 184 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 184, entitled:

"SENATE CONCURRENT RESOLUTION ENCOURAGING THE PROMOTION OF COMMUNITY MEDIA THROUGHOUT THE STATE," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1504-98) recommending that S.C.R. No. 191, SD 2, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 191, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND CITY AND COUNTY OF HONOLULU TO WORK TOGETHER TO ESTABLISH A JOINT WAIKIKI TASK FORCE TO EXPLORE THE REVITALIZATION AND RENOVATION OF WAIKIKI AND SURROUNDING AREAS INCLUDING THE HAWAII CONVENTION CENTER," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1505-98) recommending that S.C.R. No. 196, SD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 196, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF HEALTH TO EXAMINE WAYS TO ELIMINATE DUPLICATION OF THE ADMINISTRATION AND PROVISION OF HOME- AND COMMUNITY-BASED PROGRAMS AND SERVICES BY THE TWO DEPARTMENTS," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1506-98) recommending that S.C.R. No. 207, SD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 207, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO UNDERTAKE STUDIES OF HEPATITIS C INCIDENCE AND PREVALENCE WITHIN SELECTED POPULATIONS IN HAWAII," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1507-98) recommending that S.C.R. No. 190, SD 1, HD 1, as amended in HD 2 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 190, SD 1, HD 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ESTABLISH A BANNER WELCOME PROGRAM FOR THE STREET LAMPPOSTS FRONTING THE HAWAII CONVENTION CENTER MAIN ENTRANCE," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

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

(Stand. Com. Rep. No. 1508-98) recommending that S.C.R. No. 71, SD 1, HD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and S.C.R. No. 71, SD 1, HD 1, be adopted, seconded by Representative M. Oshiro.

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

"I just want to reiterate that I have some reservations. This is homeporting the aircraft carrier at Pearl Harbor. I'm all for that. I think it will be a great thing. It will bring a lot of jobs to the State and keep some industries alive. However, I think it's unrealistic again to expect the Navy to put the air wing at Barbers Point when they don't own the base. And we need to give other incentives, other types of package deals like we've done for other people, and maybe even consider them keeping the base. But we have to be more realistic if we really want to turn that carrier around so to speak because they don't intend to send it here. It's an up-hill battle and we better really make some effort if we want to get it here.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 71, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine 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. 1509-98) recommending that S.C.R. No. 140, SD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and S.C.R. No. 140, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING THE EFFORTS OF THE ALA WAI CANAL IMPROVEMENT PROJECT AND THE COMMUNITY ADVISORY COMMITTEE'S EFFORT IN DEVELOPING COMMUNITY-BASED STAKEHOLDER STEWARDSHIP FOR THE ENHANCEMENT AND PROTECTION OF THE ALA WAI WATERSHED," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine 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. 1510-98) recommending that S.C.R. No. 153, SD 1, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the joint report of the Committees was adopted and S.C.R. No. 153, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was adopted, with Representatives Kahikina, McDermott, Menor, Say and Takamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1511-98) recommending that S.C.R. No. 72, SD 1, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.



Representative Okamura moved that the report of the Committee be adopted and S.C.R. No. 72, SD 1, HD 1, be referred to the Committee on Consumer Protection and Commerce, seconded by Representative M. Oshiro.

Representative Takai rose to speak against the resolution, stating:

"Just very briefly, Mr. Speaker, the Department of Transportation, in trying to address some of the traffic concerns for the Leeward and Central Oahu areas, has proposed a 'Zipper Lane' which will run during the rush hours into town, providing an additional lane on the outbound H-1 Freeway. Anyway, the proposal calls for making this new 'Zipper Lane' a two or more person lane whereas the Department of Transportation right now is proposing to make that 'Zipper Lane' three or more.

"My only concern is that the Department of Transportation has said that they would like to try the three or more person requirement for vehicles out first, and in the event that there is no significant decrease on the inbound lanes, then lower it to two. If we were to lower the capacity to two people per car now and then realize that the 'Zipper Lane' is going to be more crowded than the other lanes, then the 'Zipper Lane' won't work. So I just caution the members and strongly urge the House to support what the Department of Transportation is planning on doing.

"Thank you."

Representative Moses rose in support of the resolution, stating:

"First of all, the 'Zipper Lane' has controlled access. Right now it only has three access points, so if we do decide at some later date to make it three, it's easily enforceable. Anybody that gets in it can't get out. There's a police pull-off lane and they will be arrested or at least ticketed. So we could change it later.

"The reason that we've urged going to two now is, from the Waikale area to the Stadium, the HOV lane that exists today with two people in each vehicle is basically underutilized. They are zipping by us left and right, actually on the left. But they are moving quite rapidly. There's no congestion, so why should we think that adding another lane with three or more would help everybody else on the Freeway? I don't see it.

"This would add another HOV lane and maybe help move the traffic along. But I understand the concerns about: well, let's try it with three people in it. I think we could go to three if we see it fills up with two. The Department of Transportation wanted to start with three and wait about six months and then go to two. The people in the community want it the other way. We want it at two.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 72, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE DEPARTMENT OF TRANSPORTATION TO ALLOW VANPOOL VEHICLES, COMMERCIAL VEHICLES, MOTORCYCLES, AND OTHER VEHICLES CARRYING TWO OR MORE OCCUPANTS, TO USE THE 'ZIPPER LANE'," was referred to the Committee on Consumer Protection and Commerce with Representative Takai voting no, and Representatives Kahikina, McDermott and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1512-98) recommending that S.C.R. No. 87, SD 1, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 87, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE APPROPRIATE CRITERIA UNDER WHICH UTILITY LINES SHALL BE PLACED UNDERGROUND, AND OF THE APPROPRIATE MEANS OF FINANCING ANY COST DIFFERENTIAL BETWEEN OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES," was referred to the Committee on Legislative Management, with Representatives Kahikina, McDermott and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1513-98) recommending that S.C.R. No. 171, SD 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 S.C.R. No. 171, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT AND IMPLEMENTATION OF A JAPANESE DEPOSIT ACCOUNT MARKETING AND PROMOTION PLAN TO ATTRACT JAPANESE DEPOSITORS TO HAWAII," was referred to the Committee on Finance, with Representatives Kahikina, McDermott and Takamine being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1514-98) recommending that S.C.R. No. 68, 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 S.C.R. No. 68, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO REVIEW AND REVISE HAWAII'S EDUCATION GOALS FOR THE YEAR 2000 AND ESTABLISH AN ACTION PLAN TO ACCOMPLISH THOSE GOALS," was referred to the Committee on Finance, with Representatives Kahikina, McDermott and Takamine being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1515-98) recommending that S.C.R. No. 20, SD 1, as amended in HD 1, 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 S.C.R. No. 20, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE SCHOOL-TO-WORK OPPORTUNITIES SYSTEM," was referred to the Committee on Labor and Public Employment, with Representatives Kahikina, McDermott and Takamine being excused.

#### SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the rules were suspended for the purpose of reconsidering action

previously taken. (Representatives Kahikina, McDermott and Takamine were excused.)

#### RECONSIDERATION OF ACTION TAKEN

Representative Okamura moved that the House, in disagreeing to the amendments proposed by the Senate to the following House Bills, reconsider its action taken on:

March 31, 1998: H.B. No. 3021, HD 1 (SD 1);

April 2, 1998: H.B. No. 2858, HD 2 (SD 2);

April 16, 1998: H.B. Nos. 2774 (SD 1); 2780 (SD 1); 3082, HD 1 (SD 1); 3185, HD 1 (SD 1); and 3581, HD 1 (SD 1), seconded by Representative Kawanakoa and carried. (Representatives Kahikina, Menor and Takamine were excused.)

Representative Okamura then gave notice of intent to agree to the amendments proposed by the Senate to H.B. Nos. 2774 (SD 1); 2780 (SD 1); 2858, HD 2 (SD 2); 3021, HD 1 (SD 1); 3082, HD 1 (SD 1); 3185, HD 1 (SD 1); and 3581, HD 1 (SD 1).

At this time, Representative Jones was permitted a late introduction and he introduced to the members of the House 26 students from the Arctic Village School in Alaska. They were accompanied by their teachers, Ms. Mary Tritt, Ms. Caroline Trief-Frank and Mr. Todd Groat, and Ms. Merrie Aipolani of Nanakuli High School.

#### ANNOUNCEMENTS

Representative Lee: "House conferees on the CPC bills on the 10:00 a.m. agenda would reconvene immediately following the session in Room 016."

Representative Stegmaier: "Your House Committee on Education members will be holding a decision making on a concurrent resolution in the Majority Caucus Room immediately following session."

#### ADJOURNMENT

At 12:13 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 28, 1998. (Representatives Herkes, Kahikina, McDermott and Takamine were excused.)

## FIFTY-SIXTH DAY

**Tuesday, April 28, 1998**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:45 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Randy and Gay Hongo from Kalihi Union Church, after which the Roll was called showing all members present with the exception of Representatives Cachola, Goodenow, Menor, Santiago, Say, Stegmaier, Suzuki, Takumi, Ward and White, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 675 through 730) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 675, returning H.C.R. No. 11, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ASSESS MENTAL HEALTH SERVICES AND TO PROVIDE NEEDED SERVICES FOR CHILDREN UNDER FIVE YEARS OF AGE AS EARLY AS POSSIBLE," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 676, returning H.C.R. No. 20, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HEALTH TO CONTINUE TO MONITOR LOCAL ADHERENCE TO CENTERS FOR DISEASE CONTROL GUIDELINES AND TO ENCOURAGE PROFESSIONAL ORGANIZATIONS TO EDUCATE THE MEDICAL COMMUNITY ON IMPROPER PRESCRIPTION PRACTICES," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 677, returning H.C.R. No. 21, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING LEASE REISSUANCE FOR SUBMERGED LANDS FOR BOAT MOORING FACILITIES AT THE WAIKIKI YACHT CLUB AND HAWAII YACHT CLUB, AND THE MARINE FUEL FACILITY SITUATED AT THE ALA WAI SMALL BOAT HARBOR PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 678, returning H.C.R. No. 30, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SUBMIT A STATE OF HAWAII APPLICATION TO THE UNITED STATES SECRETARY OF TRANSPORTATION TO AUTHORIZE FOREIGN AIR CARRIERS TO CONDUCT CERTAIN EXPANDED CARGO TRANSFER ACTIVITIES AT INTERNATIONAL AIRPORTS IN THE STATE OF HAWAII," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 679, returning H.C.R. No. 35, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE ISLAND OF HAWAII," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 680, returning H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 681, returning H.C.R. No. 46, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTION PLAN TO PROMOTE HAWAII-GROWN AND HAWAII-MADE AGRICULTURAL PRODUCTS," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 682, returning H.C.R. No. 48, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION INVITING THE CHILDREN'S MILLENNIUM CONFERENCE TO HONOLULU IN OCTOBER 1999," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 683, returning H.C.R. No. 53, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF PROFESSIONAL MENTAL HEALTH COUNSELORS AND PROFESSIONAL REHABILITATION COUNSELORS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 684, returning H.C.R. No. 69, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE COASTAL ZONE MANAGEMENT PROGRAM, THE DEPARTMENT OF THE NAVY, THE DEPARTMENT OF THE ARMY, THE DEPARTMENT OF THE AIR FORCE, THE DEPARTMENT OF THE INTERIOR MINERALS MANAGEMENT SERVICE, AND THE UNITED STATES ARMY CORPS OF ENGINEERS TO PLAN AND IMPLEMENT BEACH RESTORATION AND NOURISHMENT PROJECTS IN HAWAII," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 685, returning H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING STATE CONTROL OVER INSURANCE LEGISLATION," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 686, returning H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE, CIVIL DEFENSE DIVISION TO CONDUCT A STUDY ON THE AVAILABILITY AND CONDITION OF HURRICANE-RESISTANT PUBLIC SHELTERS WITHIN EACH COUNTY," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 687, returning H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL STATE EMPLOYEES TO USE THE WORD "ALOHA" AS AN OFFICIAL GREETING WHEN MEETING THE PUBLIC OR ANSWERING PHONE CALLS FROM THE PUBLIC," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 688, returning H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF JUROR FEES," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 689, returning H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION

REQUESTING THE ESTABLISHMENT OF THE BUSINESS ALOHA TEAM PROGRAM TO ASSIST INDIVIDUAL BUSINESSES IN CREATING AND RETAINING JOBS WITHIN THE STATE," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 690, returning H.C.R. No. 114, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ISSUE A PERMIT FOR A PILOT DEMONSTRATION OPEN OCEAN AQUACULTURE PROJECT TO THE UNIVERSITY OF HAWAII," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 691, returning H.C.R. No. 119, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE AND REQUESTING A STUDY AND REPORT ON A NEW HEALTH CARE ASSURANCE PROGRAM," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 692, returning H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CHILDREN'S HEALTH INSURANCE PROGRAM PLANNING COMMITTEE TO DEVELOP UNIVERSAL HEALTH COVERAGE FOR ALL OF HAWAII'S CHILDREN," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 693, returning H.C.R. No. 135, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOMELANDS TO CREATE AND OVERSEE A FORUM REGARDING THE ISSUE OF AN ELECTED HAWAIIAN HOMES COMMISSION," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 694, returning H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A STATE CONFERENCE ON THE FUTURE ROLE OF THE RESIDENTIAL CARE HOME INDUSTRY IN HAWAII," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 695, returning H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RESTORE FOOD STAMP BENEFITS TO LEGAL, NONCITIZEN IMMIGRANTS," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 696, returning H.C.R. No. 143, HD 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN UPDATE OF THE 1991 AUDITOR'S STUDY ON DEPARTMENT OF HAWAIIAN HOME LANDS ENTITLEMENTS," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 697, returning H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO DETERMINE AND RECOMMEND TO THE LEGISLATURE THE NECESSARY STEPS TO ENHANCE THE CORPORATION'S ABILITY TO NEGOTIATE CONTRACTS THAT DETERMINE THE REIMBURSABLE COSTS FOR MEDICAL SERVICES," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 698, returning H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A NEEDS ASSESSMENT OF FAMILIES WHO PROVIDE HOME CARE TO THEIR FAMILY MEMBER WITH A DEVELOPMENTAL DISABILITY

AND DEVELOP A PLAN TO ADDRESS THOSE NEEDS," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 699, returning H.C.R. No. 240, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ORGANIC INDUSTRY AS AN AGRICULTURAL COMMODITY GROUP," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 700, returning H.C.R. No. 242, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PROGRAM TO REVITALIZE THE AGRICULTURE INDUSTRY BY PROMOTING THE CONSUMPTION OF HAWAII-GROWN PRODUCTS AND HAWAII-PROCESSED FOODS ON DESIGNATED DAYS," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 701, returning H.C.R. No. 244, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO UNDERTAKE STUDIES OF HEPATITIS C INCIDENCE AND PREVALENCE WITHIN SELECTED POPULATIONS IN HAWAII," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 702, returning H.C.R. No. 245, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WITHDRAWAL OF LAND FROM THE OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1529, DATED OCTOBER 1, 1952, TO THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY AND THE TRANSFER OF CERTAIN PUBLIC LANDS AT KALAWAHINE, HONOLULU, OAHU, TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," which was adopted by the Senate on April 27, 1998.

Sen. Com. No. 703, returning H.C.R. No. 9, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 704, returning H.C.R. No. 14, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY, AND A SEPARATE STUDY TO ANALYZE THE PROBABLE EFFECT OF THE PROPOSED REGULATORY LANGUAGE CHANGE FOR PHYSICIAN ASSISTANTS CONTAINED IN SENATE BILL NO. 3234 (1998)," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 705, returning H.C.R. No. 17, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION COMMISSION BY EXECUTIVE ORDER," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 706, returning H.C.R. No. 24, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS, THE PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT THE HAWAII CONGRESSIONAL DELEGATION'S EFFORT TO AMEND THE SOCIAL SECURITY ACT TO INCREASE HAWAII'S FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)," which was

adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 707, returning H.C.R. No. 26, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REVIEW HAWAII'S IMPAIRED DRIVING STATUTES AND TO MAKE RECOMMENDATIONS FOR UNIFORM STATUTORY CONSTRUCTION," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 708, returning H.C.R. No. 38, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A STATE POLICY FOR IMPROVING THE WELL-BEING OF CHILDREN, YOUTH, AND FAMILIES," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 709, returning H.C.R. No. 50, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FORMULATE A NEW QUEST DISTRIBUTION METHODOLOGY," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 710, returning H.C.R. No. 60, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONSTRUCTION OF A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 711, returning H.C.R. No. 67, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING THE EFFORTS OF THE ALA WAI CANAL WATERSHED, WATER QUALITY IMPROVEMENT PROJECT AND THE COMMUNITY ADVISORY COMMITTEE'S EFFORTS IN DEVELOPING COMMUNITY-BASED STAKEHOLDER STEWARDSHIP FOR THE ENHANCEMENT AND PROTECTION OF THE ALA WAI CANAL WATERSHED," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 712, returning H.C.R. No. 83, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CUSTOMS SERVICE AND THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE TO SEEK OUT AND ASSESS TECHNOLOGIES THAT WILL EXPEDITE THE CUSTOMS AND IMMIGRATION CLEARANCE PROCESS AT THE HONOLULU INTERNATIONAL AIRPORT," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 713, returning H.C.R. No. 88, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN ACTUARIAL STUDY AND A PROGRAMMATIC AUDIT OF THE PUBLIC EMPLOYEES HEALTH FUND OPERATIONS, AND REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE SCHOOL-TO-WORK OPPORTUNITIES SYSTEM," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 714, returning H.C.R. No. 90, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONTINUED SUPPORT BY HAWAII'S CONGRESSIONAL DELEGATION TO PROVIDE FILIPINO-AMERICAN VETERANS WHO SERVED HONORABLY IN ACTIVE-DUTY STATUS UNDER USAFFE, OR WITHIN THE PHILIPPINE ARMY, THE PHILIPPINE SCOUTS, OR RECOGNIZED GUERRILLA UNITS BETWEEN SEPTEMBER 1, 1939 AND DECEMBER 31, 1946, WITH THE SAME VETERANS

BENEFITS AS PERSONS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES OR JOINED THE PHILIPPINE SCOUTS BEFORE OCTOBER 6, 1945," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 715, returning H.C.R. No. 102, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO RESOLVE THE PROBLEMS WITH THE HONOLULU SYMPHONY AND WORK TOWARDS AN AMICABLE SETTLEMENT OF BOOKING DATES," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 716, returning H.C.R. No. 116, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR TO INITIATE A PARTNERSHIP WITH THE NATIONAL PERFORMANCE REVIEW," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 717, returning H.C.R. No. 117, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF MOTOR VEHICLE INSURANCE PREMIUM REDUCTIONS FOR DRIVER'S EDUCATION COURSE GRADUATES," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 718, returning H.C.R. No. 120, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE COMMITTEE ON EARLY CHILDHOOD EDUCATION AND CARE," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 719, returning H.C.R. No. 156, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY, COMPILE, AND SUMMARIZE AVAILABLE DEMOGRAPHIC DATA ON NATIVE HAWAIIANS," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 720, returning H.C.R. No. 162, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WAIKIKI YACHT CLUB'S ALOHA RACING CHALLENGE TO THE ROYAL NEW ZEALAND YACHT SQUADRON FOR AMERICA'S CUP XXX," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 721, returning H.C.R. No. 163, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE BIG ISLAND'S YOUTH LEADERSHIP DEMONSTRATION PROJECT BE ALLOWED TO USE GENERAL FUNDS IN A MANNER THAT WOULD GENERATE ADDITIONAL SOURCES OF REVENUE TO FINANCIALLY SUSTAIN FUTURE STUDENT PROGRAMS," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 722, returning H.C.R. No. 177, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF THE AUDITOR'S RECOMMENDATIONS OF THE MANAGEMENT OF MAUNA KEA AND THE MAUNA KEA SCIENCE RESERVE," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 723, returning H.C.R. No. 197, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF EDUCATION TO ADDRESS THE TEACHER SHORTAGE AND TEACHER

TRAINING NEEDS," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 724, returning H.C.R. No. 202, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF AGRICULTURE TO CONVENE A SERIES OF MEETINGS TO ASSESS AND RECOMMEND SOLUTIONS REGARDING LAND TENURE AND FINANCING TO ASSIST HAWAII'S AGRICULTURAL DEVELOPMENT," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 725, returning H.C.R. No. 212, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF HAWAII, AND THE PRIVATE SECTOR TO DEVELOP PARTNERSHIPS, TO PROVIDE ADDITIONAL SUPPORT FOR EDUCATION THROUGH CURRICULUM DEVELOPMENT AND RELATED TRAINING OPPORTUNITIES," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 726, returning H.C.R. No. 213, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, IN COOPERATION WITH THE LEEWARD DISTRICT OFFICE OF THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO STUDY AND REPORT ON THE FEASIBILITY OF UTILIZING THE FORMER SHERATON MAKAHA INN AS AN EDUCATIONAL, TRAINING, CONFERENCE, AND OUTREACH FACILITY," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 727, returning H.C.R. No. 223, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH AND SUBSTANCE ABUSE," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 728, returning H.C.R. No. 225, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS STRATEGIES FOR ORGANIZING THE VARIOUS FORMS OF RESIDENTIAL CARE PROVIDERS," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 729, returning H.C.R. No. 226, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF PARKS AND RECREATION AND PRIVATE ORGANIZATIONS TO ASSIST THE PHILIPPINE CENTENNIAL CELEBRATION COORDINATING COMMITTEE/HAWAII," which was adopted by the Senate on April 27, 1998, in an amended form.

Sen. Com. No. 730, returning H.C.R. No. 235, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO LEAD ACID BATTERY RECYCLING, CITIZEN SUITS TO ENFORCE ENDANGERED SPECIES LAWS, AND UNISEX TOILET FACILITIES FOR PERSONS REQUIRING ASSISTANCE," which was adopted by the Senate on April 27, 1998, in an amended form.

By unanimous consent, H.C.R. Nos. 9; 14, HD 1; 17; 24, HD 1; 26, HD 2; 38, HD 1; 50, HD 2; 60; 67, HD 1; 83, HD 1; 88, HD 1; 90, HD 1; 102, HD 1; 116; 117, HD 1; 120, HD 1; 156; 162, HD 1; 163; 177, HD 1; 197,

HD 1; 202; 212; 213, HD 1; 223, HD 1; 225, HD 1; 226, HD 1; and 235, HD 1, as amended by the Senate, were placed on the Clerk's desk.

## INTRODUCTIONS

The following introductions were made to the members of the House:

Representative McDermott introduced Mr. and Mrs. Pinto, family friends visiting from Long Island, New York.

Representative Arakaki introduced Mr. Tommy Amarino, Hawaii Coordinator of the Christian Coalition of Hawaii.

At 11:54 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:05 o'clock p.m.

## ORDER OF THE DAY

### STANDING COMMITTEE REPORTS

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1516-98) recommending that S.C.R. No. 47 be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 47, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SCHOOL OF PUBLIC HEALTH TO STUDY THE FEASIBILITY OF UTILIZING COMPLEMENTARY AND ALTERNATIVE MEDICAL CARE IN THE HEALTH CARE SYSTEM IN HAWAII," was adopted, with Representatives Menor, Morihara, Stegmaier, Takai, Takumi, Ward, White and Yoshinaga excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1517-98) recommending that S.C.R. No. 157, SD 1, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 157, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A CITY, STATE, AND COMMUNITY TASK FORCE TO DEVELOP A MASTER PLAN FOR IMPROVEMENTS TO MANOA RECREATIONAL PARK AND MANOA ELEMENTARY SCHOOL," was adopted, with Representatives Menor, Morihara, Stegmaier, Takai, Takumi, Ward, White and Yoshinaga excused.

### SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the rules were suspended for the purpose of reconsidering action previously taken. (Representatives Menor, Stegmaier, Takumi, Ward and White were excused.)

### RECONSIDERATION OF ACTION TAKEN

Representative Okamura moved that the House, in disagreeing to the amendments proposed by the Senate to the following House Bills, reconsider its action taken on:

March 27, 1998: H.B. No. 2967, HD 1 (SD 1);

April 9, 1998: H.B. No. 2957, HD 2 (SD 1);

April 16, 1998: H.B. Nos. 2437, HD 1 (SD 1); 2935 (SD 1); 3059 (SD 1); 3130, HD 1 (SD 1); 3252 (SD 1); and 3489, HD 2 (SD 2), seconded by Representative Kawanakoa and carried. (Representatives Chang, Menor, Stegmaier, Takumi, Ward and White were excused.)

Representative Okamura then gave notice of intent to agree to the amendments proposed by the Senate to H.B. Nos. 2437, HD 1 (SD 1); 2935 (SD 1); 2957, HD 2 (SD 1); 2967, HD 1 (SD 1); 3059 (SD 1); 3130, HD 1 (SD 1); 3252 (SD 1); and 3489, HD 2 (SD 2).

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

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

### SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar. (Representatives Chang, Menor, Stegmaier, Takumi, Ward and White were excused.)

### FINAL READING

The following bills were taken from the Clerk's desk and the following actions taken:

#### H.B. No. 2774, SD 1:

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2774 and H.B. No. 2774, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Menor, Stegmaier, Takumi, Ward and White being excused.

#### H.B. No. 2780, SD 1:

Representative Okamura moved that the House agree to the amendments proposed by the Senate to H.B. No. 2780 and H. B. No. 2780, SD 1, pass Final Reading, seconded by Representative Kawanakoa.

Representative Kahikina rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, it's commendable to go after the child support enforcement and getting these people to pay their support. My reservation is that we've eliminated the capabilities of making money so that they can pay that support. So that's why I'm registering my reservations. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2780 and H.B. No. 2780, SD 1,

entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Menor, Stegmaier, Takumi, Ward and White being excused.

#### H.B. No. 2858, HD 2, SD 2:

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2858, HD 2 and H.B. No. 2858, HD 2, SD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Menor, Stegmaier, Takumi, Ward and White being excused.

#### H.B. No. 3021, HD 1, SD 1:

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3021, HD 1 and H.B. No. 3021, HD 1, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Menor, Stegmaier, Takumi, Ward and White being excused.

#### H.B. No. 3082, HD 1, SD 1:

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3082, HD 1 and H.B. No. 3082, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Menor, Stegmaier, Takumi, Ward and White being excused.

#### H.B. No. 3185, HD 1, SD 1:

Representative Okamura moved that the House agree to the amendments proposed by the Senate to H.B. No. 3185, HD 1 and H. B. No. 3185, HD 1, SD 1, pass Final Reading, seconded by Representative Kawanakoa.

Representative McDermott rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, the only reason I rise is I'm not sure if there's a fee in here or not. We move pretty fast here and I just don't want to go on record supporting a fee so I just have to think. So I'm going to vote with reservations. I don't know what's in the bill. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 3185, HD 1 and H.B. No. 3185, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Menor, Stegmaier, Takumi, Ward and White being excused.

#### H.B. No. 3581, HD 1, SD 1:

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3581, HD 1, SD 1, and H.B. No. 3581, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE," passed Final Reading

by a vote of 45 ayes, with Representatives Chang, Menor, Stegmaier, Takumi, Ward and White being excused.

The Chair directed the Clerk to note that H.B. Nos. 2774, 2780, 2858, 3021, 3082, 3185 and 3581 had passed Final Reading at 12:15 o'clock p.m.

#### **ANNOUNCEMENTS**

Representative McDermott: "Mr. Speaker, I'm happy to announce that this Sunday night at 8:30 p.m., portions of the House basketball game will played on Channel 54 on my T.V. show. Unfortunately, you'll have to sit through about a 10 minute diatribe by me first. If you're a Democrat, tune in at 8:40 p.m. If you're a Republican, tune in at 8:30 p.m. Thank you."

Representative Say then rose and requested waiver of the 48-hour hearing notice requirement for a public hearing on SB 2775, SD 1 and HR 59, at 12:30 p.m. this afternoon in Room 309, and the Chair "so ordered."

#### **ADJOURNMENT**

At 12:17 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 29, 1998. (Representatives Chang, Menor, Stegmaier, Takumi, Ward and White were excused.)



**FIFTY-SEVENTH DAY****Wednesday, April 29, 1998**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:45 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Romy M. Cachola, a member of St. Anthony's Church in Kalihi, after which the Roll was called showing all members present with the exception of Representatives Menor, Meyer, Pendleton, Takumi, Tom, Ward, Whalen, White and Yamane, who were excused.

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

**SENATE COMMUNICATION**

The following communication from the Senate (Sen. Com. No. 731) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 731, informing the House that the Senate has reconsidered its action of April 16, 1998, in disagreeing to the amendments proposed by the House to the Senate Bills listed below and have moved to agree to the amendments. The Senate further informs the House that said bills have passed Final Reading in the Senate on April 28, 1998:

S.B. No. 2874, SD 2, HD 2, entitled: "RELATING TO CHILD WELFARE SERVICES."

S.B. No. 3002, SD 2, HD 1, entitled: "RELATING TO MEDICAL ASSISTANCE."

**INTRODUCTIONS**

The following introductions were made to the members of the House:

Representative Takamine introduced a group of students and advisers from the Big Island. They were accompanied by their teachers, Ms. Mari Nakamura and Ms. Melissa Lim.

Representative Suzuki introduced 29 members from the Moanalua Gardens Missionary Church. They were accompanied by Ms. Patricia Fujikawa.

Representative Say introduced Mr. Hardy and Mrs. Pat Freitas from Las Cruces, New Mexico. They were accompanied by Mr. Fred Hirayama, Mrs. Freitas' brother.

At 11:52 o'clock a.m., Representative M. Oshiro asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:35 o'clock p.m.

**ORDER OF THE DAY****SUSPENSION OF RULES**

On motion by Representative M. Oshiro, seconded by Representative Marumoto 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 Chang, Hiraki, Meyer, Takamine, Tom and Ward were excused.)

**STANDING COMMITTEE REPORT**

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1518-98) recommending that S.B. No. 2775, SD 1, pass Third Reading.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2775, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward being excused.

The Chair directed the Clerk to note that S.B. No. 2775 had passed Third Reading at 12:37 o'clock p.m.

**SUSPENSION OF RULES**

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar. (Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward were excused.)

**FINAL READING**

The following bills were taken from the Clerk's desk and the following actions taken:

**H.B. No. 2437, HD 1, SD 1:**

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2437, HD 1, and H.B. No. 2437, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward being excused.

**H.B. No. 2935, SD 1:**

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2935, and H.B. No. 2935, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward being excused.

**H.B. No. 2957, HD 2, SD 1:**

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2957, HD 2, and H.B. No. 2957, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING LICENSES," passed Final Reading by a vote of 44 ayes to 1 no, with Representative McDermott voting no, and Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward being excused.

**H.B. No. 2967, HD 1, SD 1:**

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2967, HD 1, and H.B. No. 2967, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SURFING," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward being excused.

**H.B. No. 3059, SD 1:**

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3059, and H.B. No. 3059, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICE," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward being excused.

**H.B. No. 3130, HD 1, SD 1:**

Representative Okamura moved that the House agree to the amendments proposed by the Senate to H.B. No. 3130, HD 1, and H.B. No. 3130, HD 1, SD 1, pass Final Reading, seconded by Representative Kawanakoa.

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

"I think we've done the correct thing here in allowing the people a fair chance at voting their conscience, voting their thoughts, with regard to whether or not they support a Constitutional Convention. As we all know, there was much discussion with regard to whether or not the public was fully aware of what their blank and spoiled ballots would mean. It actually got to the point where the Supreme Court, the Ninth Circuit, and possibly the United States Supreme Court, may be ruling on this matter. So I am glad to see that we'll give the people of Hawaii another chance to vote on this particular matter.

"My only wish is that the Elections Office and through us as Representatives, we make sure that our constituents are fully apprised that on this particular vote for a Constitutional Convention, if you vote 'no' or if you spoil your ballot, that will be counted as a 'no' vote. If you decide not to vote at all, it will still be counted. A blank vote is considered a 'no' vote. I think this is important, otherwise we may be right before the Hawaii State Supreme Court and running up the ladder of the Federal court again, and we will have to go through this delay and this action again.

"So I would hope again that the Elections Office, and all of us as legislators, will communicate this most important message to our constituents so they'll know what they're voting on.

"Thank you, Mr. Speaker."

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

"I hadn't intended to speak, Mr. Speaker, but a lot of times over here as a loyal opposition, we will criticize things. But I want to commend the House Leadership on this issue for getting it through. You know, I know it is the House that pushed this issue, as with many controversial issues, so 'thank you,' Mr. Speaker."

Representative Morita rose in opposition to the bill and asked that her remarks be entered into the Journal, and the Chair "so ordered."

Representative Morita's remarks are as follows:

"Mr. Speaker, I rise in opposition to H.B. 3130, HD 1, SD 1, entitled: 'A Bill for an Act Relating to a Constitutional Convention.' This bill submits the question regarding a Constitutional Convention to voters in the 1998 general election. Pursuant to Article XVII, Section 2 of the State Constitution, the Legislature may submit to the electorate at any general or special election the question: 'Shall there be a convention to propose a revision of or amendments to the Constitution?' However, legislative action comes after expressed public opinion in opposition to a Constitutional Convention in 1996 and State and Federal court opinions stating that the proposition failed. Thus, the Legislature is seriously undermining the expressed views of the broader community for a special interest group and threatening the separation of powers at the core of the State Constitution.

"First, the Supreme Court of Hawai'i held in Hawai'i State AFL-CIO v. Yoshina, 84 Haw. 374, 935 P.2d 89 (1997), that less than a majority of the ballots cast on the Constitutional Convention question indicates that 'the convention question was rejected.' Hence, placing this question on the ballot in the 1998 general election diminishes the public opinion already expressed less than two years ago.

"Further, the 9th Circuit Court of Appeals in Bennett v. Yoshina, 1998 WL 136411 [9th Cir. (Hawai'i)] found that the decision in Hawai'i State AFL-CIO v. Yoshina 'did not violate any voter's free speech or substantive due process rights.' The court made several important statements in issuing its opinion. First, the court stated that 'the Hawai'i Supreme Court is by definition the final arbiter of Hawai'i law.' The 9th Circuit Court of Appeals makes it clear that the Hawai'i Supreme Court's decision should not be undermined by anyone, including the State Legislature. The Legislature must recognize that this bill compromises the role of the Judiciary, more specifically the Hawai'i Supreme Court, in bringing finality to controversies. If the Legislature does not recognize the importance of the Judicial branch within our State, then why would the community?

"Also, the 9th Circuit Court of Appeals clearly dealt with the issue of fairness in counting blank ballots. The court stated that 'one requires a vivid imagination to see how voters could have "relied" on an understanding that blank ballots would not be counted. Citizens who wished to vote "yes" or "no" were presented with a clear way to do so. Voters who didn't care simply left the question blank. It is beyond belief to suggest that thousands of voters who left the convention question blank were secretly relying on the hope that their votes would not be counted, and that they would have voted "yes" had they foreseen the [Hawai'i Supreme Court's] decision.... They did not vote because they did not care or did not care enough to do so.' The court went on to state that 'every ballot submitted was counted, and no one was deterred from going to the polls.'

"For these reasons, Mr. Speaker, I strongly feel the question has already been asked on the 1996 ballot and defeated."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 3130, HD 1, and H.B. No. 3130, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION,"

passed Final Reading by a vote of 44 ayes to 1 no, with Representative Morita voting no, and Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward being excused.

**H.B. No. 3252, SD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3252, and H.B. No. 3252, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward being excused.

**H.B. No. 3489, HD 2, SD 2:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3489, HD 2, and H.B. No. 3489, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Final Reading by a vote of 44 ayes to 1 no, with Representative McDermott voting no, and Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward being excused.

The Chair directed the Clerk to note that H.B. Nos. 2437, 2935, 2957, 2967, 3059, 3130, 3252 and 3489 had passed Final Reading at 12:42 o'clock p.m.

At 12:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

**INTRODUCTION OF RESOLUTION**

The following resolution (H.R. No. 84) was announced by the Clerk and the following action taken:

H.R. No. 84, entitled: "HOUSE RESOLUTION COMMENDING AND RECOGNIZING MR. YEN LEW ON HIS RETIREMENT AS HAWAII'S OMBUDSMAN," was offered by Representative Say.

On motion by Representative Say, seconded by Representative Okamura and carried, H.R. No. 84 was adopted, with Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward being excused.

**ANNOUNCEMENTS**

Representative Ahu Isa rose and on behalf of the members of the House, wished Representative Ken Ito a "Happy Birthday."

Representative White rose and stated:

"I rise on behalf of all those of us who do not have birthdays during session. And I am sure some of you might have been wondering why you received a lei today, and that's because you're among the same crew I'm in that doesn't get any recognition as being born, because we're born other than during session. So I would like to recognize the following Representatives, and I will be reading them off in order of seniority, I might point out. Once you've stood, please hold your applause and your singing until all of us are standing. Following this presentation, we will have cake in the Caucus Room for all the persons that are being recognized today and all of you besides. So starting from the top, I'd like to ask for

Representative Cynthia Thielen to rise, Representative Ezra Kanoho, Representative Bertha Kawakami, Representative Nobu Yonamine, Representative Merwyn Jones, Representative Barbara Marumoto, Representative Brian Yamane, Representative David Stegmaier, Representative Dennis Arakaki, Representative Jerry Chang, Representative Tom Okamura, Representative Terrance Tom, Representative Mark Moses, myself, Representative Chris Halford, Representative Roy Takumi, Representative Ed Case, Representative Hermina Morita, Representative Paul Oshiro, Representative Ron Menor, Representative Alex Santiago, Representative David Tarnas, Representative Quentin Kawanakoa, Representative Paul Whalen, Representative Bob McDermott, Representative Eric Hamakawa, Representative Scott Saiki, Representative Sam Aiona, and the two that are most 'shocking' to me because they were born the year that I graduated from high school -- Representative Kenny Goodenow and Representative K. Mark Takai."

All of the members of the House and audience then sang "Happy Birthday" to the above-named Representatives.

Representative Marumoto rose and stated:

"Thank you very much, Mr. Speaker. That was very nice, Representative White, and only the ones with leis get cake. Is that it?"

The Chair answered in the negative.

Representative Marumoto continued, saying:

"I think we forgot some birthdays over the past weekend. We had a recess on the 24th, and so I would like to wish Representative Marcus Oshiro a 'Happy Birthday' again. And I think, Mr. Speaker, you had a birthday on Saturday. 'Happy Birthday,' Mr. Speaker."

The Chair thanked Representative Marumoto.

**ADJOURNMENT**

At 12:50 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 9:00 o'clock p.m. tomorrow, Thursday, April 30, 1998. (Representatives Chang, Hiraki, Meyer, Takamine, Tom and Ward were excused.)

## FIFTY-EIGHTH DAY

**Thursday, April 30, 1998**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 9:14 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representatives Lei Ahu Isa, Michael Puamamo Kahikina, Ezra R. Kanoho and Bertha C. Kawakami, after which the Roll was called showing all members present with the exception of Representatives Cachola, McDermott, Menor, Meyer, Santiago, Ward, White and Yoshinaga, who were excused.

On motion by Representative M. Oshiro, seconded by Representative Marumoto and carried, reading of the Journals was dispensed with and the Journals of the House of Representatives of the Forty-Sixth, Forty-Seventh, Forty-Eighth, Forty-Ninth, Fiftieth, Fifty-First, Fifty-Second, Fifty-Third and Fifty-Fourth Days were subsequently approved. (Representatives Cachola, McDermott, Menor, Santiago, Ward, White and Yoshinaga were excused.)

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 211 through 213) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 211, transmitting copies of the latest report on the Hawaii Enterprise Zones Program prepared by the Business Support Division of the Department of Business, Economic Development, and Tourism, pursuant to Chapter 209E, Hawaii Revised Statutes.

Gov. Msg. No. 212, informing the House that on April 29, 1998, he signed the following bills into law:

House Bill No. 2230 as Act 030, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII-HILO";

House Bill No. 2441 as Act 031, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS";

House Bill No. 2519 as Act 032, entitled: "A BILL FOR AN ACT RELATING TO LIST OF PERSONS EXAMINING RECORDS";

House Bill No. 2522 as Act 033, entitled: "A BILL FOR AN ACT RELATING TO PARTIES";

House Bill No. 2528 as Act 034, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY";

House Bill No. 2626 as Act 035, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY";

House Bill No. 2708 as Act 036, entitled: "A BILL FOR AN ACT RELATING TO COURTS AND JUDICIAL PROCEEDINGS";

House Bill No. 2709 as Act 037, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS";

House Bill No. 2791 as Act 038, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER";

House Bill No. 2810 as Act 039, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS";

House Bill No. 2814 as Act 040, entitled: "A BILL FOR AN ACT RELATING TO SENIOR PSYCHOLOGISTS";

House Bill No. 3004 as Act 041, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS";

House Bill No. 2816 as Act 042, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE EXAMINATIONS";

House Bill No. 2845 as Act 043, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION";

House Bill No. 2850 as Act 044, entitled: "A BILL FOR AN ACT RELATING TO SMALL ESTATES";

House Bill No. 2857 as Act 045, entitled: "A BILL FOR AN ACT RELATING TO THE CHRONIC RENAL DISEASE PROGRAM";

House Bill No. 2867 as Act 046, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS";

House Bill No. 2883 as Act 047, entitled: "A BILL FOR AN ACT RELATING TO KAWAINUI MARSH";

House Bill No. 2899 as Act 048, entitled: "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES";

House Bill No. 2942 as Act 049, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS";

House Bill No. 3031 as Act 050, entitled: "A BILL FOR AN ACT RELATING TO THE CAMPAIGN SPENDING COMMISSION";

House Bill No. 3053 as Act 051, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE";

House Bill No. 3054 as Act 052, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE RATINGS OF EMPLOYEES IN THE CIVIL SERVICE";

House Bill No. 3055 as Act 053, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE";

House Bill No. 3466 as Act 054, entitled: "A BILL FOR AN ACT RELATING TO RETENTION OF CASHED WARRANTS";

Senate Bill No. 1071 as Act 055, entitled: "A BILL FOR AN ACT RELATING TO THE OPENING OF THE ABSENTEE POLLING PLACE";

Senate Bill No. 2123 as Act 056, entitled: "A BILL FOR AN ACT RELATING TO BOARDS OF REGISTRATION";

Senate Bill No. 2308 as Act 057, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRADE, VOCATIONAL, OR TECHNICAL SCHOOLS";

Senate Bill No. 2332 as Act 058, entitled: "A BILL FOR AN ACT RELATING TO BOXING";

Senate Bill No. 2333 as Act 059, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES";

Senate Bill No. 2388 as Act 060, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION";

Senate Bill No. 2466 as Act 061, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP";

Senate Bill No. 2472 as Act 062, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATIONS";

Senate Bill No. 2611 as Act 063, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM TRANSFER-ON-DEATH (TOD) SECURITY REGISTRATION ACT";

Senate Bill No. 2697 as Act 064, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS";

Senate Bill No. 2710 as Act 065, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS";

Senate Bill No. 2739 as Act 066, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF FINES";

Senate Bill No. 2769 as Act 067, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS.";

Senate Bill No. 2796 as Act 068, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY IN THE FIRST DEGREE.";

Senate Bill No. 2819 as Act 069, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES.";

Senate Bill No. 2828 as Act 070, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES";

Senate Bill No. 2839 as Act 071, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE.";

Senate Bill No. 2840 as Act 072, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE";

Senate Bill No. 2844 as Act 073, entitled: "A BILL FOR AN ACT RELATING TO ISSUANCE OF UTILITY VOTING STOCK.";

Senate Bill No. 2903 as Act 074, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN.";

Senate Bill No. 2941 as Act 075, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR";

Senate Bill No. 3077 as Act 076, entitled: "A BILL FOR AN ACT RELATING TO RISK RETENTION"; and

Senate Bill No. 3126 as Act 077, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS";

Gov. Msg. No. 213, transmitting Senate Bill No. 2598 without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

April 29, 1998

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 2598

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2598, entitled, 'A Bill for an Act Relating to the Insurance Division.'

The purpose of Senate Bill No. 2598 is to authorize the Insurance Commissioner to adopt rules subject only to the specific requirements of chapter 91, Hawaii Revised Statutes, and 'not subject to any other requirement or directive of the governor or of any other person or agency within the executive branch.'

Under chapter 91, the Hawaii Administrative Procedure Act, the adoption, amendment, or repeal of any rule is subject to the governor's approval. In recent years, the governors of Hawaii, by administrative directives, have required that proposed administrative rules be reviewed by the Department of the Attorney General for legal concerns and approval as to form. In addition, the governors have required that the agency proposing the administrative rule prepare an impact statement and submit the proposed rule and impact statement for review by the Director of Finance and the Director of Business, Economic Development, and Tourism for long and short-range impacts on the public, on economic growth and the economy of the State, on the individuals or businesses that must comply, and for the exploration of other alternatives to the rule so as to resolve the problem or situation at hand. Although the agency reviews of proposed rules may take some time, the reviews are crucial and necessary to avoid potential legal problems and adverse financial and economic impacts and to prevent or resolve problems prior to the adoption of the rule. These reviews are essential and necessary to enable the governor to give an informed approval of the proposed rules.

This bill would require the governor to approve proposed rules without having the ability to see any input or clarification concerning the background or potential impact of the proposed rule and without the usual executive agency reviews. In effect, it makes the governor a mere rubber stamp for the approval of insurance division rules.

Additionally, there may be a constitutional objection to this bill. This bill appears to violate the separation of powers between the executive and legislative branches of the government as it attempts to limit the ability of the governor to establish procedures under which an executive branch agency is to operate when proposing and adopting administrative rules. By this bill, the legislature would restrict the executive branch's ability to manage its internal operations and this restriction would adversely affect the governor's prerogatives to impose requirements on agencies under the governor's supervision.

For the foregoing reasons, I am returning Senate Bill No. 2598 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii

#### P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2598, entitled, 'A Bill for an Act Relating to the Insurance Division,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2598 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2598 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 29th day of April, 1998

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

#### **SENATE COMMUNICATIONS**

The following communications from the Senate (Sen. Com. Nos. 732 and 734) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 732, informing the House that the Senate has reconsidered its action of April 6, 1998, in disagreeing to the amendments proposed by the House in S.B. No. 2889, SD 1, HD 1, and has moved to agree to the amendments, and said S.B. No. 2889, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," passed Final Reading in the Senate on April 29, 1998.

Sen. Com. No. 733, informing the House that the Senate disagreed to the amendments proposed by the House and has on April 29, 1998, named conferees to the following Senate Concurrent Resolutions:

#### **S.C.R. No. 19, SD 1, HD 1:**

Senators Chun Oakland, Kanno, D. Ige, Metcalf, Fukunaga and Baker, Co-Chairs; Slom.

#### **S.C.R. No. 28, SD 1, HD 1:**

Senators Levin, Fernandes Salling, Metcalf, D. Ige, Kanno and Chun Oakland, Co-Chairs; Baker and Slom.

#### **S.C.R. No. 146, SD 2, HD 1:**

Senators Chun Oakland, Kanno, Baker and Fukunaga, Co-Chairs; Ihara, Sakamoto and Anderson.

#### **S.C.R. No. 159, HD 1:**

Senators Chun Oakland, Kanno, Baker and Fukunaga, Co-Chairs; Sakamoto and Anderson.

#### **S.C.R. No. 191, SD 2, HD 1:**

Senators Taniguchi, Kawamoto and Fukunaga, Co-Chairs; Ihara, McCartney and Slom.

Sen. Com. No. 734, informing the House that the Senate has reconsidered its action of April 6, 1998, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and said Senate Bills have passed Final Reading in the Senate on April 30, 1998:

S.B. No. 1310, SD 1, HD 2, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION."

S.B. No. 2025, SD 2, HD 2, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE."

S.B. No. 2026, SD 1, HD 1, entitled: "RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS."

#### **INTRODUCTIONS**

Representative Kawanakoa introduced two constituents: Republican Party Chair, Ms. Donna Alcantara; and Campaign Manager, Mr. Todd Shigekane.

Representative Aiona introduced three students from Kapiolani Community College: Ms. Nalani Knott, Ms. Jody Souza and Mr. Robert Byrd.

#### **ORDER OF THE DAY**

#### **CONFERENCE COMMITTEE REPORTS**

Representatives Cachola, Morihara and Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3367, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 52) recommending that H.B. No. 3367, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52 and H.B. No. 3367, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH TOURISM," was deferred for a period of 48 hours.

Representatives Hamakawa and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2443, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 53) recommending that H.B. No. 2443, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53 and H.B. No. 2443, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY ENCROACHMENT," was deferred for a period of 48 hours.

Representative Suzuki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2778, SD 1, presented a report (Conf. Com. Rep. No. 54) recommending that H.B. No. 2778, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54 and H.B. No. 2778, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW," was deferred for a period of 48 hours.

Representatives Jones and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2533, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 55) recommending that H.B. No. 2533, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55 and H.B. No. 2533, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," was deferred for a period of 48 hours.

Representatives Herkes, Menor and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2701, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 56) recommending that H.B. No. 2701, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56 and H.B. No. 2701, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATION," was deferred for a period of 48 hours.

Representatives Jones and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2985, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 57) recommending that H.B. No. 2985, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57 and H.B. No. 2985, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION AND WATER UTILIZATION PROJECTS," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3138, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 58) recommending that H.B. No. 3138, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58 and H.B. No. 3138, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," was deferred for a period of 48 hours.

Representatives Tarnas and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3457, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 59) recommending that H.B. No. 3457, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59 and H.B. No. 3457, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA," was deferred for a period of 48 hours.

Representatives Jones, Menor and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2770, SD 2, HD 2 presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 2770, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and S.B. No. 2770, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2135, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 3) recommending that S.B. No. 2135, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3 and S.B. No. 2135, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE TRADE PRACTICES," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2575, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 4) recommending that S.B. No. 2575, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4 and S.B. No. 2575, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2833, HD 1, presented a report (Conf. Com. Rep. No. 5) recommending that S.B. No. 2833, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5 and S.B. No. 2833, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LEASE DISCLOSURE," was deferred for a period of 48 hours.

Representatives Arakaki and Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3114, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 6) recommending that S.B. No. 3114, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6 and S.B. No. 3114, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," was deferred for a period of 48 hours.

Representatives Arakaki and Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3035, SD 2, HD 2, presented a report (Conf. Com.

Rep. No. 7) recommending that S.B. No. 3035, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7 and S.B. No. 3035, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred for a period of 48 hours.

Representatives Tarnas and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1597, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 8) recommending that S.B. No. 1597, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8 and S.B. No. 1597, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES PENALTIES," was deferred for a period of 48 hours.

Representatives Hiraki and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2655, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 9) recommending that S.B. No. 2655, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9 and S.B. No. 2655, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE AND MOPED REGISTRATION," was deferred for a period of 48 hours.

#### SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the rules were suspended for the purpose of reconsidering action previously taken. (Representatives Cachola, McDermott, Menor, Santiago, Ward, White and Yoshinaga were excused.)

#### RECONSIDERATION OF ACTION TAKEN

Representative Okamura moved that the House, in disagreeing to the amendments proposed by the Senate to the following House Bills, reconsider its action taken on:

February 24, 1998: H.B. Nos. 1577, HD 2 (SD 2); 1647, HD 1 (SD 1);

March 12, 1998: H.B. Nos. 1649, HD 2 (SD 1);

April 9, 1998: H.B. Nos. 2614 (SD 1); 2711, HD 1 (SD 1); 2760, HD 1 (SD 2); 2761 (SD 1); 2793 (SD 1); 3027, HD 2 (SD 1);

April 16, 1998: H.B. Nos. 2426, HD 1 (SD 1); 2660 (SD 1); 2801, HD 1 (SD 1); 2866 (SD 1); 2958, HD 1 (SD 1); 3247, HD 1 (SD 1); and 3248, HD 1 (SD 1), seconded by Representative Kawanakoa and carried. (Representatives Cachola, McDermott, Menor, Santiago, Ward, White and Yoshinaga were excused.)

Representative Okamura then gave notice of intent to agree to the amendments proposed by the Senate to H.B. Nos. 1577, HD 2 (SD 2); 1647, HD 1 (SD 1); 1649, HD 2 (SD 1); 2426, HD 1 (SD 1); 2614 (SD 1); 2660 (SD 1); 2711, HD 1 (SD 1); 2760, HD 1 (SD 2); 2761 (SD

1); 2793 (SD 1); 2801, HD 1 (SD 1); 2866 (SD 1); 2958, HD 1 (SD 1); 3027, HD 2 (SD 1); 3247, HD 1 (SD 1); and 3248, HD 1 (SD 1).

#### STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1519-98) recommending that H.R. No. 59, HD 1, as amended in HD 2, be adopted.

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the report of the Committee was adopted and H.R. No. 59, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE WITH THE HAWAII VISITORS AND CONVENTION BUREAU, THE NATIONAL QUARTERBACK CLUB, THE NFL PRO BOWL COMMITTEE, THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION, THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF HAWAII ATHLETIC STAFF AND BOOSTER CLUBS, THE HAWAII WINTER LEAGUE BASEBALL ASSOCIATION, AND THE QUARTERBACK CLUB OF HAWAII, TO WORK OUT ARRANGEMENTS TO HOST THE NEXT NATIONAL QUARTERBACK AWARDS DINNER IN HAWAII DURING THE PRO BOWL WEEK," was adopted with Representatives Cachola, McDermott, Menor, Santiago, Ward, White and Yoshinaga being excused.

#### DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

##### H.C.R. No. 34, HD 2, SD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the House disagreed to the amendments proposed by the Senate to H.C.R. No. 34, HD 2 (SD 1), and requested a conference on the subject matter thereof.

In accordance therewith, the Speaker appointed Representatives Yoshinaga/Menor, Co-Chairs; Goodenow and Thielen as conferees on the part of the House at such conference.

##### H.C.R. No. 88, HD 1, SD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the House disagreed to the amendments proposed by the Senate to H.C.R. No. 88, HD 1 (SD 1), and requested a conference on the subject matter thereof.

In accordance therewith, the Speaker appointed Representatives Yonamine/Chang, Co-Chairs; Suzuki and Marumoto as conferees on the part of the House at such conference.

##### H.C.R. No. 116, SD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the House disagreed to the amendments proposed by the Senate to H.C.R. No. 116 (SD 1), and requested a conference on the subject matter thereof.

In accordance therewith, the Speaker appointed Representatives Yonamine/Chang, Co-Chairs; Yamane and Moses as conferees on the part of the House at such conference.

##### H.C.R. No. 202, SD 1:



On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the House disagreed to the amendments proposed by the Senate to H.C.R. No. 202 (SD 1), and requested a conference on the subject matter thereof.

In accordance therewith, the Speaker appointed Representatives Abinsay, Chair; Chang and Meyer as conferees on the part of the House at such conference.

#### HOUSE COMMUNICATION

A communication to the Honorable President and members of the Senate of the State of Hawaii from Patricia Mau-Shimizu, Chief Clerk, House of Representatives, informing the Honorable Body that the Speaker has appointed conferees on the part of the House at the conference on the following:

##### **S.C.R. No. 146, SD 2, HD 1:**

Representatives Arakaki/Abinsay, Co-Chairs; Saiki and McDermott.

##### **S.C.R. No. 191, SD 2, HD 1:**

Representatives Cachola/Chang, Co-Chairs; Morita and Fox.

#### ANNOUNCEMENTS

Representative Garcia rose and requested waiver of the 24-hour notice requirement for a conference committee meeting on H.B. No. 503, HD 2, SD 2, at 10:30 o'clock a.m. tomorrow morning in Room 325, and the Chair "so ordered."

Representative Arakaki rose and requested waiver of the 24-hour hearing notice requirement for a conference committee meeting on S.C.R. No. 146, SD 2, HD 1, at 11:00 o'clock a.m. in Room 225, and the Chair "so ordered."

Representative M. Oshiro moved to keep the Journal open until midnight this legislative day for the purpose of receiving Conference Committee Reports, seconded by Representative Marumoto and carried. (Representatives Cachola, McDermott, Ward and Yoshinaga were excused.)

At 9:35 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Conference Committee Reports.

#### CONFERENCE COMMITTEE REPORTS

In accordance with the motion made earlier, the following Conference Committee Reports (Conf. Com. Rep. Nos. 10 through 50) were received in the Clerk's Office and the following action taken:

Conf. Com. Rep. No. 10 and S.B. No. 3137, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 11 and S.B. No. 2559, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 12 and S.B. No. 2136, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR CONTROL ADJUDICATION BOARD," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 13 and S.B. No. 1065, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 14 and S.B. No. 3113, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 15 and S.B. No. 3159, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TIME SHARE LAW," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 16 and S.B. No. 2717, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 17 and S.B. No. 2786, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 18 and S.B. No. 2414, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 19 and S.B. No. 2469, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 20 and S.B. No. 2588, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 21 and S.B. No. 2602, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDSCAPE ARCHITECTS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 22 and S.B. No. 2823, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE IDENTIFICATION BADGES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 23 and S.B. No. 2411, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 24 and S.B. No. 3043, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000 COMPLIANT," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 25 and S.B. No. 2078, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 26 and S.B. No. 2256, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERS POINT HARBOR," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 27 and S.B. No. 2759, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 28 and S.B. No. 2957, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 29 and S.B. No. 2454, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 30 and S.B. No. 2768, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO HEALTH CARE PROVIDERS FOR WORKERS' COMPENSATION CLAIMS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 31 and S.B. No. 2887, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 32 and S.B. No. 3228, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 33 and S.B. No. 3248, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 34 and S.B. No. 2580, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE STUDENT COUNCIL," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 35 and S.B. No. 2297, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 36 and S.B. No. 2460, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF HOSPITALS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 37 and S.B. No. 3088, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JOB REFERENCE LIABILITY," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 38 and S.B. No. 2987, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 39 and S.B. No. 632, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 40 and S.B. No. 2866, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL FOR MENTAL HEALTH," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 41 and S.B. No. 2346, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 42 and S.B. No. 1273, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF SEXUAL ASSAULT," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 43 and S.B. No. 1309, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 44 and S.B. No. 2249, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 45 and S.B. No. 2399, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 46 and S.B. No. 720, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEES AND COSTS FOR THE ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 47 and S.B. No. 721, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 48 and S.B. No. 2326, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER'S MUTUAL INSURANCE COMPANY," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 49 and S.B. No. 2624, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 50 and S.B. No. 2803, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SMALL BUSINESS REGULATORY FLEXIBILITY ACT," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock p.m. tomorrow, Friday, May 1, 1998.

## FIFTY-NINTH DAY

Friday, May 1, 1998

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 10:23 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend George Kamakahi from Thy Word Ministries Pacific Faith Center, after which the Roll was called showing all members present with the exception of Representatives Menor, Pendleton, Stegmaier, Ward and Whalen, who were excused.

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

## GOVERNOR'S MESSAGE

Gov. Msg. No. 214, transmitting copies of the FY 1997 Annual Report on Recommendation for Denial of Claims Filed Under the Legislative Relief Act prepared by the Department of the Attorney General, pursuant to Section 37-77, Hawaii Revised Statutes, was received and announced by the Clerk and was placed on file.

## ORDER OF THE DAY

## CONFERENCE COMMITTEE REPORTS

Representatives Menor and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1868, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 99) recommending that H.B. No. 1868, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 99 and H.B. No. 1868, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," was deferred for a period of 48 hours.

Representatives Hiraki, Hamakawa, Tarnas and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2998, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 100) recommending that H.B. No. 2998, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 100 and H.B. No. 2998, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME AUTHORITY," was deferred for a period of 48 hours.

Representatives Hiraki, Cachola and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2366, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 101) recommending that H.B. No. 2366, HD 2, SD 2, CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 101 and H.B. No. 2366, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

## INTRODUCTION OF RESOLUTION

H.R. No. 85, entitled: "HOUSE RESOLUTION HONORING THE LIFE OF THE LATE TOMMY TRASK AND EXTENDING DEEPEST SYMPATHY AND CONDOLENCES TO HIS FAMILY," was jointly offered by Representatives Takamine and Menor, and was announced by the Clerk.

On motion by Representative Takamine, seconded by Representative Okamura and carried, H.R. No. 85 was adopted, with Representatives Menor, Pendleton, Stegmaier, Ward and Whalen being excused.

## SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Kawanakoa and carried, the rules were suspended for the purpose of reconsidering action previously taken. (Representatives Menor, Pendleton, Stegmaier, Ward and Whalen were excused.)

## RECONSIDERATION OF ACTION TAKEN

Representative Okamura moved that the House, in disagreeing to the amendments proposed by the Senate to the following House Bills, reconsider its action taken on:

March 12, 1998: H.B. No. 1699, HD 2 (SD 1).

April 8, 1998: H.B. No. 2670, HD 2 (SD 1).

April 16, 1998: H.B. No. 2758, HD 1 (SD 2) and H.B. No. 2855, HD 1 (SD 1), seconded by Representative Kawanakoa and carried. (Representatives Menor, Pendleton, Stegmaier, Ward and Whalen were excused.)

Representative Okamura then gave notice of intent to agree to the amendments proposed by the Senate to H.B. Nos. 1699, HD 2 (SD 1); 2670, HD 2 (SD 1); 2758, HD 1 (SD 2); and 2855, HD 1 (SD 1).

## DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

H.C.R. No. 67, HD 1, SD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the House disagreed to the amendments proposed by the Senate to H.C.R. No. 67, HD 1 (SD 1), and requested a conference on the subject matter thereof.

In accordance therewith, the Speaker appointed Representatives Yoshinaga/Kanoho, Co-Chairs; Tarnas and Meyer as conferees on the part of the House at such conference.

H.C.R. No. 235, HD 1, SD 1:

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, the House disagreed to the amendments proposed by the Senate to H.C.R. No. 235, HD 1 (SD 1), and requested a conference on the subject matter thereof.

In accordance therewith, the Speaker appointed Representatives Yoshinaga, Chair; Tarnas and Meyer as conferees on the part of the House at such conference.

#### HOUSE COMMUNICATION

A communication to the Honorable President and members of the Senate of the State of Hawaii from Patricia Mau-Shimizu, Chief Clerk, House of Representatives, informing the Honorable Body that the Speaker has appointed conferees on the part of the House at the conference on the following:

##### S.C.R. No. 19, SD 1, HD 1:

Representatives Santiago/Abinsay, Co-Chairs; Saiki and McDermott.

##### S.C.R. No. 28, SD 1, HD 1:

Representatives Santiago/Abinsay, Co-Chairs; Saiki and McDermott.

#### ANNOUNCEMENTS

Representative M. Oshiro moved to keep the Journal open until midnight this legislative day for the purpose of receiving Conference Committee Reports, seconded by Representative Marumoto and carried, with Representatives Menor, Pendleton, Stegmaier, Whalen and Ward being excused.

Representative Garcia: "Just to say that your conferees, including Representatives Chang, Say, Saiki, Marumoto and myself, will reconvene on the conference regarding H.B. No. 3033 at 11:00 p.m. for a hopeful resolution."

Representative Okamura: "This is to inform the members that the draft of the Order of the Day for Tuesday, along with any Conference Committee Reports that are filed by this evening, will be delivered to your offices by noon tomorrow."

At 10:37 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Conference Committee Reports.

#### CONFERENCE COMMITTEE REPORTS

In accordance with the motion made earlier, the following Conference Committee Reports (Conf. Com. Rep. Nos. 60 through 98 and 102 through 131) were received in the Clerk's Office and the following actions taken:

Conf. Com. Rep. No. 60 and H.B. No. 1815, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 61 and H.B. No. 2567, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENTAL SERVICES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 62 and H.B. No. 3257, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 63 and H.B. No. 2358, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 64 and H.B. No. 3022, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 65 and H.B. No. 1830, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 66 and H.B. No. 2878, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 67 and H.B. No. 3289, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 68 and H.B. No. 3403, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 69 and H.B. No. 2598, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 70 and H.B. No. 92, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 71 and H.B. No. 2332, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 72 and H.B. No. 2361, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 73 and H.B. No. 2837, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 74 and H.B. No. 2847, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 75 and H.B. No. 2506, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 76 and H.B. No. 1099, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," were

placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 77 and H.B. No. 2843, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 78 and H.B. No. 2852, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 79 and H.B. No. 3528, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 80 and H.B. No. 2666, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 81 and H.B. No. 2355, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 82 and H.B. No. 2357, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 83 and H.B. No. 2381, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 84 and H.B. No. 2496, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 85 and H.B. No. 2524, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS FOR CAUSE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 86 and H.B. No. 2613, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SUPERVISORS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 87 and H.B. No. 2667, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 88 and H.B. No. 2734, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 89 and H.B. No. 2776, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 90 and H.B. No. 2779, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 91 and H.B. No. 2846, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 92 and H.B. No. 2872, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION INSPECTIONS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 93 and H.B. No. 2932, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 94 and H.B. No. 2992, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 95 and H.B. No. 3010, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 96 and H.B. No. 3065, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 97 and H.B. No. 3192, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUPPORT ENFORCEMENT," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 98 and H.B. No. 3553, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 102 and H.B. No. 3468, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 103 and H.B. No. 2486, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 104 and H.B. No. 3024, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 105 and H.B. No. 3028, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 106 and H.B. No. 1332, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 107 and H.B. No. 2842, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 108 and H.B. No. 2862, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 109 and H.B. No. 2714, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS IN THE JUDICIARY," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 110 and H.B. No. 2786, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL AND MEDICAL EXAMINATION OF CONVICTED DEFENDANTS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 111 and H.B. No. 503, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 112 and H.B. No. 1966, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 113 and H.B. No. 1433, HD 2, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 114 and H.B. No. 2675, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 115 and H.B. No. 2870, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 116 and H.B. No. 3437, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING THE HAWAII HURRICANE FUND," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 117 and H.B. No. 2823, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 118 and H.B. No. 2680, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 119 and H.B. No. 3446, SD 2, CD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS

THAT PROVIDE HEALTH CARE FACILITIES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 120 and H.B. No. 3033, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 121 and S.B. No. 2983, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF INFORMATION PRACTICES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 122 and S.B. No. 2211, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 123 and S.B. No. 2966, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 124 and S.B. No. 2852, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 125 and S.B. No. 3076, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 126 and S.B. No. 2037, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 127 and S.B. No. 2204, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 128 and S.B. No. 379, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 129 and S.B. No. 760, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS-WITHIN-SCHOOLS," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 130 and S.B. No. 2350, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Conf. Com. Rep. No. 131 and S.B. No. 1089, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED-SPECIES," were placed on the calendar for Final Reading on Tuesday, May 5, 1998.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m. on Tuesday, May 5, 1998.