

FIFTEENTH DAY

Wednesday, February 10, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 1999, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Michael Puamamo Kahikina, after which the Roll was called showing all members present with the exception of Representatives Case, Menor and Morihara, who were excused.

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

GOVERNOR'S MESSAGE

Gov. Msg. No. 171, transmitting copies of the University of Hawai'i's Annual Report on Intercollegiate Athletics Exemption from the Procurement Code, was received and announced by the Clerk and was placed on file.

MISCELLANEOUS COMMUNICATION

Miscellaneous Com. No. 20, transmitting copies of the 1998 STATE STUDENT CONFERENCE PROCEEDINGS, "E Ho'ohui Pu Kakou... Together, We Can." The document contains the resolutions for each of the seven issues discussed at the conference, and also a resolution on the Millennium Young People's Congress, was received by the Clerk and was placed on file.

INTRODUCTION

Representative Herkes introduced representatives from the Ka'u Rural Health Task Force: Mr. Jessie Marques, Yoshie and Joyce Soinobo, Ms. Kiko Kitagawa Johnston, and Representative Jerry Chang's niece, Ms. Jacquelyn Cakin.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 32 and 33) were announced by the Clerk and the following actions taken:

H.R. No. 32, entitled: "HOUSE RESOLUTION CONGRATULATING CARA OWADA FOR WINNING THE OSCAR MAYER SONG CONTEST," was offered by Representative Moses.

Representative Moses introduced Miss Cara Owada, winner of the Oscar Mayer Song Contest, along with her parents Mr. and Mrs. Art Owada, and her grandmother Mrs. Dorothy Teraoka.

On motion by Representative Moses, seconded by Representative Kahikina and carried, H.R. No. 32 was adopted with Representatives Menor, Nakasone and Schatz being excused.

H.R. No. 33, entitled: "HOUSE RESOLUTION HONORING 1999 JUNIOR ACHIEVEMENT OF HAWAII BUSINESS HALL OF FAME INDUCTEES," was jointly offered by Representatives Marumoto, Ahu Isa, Fox, Auwae, Cachola, Case, Chang, Halford, Hamakawa, Hiraki, Ito, Kawakami, Lee, Meyer, Morita, Moses, M. Oshiro, P. Oshiro, Santiago, Schatz, Suzuki, Takai and Whalen.

Representative Meyer introduced Ms. Lily K. Yao, Vice Chairman of First Hawai'ian Bank and 1999 Junior Achievement of Hawai'i Business Hall of Fame inductee.

Representative Ahu Isa introduced Dr. Edison H. Miyawaki, founder of Family Health, Inc. and 1999 Junior Achievement of Hawai'i Business Hall of Fame inductee.

Representative Stegmaier introduced Mr. Sidney S. Kosasa, owner of ABC Stores and 1999 Junior Achievement of Hawai'i Business Hall of Fame inductee.

On motion by Representative Marumoto, seconded by Representative Ahu Isa and carried, H.R. No. 33 was adopted with Representatives Menor, Nakasone, Rath, Souki, Whalen and Yoshinaga being excused.

At this time, Representative Marumoto introduced the following guests of the honorees: Ms. Pam Huch Kekumano, President of Junior Achievement of Hawai'i; Mr. Neil Ishida, Human Resource Director of ABC Stores; and Dr. Miyawaki's wife, Mrs. Sallie Miyawaki.

At 12:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:47 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 140) recommending that H.B. No. 1168, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1168, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIBRARY ENHANCED SERVICES PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 141) recommending that H.B. No. 1170, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1170, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative McDermott rose to cast a no vote for House Bill 1170, Standing Committee Report 141, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1170, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COST-RECOVERY FEES FOR DELINQUENT LIBRARY ACCOUNTS," passed Second Reading and was referred to the Committee on Finance with Representative McDermott voting no and Representatives Menor and Souki being excused.

Representatives Ito and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 142) recommending that H.B. No. 151, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the joint report of the Committees be adopted and H.B. No. 151, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Meyer rose and stated:

"Mr. Speaker, I rise in support of Stand. Com. Rep. No. 142, but I do have some reservations.

"There's a provision here to fund a lot of different things. The gist of it is we want more teachers. We want teachers that are better trained, more training for teachers and to encourage people to go into the teaching field. I don't have a problem with any of that except for the amounts of money that this is calling for.

"I guess my reservations are that, over the last four years I've had numerous people call me with children that have come back from college, very good colleges on the mainland, with certificates from those colleges for teaching and they were not able to get a job with the DOE. So there is another problem that needs to be looked at. I don't think we necessarily need more money to get people into the field. We need to recognize the value of these young people who have graduated from very fine colleges and see that they can get jobs in our public education system. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 151, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 143) recommending that H.B. No. 204, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 204, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Menor and Souki being excused.

Representatives Cachola and Morita, for the Committees on Water and Land Use and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 144) recommending that H.B. No. 178, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the joint report of the Committees be adopted and H.B. No. 178, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Catalani rose and stated:

"Mr. Speaker, I'd just like to state for the record that for Standing Committee Report No. 144, House Bill No. 178, that I may have a conflict. My husband is a land use commissioner."

The Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 178, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 145) recommending that H.B. No. 259, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative Case moved that the joint report of the Committees be adopted and H.B. No. 259, H.D. 1, pass Second Reading and be referred to the Committee on Education, seconded by Representative Yonamine.

Representative McDermott rose in opposition to the measure, stating:

"I'm going to engage in a mini-diatribes here, but I'll try and keep it short because I'm hungry.

"Mr. Speaker, I understand this is a well-intended measure and I agree with 98 percent of the stuff that comes out of our Health and Human Services Committees. I understand this is trying to reconcile our responsibilities under the Felix vs. Waihee consent decree with the current system we have in place. I would suggest, if we could, that we could somehow revisit the consent decree, if we could go back into court. I'm not a lawyer. I don't know if that's possible, but if we keep going down this road, we're going to bankrupt the State.

"The practicality of this measure is not doable. The way I see it, it's mandating that every three year old child in this State, you have no choice as a parent, you've got to take them in to get screened. That includes military children. I have mostly military schools in my district, probably about seven or eight, and these parents, most of them or a lot of them, their children will never go to these schools, they're toddlers.

"The State of Hawai'i is going to pay to have these children screened and then go off to another state. And by the way, the parents aren't paying taxes. They're paying taxes in other states. So they don't want to pay Hawai'i State income tax, and I understand that. It's not disrespecting the military. I was a former Marine, so I appreciate what they do, but that's scores and scores of children we're going to have to examine and look at and with no benefit to us.

"It's too intrusive. I believe this approach will eventually bankrupt the State. We're trying to be parents, usurp parental responsibility. Parents need to take their kids in. We can't mandate being a good parent and that's what we try and do too often.

"In the testimony, no other state in the Nation does this. None, no other state in the Nation. Now, in the testimony, Dr. LeMahieu said that for the low-income folks, there are ad campaigns and measures that are run to communicate to them that this screening or these types of things are available. Now if you're middle class, a working family, responsible people take their kids in for shots and stuff all the time -- they don't need to be mandated. We don't need to have a law to do that. We're mandating the screening process that has yet to be developed. We don't have it in place. It's to be developed. We're mandating something that doesn't exist yet.

"There's children that do go unscreened, that do need help, do need the counseling, the medical treatments. There are some children, but the solution that we've come up with is to mandate every child in the State. It's prohibitively expensive, and I don't believe we're going to be able to fund it. It's going to be a drain on our resources that can go to other well-meaning efforts to help our children.

"Now, in closing, I know you all were waiting for that, there's nothing more important than our kids. I know the heart of our Chair is in the right place, and my heart is right there with him, but I just have some philosophical differences with this. Thank you."

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

"I have to beg the indulgence of all the members. I know everybody wants to have lunch, but this is such an important policy issue and question that we can't allow misinformation or maybe misunderstanding by the previous speaker to cloud what is really intended with this bill.

"As I speak, we have some of the leading child care and early childhood experts meeting at the University to talk about some of these important policy issues, including an expert from the Carnegie Institute. I think anyone who keeps up with the research, especially on the importance of early learning and brain development in the early years, will know that it's so important for us as a State, as policymakers, to get past our prejudices or misconceptions, to know how important it is to really invest in the early years.

"It's not just Felix vs. Waihee, although that's an example of where we can save because we're spending millions of dollars after the fact on many of these children instead of looking at prevention and early intervention. But the fact is we also spend millions trying to help children who are developmentally delayed. We spend millions in our education system trying to remediate education because children come in unable to learn or with learning disabilities. Many of these disabilities can be intervened in a more cost effective manner early in their years.

"The thing is we have these screening tools available. We have programs like Zero-to-Three. The DOE has screening programs. But the problem now is that they represent such a patchwork of different types of programs. What we're saying here is let's get together, let's see if we can provide universal screening at a critical age. Let's try to provide the interventions as early on as possible so we can make the best use of the dollars instead of trying to treat these children, trying to remediate the problems. Let's try and intervene early and help our parents while the children are still young and while they still can handle these problems. Let's give them the opportunity.

"I have no problem with mandating it. There are no penalties for this mandate. We do mandate a lot of things when it comes to the protection of children and for the best interest of children. Think about immunization, it's a mandate. We do it because we want to protect our children. We know it's important to immunize to protect them against disease. We mandate car seats. Why? Because we want to protect them against injuries and accidents. So again, let's look at what it's for. It's for the children, and it's in their best interest. So I ask all the members to support this bill."

Representative Stegmaier then rose and stated:

"Concerning that same measure, I would like to vote with reservations. My reservations have to do with the impracticality and the unenforceability of the measure as it's presently written. Thank you."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 259, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD ASSESSMENTS," passed Second Reading and was referred to the Committee on Education with Representative McDermott voting no and Representatives Menor and Souki being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 146) recommending that H.B. No. 551, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 551, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Menor and Souki being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 147) recommending that H.B. No. 552, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 552, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Menor and Souki being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 148) recommending that H.B. No. 644, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 644, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Menor and Souki being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 149) recommending that H.B. No. 813 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 813, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITY BILLING PROCEDURES FOR BLIND OR VISUALLY-IMPAIRED CUSTOMERS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Menor and Souki being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 150) recommending that H.B. No. 1570, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1570, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT WEST OAHU," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 151) recommending that H.B. No. 1660, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and H.B. No. 1660, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 152) recommending that H.B. No. 1354 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1354, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE INTERNATIONAL PACIFIC RESEARCH CENTER," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 153) recommending that H.B. No. 1194, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1194, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONAL HEALTH CARE ADMINISTRATOR," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Menor and Souki being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 154) recommending that H.B. No. 1659, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1659, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Menor and Souki being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 155) recommending that H.B. No. 34, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 34, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Menor and Souki being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 156) recommending that H.B. No. 1176 pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1176, entitled: "A BILL FOR AN ACT RELATING TO BOATING PENALTIES," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Menor and Souki being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 157) recommending that H.B. No. 1179 pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1179, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL MARINE LICENSES," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Menor and Souki being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 158) recommending that H.B. No. 798, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 798, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," passed Second Reading and was referred to the Committee on Health with Representatives Menor and Souki being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 159) recommending that H.B. No. 1190, as amended in HD 1, pass Second Reading and be referred to the Committee on Tourism.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1190, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Tourism with Representatives Menor and Souki being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 160) recommending that H.B. No. 89, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 89, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OKINAWAN CENTENNIAL CELEBRATION COMMISSION," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 161) recommending that H.B. No. 869 pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 869, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Menor and Souki being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 162) recommending that H.B. No. 1741, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and H.B. No. 1741, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN CULTURE," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Menor and Souki being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 163) recommending that H.B. No. 208, as amended in HD 1, pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 208, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL," passed Second Reading and was referred to the Committee on Water and Land Use with Representatives Menor and Souki being excused.

Representatives Morita and Santiago, for the Committees on Energy and Environmental Protection and Health, presented a joint report (Stand. Com. Rep. No. 164) recommending that H.B. No. 1137 pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1137, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Menor and Souki being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 165) recommending that H.B. No. 131, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 131, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Menor and Souki being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 166) recommending that H.B. No. 162 pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 162, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Menor and Souki being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 167) recommending that H.B. No. 148 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 148, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF THE LEGISLATIVE ANALYST," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 168) recommending that H.B. No. 1436, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1436, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE FISCAL AND BUDGET ANALYSIS," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 169) recommending that H.B. No. 1562, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1562, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EXPENSES," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 170) recommending that H.B. No. 1639 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1639, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 171) recommending that H.B. No. 1640 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1640, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR UNIFORM LAWS," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 172) recommending that H.B. No. 1686 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1686, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF OMBUDSMAN," passed Second Reading and was referred to the Committee on Finance with Representatives Menor and Souki being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolutions (H.C.R. Nos. 48 and 49) were referred to Printing and further action was deferred:

H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING VOYAGER SUBMARINES' PROPOSAL TO PLACE TWO DERELICT VESSELS AT ITS

OPERATIONS SITE TO CREATE AN ARTIFICIAL REEF," was offered by Representative Takumi.

H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HURRICANE SHELTERING IMPLEMENTATION," was offered by Representative Garcia.

ANNOUNCEMENTS

Representative Herkes: "Thank you, Mr. Speaker. You know, Mr. Speaker, we've got a great number of joints, triples and we're getting to the last week and a half and I beg your indulgence. Your Committee on Economic Development and Business Concerns requests a waiver of the 48-hour advance notice requirement for the purpose of conducting a public hearing, with decision making to follow, on House Bill No. 1078, tomorrow at 8:30 a.m. in Conference Room 325."

The Chair "so ordered."

Representative Kahikina: "Mr. Speaker, your Committee on Human Services and Housing will reconvene in Room 329 to complete our morning agenda and decision making. Thank you."

Representative Ito: "Mr. Speaker, I just want to announce that decision making for House Bill 1088, relating to school attendance will take place tomorrow at 2:00 o'clock p.m., Room 329. Thank you."

Representative Case: "This is a reminder, Mr. Speaker, the meeting between leadership and chairs will follow immediately after session. We'll start about three to five minutes after session in Room 437, Policy Committee Room. Thank you."

Representative Meyer: "Thank you, Mr. Speaker. As a Co-Chair to the Legislative Small Business Caucus, I want to remind all the members that we will have a press conference tomorrow at 1:30 p.m. I don't have the room number, but you'll be getting a notice so watch for that. I'd appreciate as many of you signing on. We've limited the areas of legislation that we're trying to push forward to six major areas. I think you'll see that our package has a good representation of Majority member bills and some Minority member bills. There are both House and Senate bills. So we would appreciate your support. Thank you, Mr. Speaker."

Representative Schatz: "Your Committee on Ocean Recreation and Marine Resources will reconvene for decision making in Room 312."

ADJOURNMENT

At 1:01 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 11, 1999. (Representatives Menor, Souki and Yoshinaga were excused.)

SIXTEENTH DAY

Thursday, February 11, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Alan Urasaki of Aiea Hongwanji, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Menor, Meyer, Saiki, Takamine, Takumi and Thielen, who were excused.

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, reading of the Journals was dispensed with and the Journals of the House of Representatives of the Eighth, Ninth, Tenth, Eleventh, Twelfth and Thirteenth Days were subsequently approved, with Representatives Hiraki, Menor, Meyer, Saiki, Takamine, Takumi and Thielen being excused.

GOVERNOR'S MESSAGE

Gov. Msg. No. 172, transmitting copies of the University of Hawai'i's Report on the College of Education Action Plan to Address the Teacher Shortage and Teacher Training Needs was received and announced by the Clerk and was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 5 and 6) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 5, transmitting Senate Bill No. 667, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," which passed Third Reading in the Senate on February 10, 1999.

Sen. Com. No. 6, transmitting Senate Bill No. 1216, entitled: "A BILL FOR AN ACT RELATING TO BICYCLING," which passed Third Reading in the Senate on February 10, 1999.

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, S.B. Nos. 667 and 1216 passed First Reading by title and further action was deferred. (Representatives Hiraki, Menor, Meyer, Saiki, Takamine, Takumi and Thielen were excused.)

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Fox introduced Mr. Lorrin Hee, an intern in his office from ARC in Hawaii, and Ms. Gail Murray.

Representative Morita introduced the following guests from Hana, Maui, testifying on behalf of House Bill 1400: Mr. Carl Lindquist, Ms. Christina Villiarimo, Ms. Isabelle Kalaola, Ms. Kekai Kalaoa, Ms. Martha Kalaniopio, Ms. Donna Judith Tolentino, Mr. Sam Kalalau, and Ms. Cheryl Vasconcellos, Executive Director of the Medical Center.

Representative P. Oshiro introduced a group of 100 fifth grade students from Kaimiloa Elementary School in Ewa Beach. They were accompanied by their teachers: Ms. Darcy Higa, Ms. Sandra Kekina, Ms. Kerry Hee and Ms. Carol Yoneda.

Representative Kaho'ohalahala introduced Mrs. Rosita Viduya Hueu, his second grade teacher at Lanai Elementary School.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following concurrent resolutions (H.C.R. Nos. 48 and 49) were referred to committee by the Speaker:

H.C.R.
No.Referred to:

- | | |
|----|--|
| 48 | Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance |
| 49 | Committee on Public Safety and Military Affairs, then to the Committee on Finance |

COMMITTEE REASSIGNMENTS

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

H.B.
Nos.Re-referred to:

- | | |
|------|---|
| 798 | Committee on Energy and Environmental Protection, then to the Committee on Judiciary and Hawaiian Affairs |
| 1136 | Committee on Consumer Protection and Commerce, then to the Committee on Finance |
| 1139 | Committee on Consumer Protection and Commerce, then to the Committee on Finance |
| 1620 | Committee on Economic Development and Business Concerns, then to the Committee on Finance |

STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 173) recommending that H.B. No. 511 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 511 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Yonamine.

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

"Mr. Speaker, just to point out that what we are doing here is giving the Board of Education the power to set the salary of the Superintendent. I'm not certain that that's a wise thing to do. There was discussion about perhaps giving them some time within which to do that and having a drop dead clause included in the bill so that we can revisit whether they have been reasonable in setting the Superintendent's salary.

"I just think that because we are the trustees of the public purse, that to turn this matter completely over to a Board of Education that we have already talked about not fulfilling our expectations in the area of education policy, seems to me shortsighted. So I'm hoping that perhaps we can deliberate further about this during the session and come up with a better bill.

"Thank you."

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

"You know, House Bill 511, the purpose is to require the salary of the Superintendent of Education to be set by the Board of Education. The current salary which is set by statute at \$90,041 is a very low figure considering the size of the school district in which he oversees. The Superintendent now oversees one of the largest school districts in the Nation. With the current salary figure, the State of Hawaii is very fortunate to have hired Dr. LeMahieu, but in the future the current salary might not be enough to land a highly qualified candidate.

"By allowing the Board of Education to set the Superintendent's salary, this would enable the board to recruit and retain highly qualified educators for this position. In addition, this bill gives the State greater competitiveness with other states in attracting outstanding individuals for the position of Superintendent.

"Finally, the bill would provide greater accountability for the Department of Education as the board will be able to link the Superintendent's salary to job performance.

"Hawaii has one of the lowest per student pay per district for a Superintendent. For a comparable size school district on the Mainland, the average pay for the Superintendent is \$165,000. For example, San Antonio, Texas, has a school district roughly the size as Hawaii, and the average pay of the Superintendent of Education is \$150,000. Hawaii cannot compete with other states for the very best candidates for Superintendent if we do not remove the cap on the Superintendent's salary.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 511, entitled: "A BILL FOR AN ACT RELATING TO THE SUPERINTENDENT OF EDUCATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 174) recommending that H.B. No. 512 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 512, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Cachola, Chang and Hiraki being excused.

Representative Chang, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 175) recommending that H.B. No. 827, as amended in HD 1, pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 827, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Water and Land Use, with Representatives Cachola, Chang and Hiraki being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 176) recommending that H.B. No. 1142, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1142, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 177) recommending that H.B. No. 423, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 423, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR THE HAWAII FORESTRY AND COMMUNITIES INITIATIVE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 178) recommending that H.B. No. 424, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 424, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST RESERVES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 179) recommending that H.B. No. 694, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 694, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 180) recommending that H.B. No. 695, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 695, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 181) recommending that H.B. No. 710, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 710, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary and

Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 182) recommending that H.B. No. 752 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 752, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL DETENTION OF PREARRAIGNMENT DETAINEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 183) recommending that H.B. No. 532, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 532, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Yonamine.

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

"Mr. Speaker, in the words of the committee report: 'The public schools should offer equal opportunities to all students. Historically, girls have not been as involved in athletics as boys. However, when given equal opportunities, girls are as interested in participating in athletics as boys. This bill seeks to ensure that all students are provided equal opportunities to participate in athletics, regardless of their gender.'

"Looking up into the gallery and seeing all the boys and girls, I'm sure they will all agree with me. And I particularly would like to thank Education Chair Ken Ito for allowing this bill to be discussed and moved forward.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 532, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENDER EQUITY IN SPORTS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 184) recommending that H.B. No. 790 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 790, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Cachola, Chang and Hiraki being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 185) recommending that H.B. No. 1087, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1087, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 186) recommending that H.B. No. 530, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 530, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Yonamine.

Representative Rath rose and stated:

"Mr. Speaker, on Standing Committee Report No. 186, House Bill 530, HD 1, I would like to register a no vote on this. This matter is already covered by federal case law, and additionally, it prohibits agreements between employers and employees and mandatory arbitration agreements.

"If you would register a no vote, I would appreciate it," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 530, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT DISCRIMINATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representative Rath voting no, and Representatives Cachola, Chang and Hiraki being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 187) recommending that H.B. No. 1038 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1038 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Rath rose in opposition to the bill, stating:

"This is the civil service raises for the employees. It's \$234 million and some odd change. I voted for this out of the Labor Committee because it was negotiated and obviously done in good faith, and I hadn't received a copy of the Governor's budget or had time to crunch the numbers. Since that Committee hearing and up to now, I have had the ability to do so, and in examining the Governor's budget I found that it is not inclusive of this. And when I looked at the State's overall financial condition, I subsequently discovered that we don't have the funds to do this and implement the programs or to turn the economy around.

"In addition, I would like to call the members' attention to the Collective Bargaining Act 89-10 which covers collective bargaining. And I can read it verbatim but I can also paraphrase it, and what it says in here, in Section B, is that all the cost items shall be submitted for inclusion in the Governor's next operating budget, and the Governor didn't do that.

"I believe that people that work, and work hard, deserve a good living wage, and our civil servants are just like any other workers -- they work hard and produce services for the people of our State. However, they have an advantage that people in the private sector don't have in that they're not going to get fired and their job security is near 'golden.' And I think we have to take a look at the remaining employees that service our State in the public sector and realize that they are losing their jobs and will continue, and if we don't reduce the cost of government, most surely we can go bankrupt.

"So I would like to register a no vote against this bill, Mr. Speaker," and the Chair "so ordered."

Representative Marumoto then rose and stated:

"Mr. Speaker, I would like to vote with reservations on this particular measure. Also Stand. Com. Reports 188 and 189, mainly because these cost items are very expensive. I have supported these types of items in the past but I am just wondering whether we will be able to afford them this year.

"Also, in regards to the collective bargaining agreements, I would like to research the fact as to whether they are still valid since they were not funded in the year that they were negotiated or by the following Legislature. I'm wondering whether the parties should go back to the table and negotiate another contract. So I will be studying these measures as they come to the Finance Committee.

"Thank you very much."

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

"First of all, the collective bargaining laws are very fair. It has been thoroughly tested over the years and no one can really dispute the fact that this is a very fair and thorough process by which both parties sign off in good faith.

"Now, with the private sector, as in the public sector, when an employer and his or her unions sign off on the bottom line, you'll never find any one of the two parties reneging on a firm, ironclad contract.

"In this particular case with the pay increases for our public employees, you all recall members, the last year, Units 1 and 10 had asked for a compulsory arbitration. At the last minute, the other public unions came in with their ten units so now, under the law that we passed last year, the unions would have to undergo with their employees a compulsory arbitration process. They have done this in good faith. Now, after the arbitrator had come to a conclusion and both parties have agreed on, it is incumbent upon us as members of the Legislature, first, to pass this bill to give it further consideration, and give it utmost consideration in terms of the pay raises that they deserve because, after all, they did undergo a thorough examination and process through the collective bargaining laws. So I would urge everyone to pass this bill, and let's take a look at it as we move along.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1038, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance with Representative Rath voting no, and Representatives Cachola, Chang and Hiraki being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 188) recommending that H.B. No. 98 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 98 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Rath rose to speak against the bill, stating:

"This is a pensioners' bonus extension program and the reason for my opposition is that this is a demonstration of poor fiscal management on the part of the Legislature. This is an unfunded liability that comes up again and again, and basically what it is is COLA for our pensioners. And the anomaly that occurs in doing this is we have recent pensioners that have retired at a higher salary and then they are included in this.

"I think what we should do is, instead of looking at a \$37 million unfunded liability that is going to recur again and again and again because we don't want to deal with it, put it in the budget, put it out there in the open, that we should understand and identify and recognize that these pensioners do indeed need and deserve a COLA, and we should make it a funded liability so we don't have to hear it again and again. And we should make sure it is fair so that we're not catching some people who really do deserve it and bringing up other people who have a higher increase than they would normally get under a standardized COLA system.

"For that reason, Mr. Speaker, I would like you to register a no vote," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 98, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS' BONUS," passed Second Reading and was referred to the Committee on Finance with Representative Rath voting no, and Representatives Cachola, Chang and Hiraki being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 189) recommending that H.B. No. 762 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 762 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Rath rose to speak against the bill, stating:

"Back again, Mr. Speaker. This is the next bill -- House Bill No. 762. This is the Health Fund Medicare Part B Reimbursements.

"What has occurred here is that the employees had selected a non-health fund plan where they are not reimbursed for the Part B medical care. Now they have come back and asked that they be granted this additional money even though it was at their selection and choice, and this is something that they have selected. It was not for us to pawn. They entered into it knowingly and willingly, and now are coming back and looking for a little bit of an extra.

"For that reason, Mr. Speaker, I would like to vote against it," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 762, entitled: "A BILL FOR AN ACT RELATING TO HEALTH FUND MEDICARE PART B," passed Second Reading and was referred to the Committee on Finance with Representative Rath voting no, and Representatives Cachola, Chang and Hiraki being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 190) recommending that H.B. No. 671 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 671 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Moses rose to speak against the bill, stating:

"This bill allows for assignment of retiree's pay depending on divorce and through the courts and I want to point out, first of all, that this doesn't affect any child support payments. Those are separately delivered to the spouse or the child. This affects the entire pay and there is no cap on the amount of the

retiree's pay under this bill that could be assigned. So theoretically, an individual could lose one hundred percent of his pay, therefore that person would be on welfare.

"I think maybe we need to relook at the bill as it moves on and put in some caveat as to the amount of money that is assignable.

"Thank you, Mr. Speaker."

Representative Rath then rose and stated:

"Mr. Speaker, I would like to register a no vote for like reasons as Representative Moses," and the Chair "so ordered."

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

"You know, I am a little confused, and I want to contain my remarks to this measure. But here we are at Second Reading, we talk about a lot of things that really weren't the purview of the Committee that they belong to, and I get confused. They have all of this dialogue that I think may not be so appropriate. But on this measure, I would like a yes vote registered.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 671, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Moses and Rath voting no, and Representatives Cachola, Chang and Hiraki being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 191) recommending that H.B. No. 186, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 186, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS OF SURVIVING CHILDREN OF PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 192) recommending that H.B. No. 50 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 50, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representatives Garcia and P. Oshiro, for the Committees on Public Safety and Military Affairs and Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 193) recommending that H.B. No. 69, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 69, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 194) recommending that H.B. No. 1389 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1389 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Yonamine.

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

"When the Education Committee heard the measure, we heard from Budget and Finance that the Attorney General had concerns about this bill. We have yet to receive anything from the Attorney General's office, but I would like to ask that the next Committee take a good look at what their concerns are before passing it on.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1389, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, AND ARTICLE X, SECTION I, OF THE HAWAII CONSTITUTION, TO AUTHORIZE THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO PRIVATE PRIMARY OR SECONDARY EDUCATIONAL INSTITUTIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 195) recommending that H.B. No. 1390 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1390, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REGISTRARS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Chang, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 196) recommending that H.B. No. 751, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 751, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Cachola, Chang and Hiraki being excused.

Representative Chang, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 197) recommending that H.B. No. 222, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 222, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 198) recommending that H.B. No. 1074 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1074, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF OSTEOPATHY," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Cachola, Chang and Hiraki being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 199) recommending that H.B. No. 618, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A PROGRAM OF REGIMENTAL DISCIPLINE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 200) recommending that H.B. No. 983 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 983, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE AGRIBUSINESS DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 201) recommending that H.B. No. 746 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 746, entitled: "A BILL FOR AN ACT RELATING TO HULA," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 202) recommending that H.B. No. 750 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 750, entitled: "A BILL FOR AN ACT RELATING TO ISLAND SYMBOLS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 203) recommending that H.B. No. 809 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 809, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE

HALEIWA ARTS FESTIVAL," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 204) recommending that H.B. No. 1698, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII KAI PERFORMING ARTS AND TECHNOLOGY CENTER," passed Second Reading and was referred to the Committee on Education, with Representatives Cachola, Chang and Hiraki being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 205) recommending that H.B. No. 37 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 37, entitled: "A BILL FOR AN ACT RELATING TO FILM PRODUCTION FUNDING," was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 206) recommending that H.B. No. 1728, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy and Environmental Protection.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1728, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REVERSE WARNING SYSTEM," passed Second Reading and was referred to the Committee on Energy and Environmental Protection, with Representatives Cachola, Chang and Hiraki being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 207) recommending that H.B. No. 1457 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1457, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 208) recommending that H.B. No. 1214 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1214, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 209) recommending that H.B. No. 1352 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1352, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR OCEANOGRAPHIC RESEARCH," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 210) recommending that H.B. No. 81 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 81, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NANOTECHNOLOGY CENTER," was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 211) recommending that H.B. No. 1706, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1706, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHERIES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 212) recommending that H.B. No. 1379, as amended in HD 1, pass Second Reading and be referred to the Committee on Water and Land Use.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1379, HD 1, pass Second Reading and be referred to the Committee on Water and Land Use, seconded by Representative Yonamine.

Representative Rath rose and stated:

"Mr. Speaker, I rise in opposition to Standing Committee Report 212. The reason is very simply that this is a home rule issue. This is something that deals with agricultural subdivisions that the Legislature by this could create 50 acre parcels. And I believe that land use planning in this manner is something that should be reserved for the counties. I served two terms in the Hawaii County Council. I can tell you both Hawaii County and the rest of the counties in the State are more than able to decide their own land use.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, this measure, upon passage, would allow owners of agricultural properties to subdivide their lands into parcels of not less than 50 acres for intensive agricultural purposes.

"The uses with this intensive agricultural subdivision are to be limited strictly to the production of plant and animal life for food, fiber, and raw materials such as general farming, fruit or flower growing, aquaculture, or other uses relating to agriculture.

The intent and purpose of this bill is to discourage the subdivision of agriculture lands for nonagricultural uses,

making available to farmers agricultural land that is manageable and financially feasible.

"Again, Mr. Speaker and members of the House, this is a measure that is very much in line with the Agriculture Committee's goals of helping our farmers and push for Hawaii's agriculture industry in becoming the biggest contributor to our economy. Therefore, I urge everyone to support the passage of 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 H.B. No. 1379, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Water and Land Use with Representative Rath voting no, and Representatives Cachola, Chang and Hiraki being excused.

Representatives Abinsay and Morita, for the Committees on Agriculture and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 213) recommending that H.B. No. 941, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 941, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FERTILIZERS," passed Second Reading and was referred to the Committee on Health, with Representatives Cachola, Chang and Hiraki being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 214) recommending that H.B. No. 1254 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1254, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 215) recommending that H.B. No. 894, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 894, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENTS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 216) recommending that H.B. No. 743, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Case moved that the report of the Committee be adopted and H.B. No. 743, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Yonamine.

Representative McDermott rose and stated:

"Mr. Speaker, I would just like to register a no vote on House Bill 743, HD 1," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 743, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representative McDermott voting no, and Representatives Cachola, Chang and Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 217) recommending that H.B. No. 847, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative Case moved that the report of the Committee be adopted and H.B. No. 847, HD 1, pass Second Reading and be referred to the Committee on Education, seconded by Representative Yonamine.

Representative Pendleton rose in strong support of the bill, stating:

"Mr. Speaker, as we all know, the Felix class young people and the whole subject is something that is going to be of grave concern to our entire State. It could be very costly. We care very much for those class of young people as we care for the rest of our young people.

"I think this is a good measure because it requires the Department of Health to develop service definitions for the Felix young people and fee schedules and billing codes comparable to Medicaid and QUEST. I think it moves us in the direction of trying to get a handle on addressing this entire problem in a way that is fiscally prudent.

"So, again, I stand in strong support of this measure, Mr. Speaker.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 847, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH SERVICES FOR FELIX CLASS CHILDREN," passed Second Reading and was referred to the Committee on Education, with Representatives Cachola, Chang and Hiraki being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 218) recommending that H.B. No. 734, as amended in HD 1, pass Second Reading and be referred to the Committees on Consumer Protection and Commerce and Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 734, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFTS," passed Second Reading and was referred to the Committees on Consumer Protection and Commerce and Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 219) recommending that H.B. No. 1711, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1711, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY," passed Second Reading and was referred to the Committee on

Judiciary and Hawaiian Affairs, with Representatives Cachola, Chang and Hiraki being excused.

Representatives Garcia and P. Oshiro, for the Committees on Public Safety and Military Affairs and Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 220) recommending that H.R. No. 22, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 22, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF PUBLIC SAFETY, THE HAWAII PAROLING AUTHORITY, AND THE JUDICIARY TO EXPLORE AND FUND ALTERNATIVES TO INCARCERATION FOR NONVIOLENT FEMALE OFFENDERS," was referred to the Committee on Finance, with Representatives Cachola, Chang and Hiraki being excused.

At 12:34 o'clock p.m., Representative Okamura asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:35 o'clock p.m.

ANNOUNCEMENTS

Representative Okamura rose and requested waiver of the 48-hour hearing notice requirement for decision making this afternoon in Room 329 on House Bill 1088, relating to school attendance, and House Bill 1328, relating to charter schools, and the Chair "so ordered."

Representative Stegmaier: "There will be a press conference concerning the Small Business Caucus' package of bills that will be held at 1:30 p.m. in the Auditorium. All members are invited to attend."

ADJOURNMENT

At 12:36 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 12, 1999. (Representatives Cachola, Chang, Hiraki, Menor and Souki were excused.)

SEVENTEENTH DAY

Friday, February 12, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 1999, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Jim Rath, after which the Roll was called showing all members present with the exception of Representatives Cachola, Chang, Hamakawa, Kahikina, Menor, Saiki and Takamine, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 173 and 174) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 173, transmitting copies of the 1997 - 1998 Annual Report for the Department of Taxation, pursuant to Chapter 231, Hawai'i Revised Statutes, as amended.

Gov. Msg. No. 174, transmitting copies of the following: Report to the Twentieth Legislature, State of Hawai'i, 1999, On House Concurrent Resolution 11, Session Laws of Hawai'i 1998, 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.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 7 through 9) were received and announced by the Clerk and were placed on file.

Sen. Com. No. 7, transmitting S.B. No. 663, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATIONS," which passed Third Reading in the Senate on February 11, 1999.

Sen. Com. No. 8, transmitting S.B. No. 664, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," which passed Third Reading in the Senate on February 11, 1999.

Sen. Com. No. 9, transmitting S.B. No. 676, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSES," which passed Third Reading in the Senate on February 11, 1999.

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, S.B. Nos. 663, SD 1; 664, SD 1; and 676, SD 1, passed First Reading by title and further action was deferred. (Representatives Cachola, Chang, Hamakawa, Kahikina, Menor, Saiki and Takamine were excused.)

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Kaho'ohalahala introduced the women's softball team from "the oldest school in the United States west of the Rockies," Lahainaluna High School: the coaches Mr. Earl Kukahiko, Mr. Glen Gasmen, and Mr. Brian Yamamoto; chaperones, Mrs. Glynis Kukahiko, Mrs. Cleora Gasmen, Mr.

Rogelio Baraoiden, and Mr. Bobby Robia; and the women's softball team, seniors Ms. Charlene Kahahane-Lived, Ms. Noelani Kanekoa, and Ms. Ha'aheo Kaho'ohalahala; junior, Ms. Kalei Robia; sophomores, Ms. Mari Finn, Ms. Shannon Kirk, Ms. Nicole Baraoiden, Ms. Noelani Rickard, Ms. Charity Ha'upu, and Ms. Maka Manukea; and freshmen, Ms. Hoku Pali, Ms. Shyra Smith, Ms. Mica A-'ilichur, and Ms. Kaleka Kukahiko.

Representative Takai introduced Ms. Cheryl Derby, a volunteer and legislative intern from ARC of Hawai'i.

Representative Kawakami, on behalf of Representatives Kanoho, Morita and herself, introduced her legislative intern from ARC of Kauai, Mr. Tai Costa, and his chaperone Mr. Corey Dobashi.

Representative Takumi introduced his legislative intern from ARC of Hawai'i, Mr. Carl Proffitt, and his mother Peggy.

Representative Ito introduced his legislative intern from ARC of Hawai'i, Ms. Marilyn Namba.

Representative Ahu Isa introduced Mr. Alan Higa and Ms. Leilani Bartholomew, legislative interns from ARC of Hawai'i.

Representative Yonamine introduced Ms. Espe Cadavona, a resident of Waipahu and Pearl City and President of the Home and Community Services of Hawai'i; and Ms. Ella Ching, Executive Director of ARC of Kauai.

Representative Stegmaier introduced Mr. Eric Akiyama, his legislative intern from ARC of Hawai'i.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
796	Committee on Water and Land Use, then to the Committee on Finance
797	Committee on Water and Land Use, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following concurrent resolution was re-referred to committee by the Speaker:

<u>H.C.R.</u> <u>No.</u>	<u>Re-referred to:</u>
13	Committee on Finance

STANDING COMMITTEE REPORTS

Representatives Garcia and Ito, for the Committees on Public Safety and Military Affairs and Education, presented a joint report (Stand. Com. Rep. No. 221) recommending that H.B. No. 1090 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1090, entitled: "A

BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representatives Ito and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 222) recommending that H.B. No. 1749, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1749, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOGRAPHY EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 223) recommending that H.B. No. 661, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 661, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED WIRELESS EMERGENCY 911 SERVICE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 224) recommending that H.B. No. 590 pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 590, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 225) recommending that H.B. No. 1679, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1679, H.D. 1, pass Second Reading and be referred to the Committee on Labor and Public Employment, seconded by Representative Yonamine.

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

Representative Yamane continued, stating:

"It's an interesting idea. I have yet to see how a company that was formed by this Legislature a couple of years ago has any expertise in long-term health care when they're only suppose to be dealing with workers' comp. But I'll let it go through the process and see what kind of discussion we're going to have. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1679, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES LONG-TERM CARE BENEFITS PLAN," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 226) recommending that H.B. No. 904 pass Second Reading and be referred to the Committee on Public Safety and Military Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 904, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS," passed Second Reading and was referred to the Committee on Public Safety and Military Affairs with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 227) recommending that H.B. No. 1026 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1026, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 228) recommending that H.B. No. 1018, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1018, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Halford rose in support of the measure, stating:

"I'm standing in support of this measure because we need to address the problem of poverty in Hawai'i. In this morning's Honolulu Advertiser, front page, there's an article showing that the amount of poverty in Hawai'i has grown. It's grown, between 1990 to 1995, an almost 20 percent increase in poverty in Hawai'i occurred. And many know this trend is continuing.

"In 1995, this Legislature eliminated tax credits on food and medicine and the other tax credits were laid into the general excise tax..."

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

"Again, I think this bill says, 'Relating to the Housing and Community Development Corporation of Hawai'i.' I'd ask that the speaker contain his remarks to the bill before us. Thank you."

Representative Halford continued, stating:

"The purpose of this bill is to further address the problem of poverty, to further address the harshness of poverty in our community. I'd like to say that this Legislature needs to continue to look at these problems. In addition, if we're serious about helping poor people, we'll return their tax credits on the general excise tax. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1018, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki 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. 229) recommending that H.B. No. 272, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 272, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN, YOUTH, AND FAMILIES," passed Second Reading and was referred to the Committee on Education with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki 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. 230) recommending that H.B. No. 398, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 398, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representatives Arakaki and Yoshinaga, for the Committees on Human Services and Housing and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 231) recommending that H.B. No. 1574, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

Representative Case moved that joint the report of the Committees be adopted and H.B. No. 1574, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs, seconded by Representative Yonamine.

Representative Stegmaier rose in opposition to the measure, stating:

"In Committee, I voted with reservations, and, upon further reflection, I want to vote no at this point. I've been reading a book called *The Careless Society* that Vice Speaker Marcus Oshiro provided to each member of the House some years ago, as I recall, at least through his auspices. It talks about a social worker who was engaged in social work for 40 years. He was reflecting on how so much of what we're doing, especially litigating for people, has become destructive of the very people and families that we're suppose to be helping. I just see this as another way of separating people from each other.

"What we're doing in this bill is creating a children's law center. And among the things that this law center would do is ensure that children's rights are protected, including the right to be housed, educated, supported and to live free of violence. I know that these are wonderful ideals.

"My concern is that despite the amendments that have been made to include parents, what will ultimately happen is dividing children from their parents, somehow destroying families rather than uniting them. And that is my concern. I just wanted to make a statement at this point about that. Thank you."

Representative Arakaki then rose in support of the measure, stating:

"Just briefly, I appreciate the concerns of the previous speaker. I think all of us want to see our families unified and strong. However, he's right. Too many times we resort to litigation to solve problems rather than mediation. But when there is litigation, unfortunately, very often we lose focus on why we're doing it. And very often it's the children who are left behind or who are not considered. Instead, it's one against the other in an adversarial situation.

"What this bill does is it'll focus attention more on the child and what is in the best interest of the child. These are in cases where there are custody disputes as well as child abuse cases. And it's really important, I think, to focus on the best interest of the child rather than who is right or who is wrong or who gets what.

"So he is right in that we should include parents whenever there is any type of mediation. I think we've done that as an amendment to this bill. I think it is good for the children and I'd like to ask the members to support it. Thank you."

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

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

Representative Meyer then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 1574, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RIGHTS OF CHILDREN," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives McDermott, Meyer, Moses, Rath and Stegmaier voting no and Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representatives Morihara and Ito, for the Committees on Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 232) recommending that H.B. No. 387, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 387, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 233) recommending that H.B. No. 425, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 425, H.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS PERTAINING TO HIGHER EDUCATION, passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 234) recommending that H.B. No. 1351, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1351, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII SCHOOL OF MEDICINE," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 235) recommending that H.B. No. 1353 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1353, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MARINE BIOPRODUCTS ENGINEERING CENTER," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Chang, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 236) recommending that H.B. No. 1014, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1014, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 237) recommending that H.B. No. 147, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 147, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Rath rose in opposition to the measure, stating:

"This requires the investment of retirement funds into businesses or enterprises in the State of Hawai'i. While it's a noble idea, when we talk about somebody's retirement we have a fiduciary responsibility to retirees to get the highest and best return on their money. For that reason, I'll be voting no. Thank you."

Representative Goodenow then rose in support of the measure, stating:

"Just a brief point, the Committee did delete the requirement of the ERS investing in these targeted areas and now it's more of allowing them to consider this kind of option. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 147, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representative Rath voting no and Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 238) recommending that H.B. No. 1043 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1043, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 239) recommending that H.B. No. 1035 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1035, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 240) recommending that H.B. No. 97 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 97, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 241) recommending that H.B. No. 517, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 517, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SELECTIVE SERVICE," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 242) recommending that H.B. No. 104, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 104, H.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 243) recommending that H.B. No. 1071, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1071, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 244) recommending that H.B. No. 1222, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development and Business Concerns.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1222, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Economic Development and Business Concerns with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 245) recommending that H.B. No. 1297, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1297, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representatives Cachola and Morita, for the Committees on Water and Land Use and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 246) recommending that H.B. No. 800 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 800, entitled: "A BILL FOR AN ACT RELATING TO THE FOREST STEWARDSHIP PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representatives Cachola and Takumi, for the Committees on Water and Land Use and Ocean Recreation and Marine Resources, presented a joint report (Stand. Com. Rep. No. 247) recommending that H.B. No. 1183, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1183, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEACH LANDS,"

passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 248) recommending that H.B. No. 1409, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1409, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Catalani rose and stated:

"Mr. Speaker, for Standing Committee Report No. 248, House Bill 1409, HD 1, I'd just like to state that I may have a conflict because my husband is a land use commissioner and this deals with their expenses," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1409, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 249) recommending that H.B. No. 1593 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1593, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki 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. 250) recommending that H.B. No. 646, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 646, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 251) recommending that H.B. No. 876 pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 876, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 252) recommending that H.B. No. 1017 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1017, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 253) recommending that H.B. No. 1120 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1120, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES PAYMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 254) recommending that H.B. No. 1124 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1124, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ADVISORY COUNCIL ON REHABILITATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 255) recommending that H.B. No. 1575, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1575, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MILLENIUM YOUNG PEOPLE'S CONGRESS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 256) recommending that H.B. No. 133 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 133, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND THE SMALL BUSINESS DEFENDER POSITION AND OTHER SUPPORT PERSONNEL ESTABLISHED UNDER ACT 168, SESSION LAWS OF HAWAII 1998," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representatives Herkes and Hiraki, for the Committees on Economic Development and Business Concerns and Transportation, presented a joint report (Stand. Com. Rep. No. 257) recommending that H.B. No. 1361 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1361, entitled: "A BILL FOR AN ACT RELATING TO CHARTER TOUR OPERATORS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 258) recommending that H.B. No. 519 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 519, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 259) recommending that H.B. No. 887 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 887, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HAWAIIAN LANGUAGE EDUCATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 260) recommending that H.B. No. 1169 pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1169, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 261) recommending that H.B. No. 1288 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1288, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep.

No. 262) recommending that H.B. No. 595, as amended in HD 1, pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 595, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION DISTRICTS," passed Second Reading and was referred to the Committee on Water and Land Use with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 263) recommending that H.B. No. 1029, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1029, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT PROCESSING," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 264) recommending that H.B. No. 1078, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1078, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 265) recommending that H.B. No. 1079, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1079, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVERSION OF BUSINESS ENTITIES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 266) recommending that H.B. No. 1080, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1080, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NAMES OF CORPORATIONS, PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 267)

recommending that H.B. No. 796, as amended in HD 1, be recommitted to the Committee on Water and Land Use.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 796, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was recommitted to the Committee on Water and Land Use with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki, Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 268) recommending that H.B. No. 797, as amended in HD 1, be recommitted to the Committee on Water and Land Use.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 797, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR RECREATION," was recommitted to the Committee on Water and Land Use with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki, Takamine being excused.

Representatives Garcia and P. Oshiro, for the Committees on Public Safety and Military Affairs and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 269) recommending that H.C.R. No. 24 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO STRENGTHEN ITS ATTEMPTS TO DEAL WITH PRISON OVERCROWDING," was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

Representatives Garcia and P. Oshiro, for the Committees on Public Safety and Military Affairs and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 270) recommending that H.C.R. No. 35, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.C.R. No. 35, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF PUBLIC SAFETY, THE HAWAII PAROLING AUTHORITY, AND THE JUDICIARY TO EXPLORE AND FUND ALTERNATIVES TO INCARCERATION FOR NONVIOLENT FEMALE OFFENDERS," was referred to the Committee on Finance with Representatives Cachola, Chang, Kahikina, Kawakami, Menor, Saiki, Souki and Takamine being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 34 through 36) and concurrent resolutions (H.C.R. Nos. 50 through 52) were referred to Printing and further action was deferred:

H.R. No. 34, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY OF JAPAN'S IMPORT BEHAVIOR TO ASSIST AND IMPROVE THE EFFORTS OF HAWAII'S BUSINESSES IN CONDUCTING BUSINESS WITH THAT COUNTRY," was jointly offered by Representatives Lee, Thielen, M. Oshiro, Yamane, Abinsay, Ahu Isa, Goodenow, Halford, Hamakawa, Herkes, Hiraki, Leong, Menor and P. Oshiro.

H.R. No. 35, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, TO ESTABLISH A SUN PROTECTION POLICY FOR ELEMENTARY SCHOOL CHILDREN AND A SUN PROTECTION PROGRAM TO EDUCATE ELEMENTARY SCHOOL CHILDREN AND THEIR PARENTS," was offered by Representative Thielen.

H.R. No. 36, entitled: "HOUSE RESOLUTION REQUESTING THE NATIONAL INSTITUTES OF HEALTH TO CONDUCT CONTROLLED ANIMAL AND HUMAN TRIALS ON THE NUTRITIONAL VALUE OF HEMP SEED OIL," was jointly offered by Representatives Thielen, Santiago, Arakaki, Hamakawa, Kawakami and Lee.

H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY OF JAPAN'S IMPORT BEHAVIOR TO ASSIST AND IMPROVE THE EFFORTS OF HAWAII'S BUSINESSES IN CONDUCTING BUSINESS WITH THAT COUNTRY," was jointly offered by Representatives Lee, Thielen, Yamane, Goodenow, Halford, Hamakawa, Herkes, Hiraki, Leong, Menor and P. Oshiro.

H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, TO ESTABLISH A SUN PROTECTION POLICY FOR ELEMENTARY SCHOOL CHILDREN AND A SUN PROTECTION PROGRAM TO EDUCATE ELEMENTARY SCHOOL CHILDREN AND THEIR PARENTS," was offered by Representative Thielen.

H.C.R. No. 52, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NATIONAL INSTITUTES OF HEALTH TO CONDUCT CONTROLLED ANIMAL AND HUMAN TRIALS ON THE NUTRITIONAL VALUE OF HEMP SEED OIL," was jointly offered by Representatives Thielen, Santiago, Arakaki, Hamakawa, Kawakami and Lee.

ANNOUNCEMENTS

Representative Case: "Mr. Speaker, this is to announce to the Majority members, we will have a Majority Caucus immediately after session in our Majority Caucus Room."

At 12:34 o'clock p.m., Representative Ito 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.

Representative Ito: "Mr. Speaker, your Committee on Education respectfully requests a waiver of the 24-hour notification requirement in order to reconsider action on House Bill 931, relating to coaches salaries. Decision making will take place tomorrow at 1:00 o'clock p.m. in Room 329," and the Chair "so ordered."

Representative Arakaki: "Your dedicated Human Services and Housing Committee, not being able to complete our agenda today, will be reconvening to complete the agenda on Monday at 9:00 o'clock a.m. in Room 329."

Representative Pendleton: "Mr. Speaker, announcement to Republican members, we have a caucus immediately following session."

At 12:37 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon Tuesday, February 16, 1999. (Representatives Cachola, Chang, Kahikina, Kawakami, Menor, P. Oshiro, Saiki, Souki and Takamine were excused.)

ADJOURNMENT

EIGHTEENTH DAY

Tuesday, February 16, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 12:05 o'clock p.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 Representative Meyer, who was excused.

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

GOVERNOR'S MESSAGE

Gov. Msg. No. 175, transmitting copies of the 1998 Report of the Commission to Promote Uniform Legislation of the Department of the Attorney General, was announced by the Clerk and was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 10 through 12) were announced by the Clerk and were placed on file:

Sen. Com. No. 10, transmitting Senate Bill No. 1017, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," which passed Third Reading in the Senate on February 12, 1999.

Sen. Com. No. 11, transmitting Senate Bill No. 1168, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," which passed Third Reading in the Senate on February 12, 1999.

Sen. Com. No. 12, transmitting Senate Bill No. 1194, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," which passed Third Reading in the Senate on February 12, 1999.

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, S.B. Nos. 1017; 1168, SD 1; and 1194, SD 1, passed First Reading by title and further action was deferred, with Representative Meyer being excused.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Hamakawa introduced thirteen students from Keaau Middle School and Waiakea High School. They were accompanied by their chaperones Ms. Penny Yanagisawa and Ms. Lois Wakida.

Representative Takamine introduced additional students from the Big Island, who were along with the group introduced by Representative Hamakawa. They were accompanied by their advisers Mr. Nathan Morita, Ms. Lori Sims, Ms. Deena Lipps and Ms. Mari Nakamura.

Representative Rath introduced Mr. Mark Jernigan, President of the Keahole Agricultural Lots, who represents the State agricultural lessees in Kona.

Representative Chang introduced Ms. Corlis Tang of Honolulu, and Ms. Patricia Levy from Paradise Valley, Arizona.

Representative Marumoto introduced a group of senior citizens from Pu'uawai Opiopio Club.

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

The House of Representatives reconvened at 12:27 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were referred to committee by the Speaker:

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
663	Committee on Transportation, then to the Committee on Finance
664	Committee on Transportation, then to the Committee on Finance
667	Committee on Transportation, then to the Committee on Finance
676	Committee on Transportation, then to the Committee on Consumer Protection and Commerce
1216	Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs

DEFERRED RESOLUTIONS

The following resolution (H.R. No. 34) and concurrent resolution (H.C.R. No. 50) were referred to committee by the Speaker:

<u>H.R.</u> <u>No.</u>	<u>Referred to:</u>
34	Committee on Economic Development and Business Concerns, then to the Committee on Finance

<u>H.C.R.</u> <u>No.</u>	<u>Referred to:</u>
50	Committee on Economic Development and Business Concerns, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
32	Committee on Agriculture, then jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Public Safety and Military Affairs

- 403 Committee on Education, then to the Committee on Finance
- 941 Jointly to the Committee on Agriculture and the Committee on Energy and Environmental Protection, then to the Committee on Finance
- 1632 Committee on Agriculture, then to the Committee on Finance
- 1635 Committee on Agriculture, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 271) recommending that H.B. No. 1159, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII WORKFORCE DEVELOPMENT COUNCIL," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 272) recommending that H.B. No. 196, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 196, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 273) recommending that H.B. No. 877 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 877, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR KUAKINI MEDICAL CENTER," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 274) recommending that H.B. No. 908 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 908, entitled: "A BILL FOR AN ACT APPROPRIATING FUNDS TO IMPLEMENT THE KA'U RURAL HEALTH PLAN," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 275) recommending that H.B. No. 970 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 970 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative M. Oshiro rose and asked for a potential conflict ruling, saying:

"Mr. Speaker, on Standing Committee Report 275 (House Bill 970), and Standing Committee Report 277 (House Bill 972), I would like to disclose that I sit as an officer of these two non-profit organizations," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 970, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 276) recommending that H.B. No. 971 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 971 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Santiago rose and asked for a potential conflict ruling, saying:

"Mr. Speaker, I would just like to declare that there may be a potential conflict on Standing Committee Report No. 276 (House Bill No. 971), as I have been employed by Wahiawa General Hospital," and the Chair ruled "no conflict."

Representative Lee then rose and stated:

"Likewise, on House Bill 971 and House Bill 972, I am an employee of Wahiawa General Hospital," and the Chair ruled "no conflict."

Representative M. Oshiro then rose and stated:

"Mr. Speaker, on House Bill 971, Standing Committee Report 276, I would like to disclose that I am on the Board of Directors of the Community Hospital," and the Chair ruled "no conflict."

The Chair then stated:

"For the three respective Representatives who may have a position of conflict, there is no conflict based on the premise that there is no personal gain by these three individuals on these particular matters."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 971, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 277) recommending that H.B. No. 972 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and H.B. No. 972, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago for the Committee on Health, presented a report (Stand. Com. Rep. No. 278) recommending that H.B. No. 973 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 973 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative M. Oshiro rose and stated:

"Mr. Speaker, I would like to disclose that regarding three bills on page 3: Standing Committee Report 278 (House Bill No. 973), Standing Committee Report 279 (House Bill No. 1257), and Standing Committee Report 283 (House Bill No. 1616), I sit as an officer on these respective non-profit corporations," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 973, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 279) recommending that H.B. No. 1257 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1257, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 280) recommending that H.B. No. 1286 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1286, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NORTH HAWAII COMMUNITY HOSPITAL, INC." passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 281) recommending that H.B. No. 1400, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1400, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANA COMMUNITY HEALTH CENTER," passed

Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 282) recommending that H.B. No. 1594 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1594, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR AN INTERGENERATIONAL CARE CENTER AT EWA VILLAGES," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 283) recommending that H.B. No. 1616 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1616, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 284) recommending that H.B. No. 1617 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1617 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative M. Oshiro rose and stated:

"Mr. Speaker, I need to disclose that on Standing Committee Report 284 (House Bill No. 1617), and Standing Committee Report 285 (House Bill No. 1621), I sit as an officer on these two non-profit corporations," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1617, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 285) recommending that H.B. No. 1621 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1621, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 286) recommending

that H.B. No. 171, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 171, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Yonamine.

Representative McDermott rose and stated:

"Mr. Speaker, I would like to register a no vote for Standing Committee Report 286 (House Bill No. 171, HD 1). I will not speak on that measure, but I ask for your indulgence on the next two reports: Standing Committee Reports 287 (House Bill No. 461) and 288 (House Bill No. 47). I would also like to register no votes," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 171, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DECISIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representative McDermott voting no, and Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 287) recommending that H.B. No. 461 pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 461, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL DECISIONS," passed Second Reading and was referred to the Committee on Transportation with Representative McDermott voting no, and Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 288) recommending that H.B. No. 47 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 47, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representative McDermott voting no, and Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 289) recommending that H.B. No. 328, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 328, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 290) recommending that H.B. No. 320 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 320, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE,"

passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 291) recommending that H.B. No. 1138, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1138, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Hiraki being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 292) recommending that H.B. No. 1173 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1173, entitled: "A BILL FOR AN ACT RELATING TO BOATING ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Hiraki being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 293) recommending that H.B. No. 1177, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1177, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VESSELS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Hiraki being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 294) recommending that H.B. No. 1178 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1178, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Hiraki being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 295) recommending that H.B. No. 1180 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1180, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSE FOR IMPORTED MARINE LIFE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Hiraki being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand.

Com. Rep. No. 296) recommending that H.B. No. 1181 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1181, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 297) recommending that H.B. No. 260, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 260, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 298) recommending that H.B. No. 322, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 322, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESPITE CARE SERVICES FOR FAMILIES OF INDIVIDUALS WITH SPECIAL NEEDS," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 299) recommending that H.B. No. 261 pass Second Reading and be referred to the Committees on Higher Education and Education.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 261, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND FAMILIES," passed Second Reading and was referred to the Committees on Higher Education and Education, with Representative Hiraki being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 300) recommending that H.B. No. 153, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 153, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Hiraki being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 301) recommending that H.B. No. 557, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 557, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TROPICAL FLOWER RESEARCH AND PROGRAMS," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 302) recommending that H.B. No. 979, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 979, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 303) recommending that H.B. No. 981, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 981, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARK LEASES," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representatives Takumi and Cachola, for the Committees on Ocean Recreation and Marine Resources and Water and Land Use, presented a joint report (Stand. Com. Rep. No. 304) recommending that H.B. No. 740, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 740, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BEACH RESTORATION AT HONOKOWAI BEACH PARK, KAAWA BEACH PARK, AND THE SACRED FALLS SHORELINE," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representatives Takumi and Cachola, for the Committees on Ocean Recreation and Marine Resources and Water and Land Use, presented a joint report (Stand. Com. Rep. No. 305) recommending that H.B. No. 1291, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1291, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHPOND RESTORATION," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representatives Takumi and Cachola, for the Committees on Ocean Recreation and Marine Resources and Water and Land Use, presented a joint report (Stand. Com. Rep. No. 306) recommending that H.B. No. 1667, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representatives Takumi and Morihara, for the Committees on Ocean Recreation and Marine Resources and Higher Education, presented a joint report (Stand. Com. Rep. No. 307) recommending that H.B. No. 201, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 201, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE BLUE WATER MARINE LABORATORY," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 308) recommending that H.B. No. 1703 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1703, entitled: "A BILL FOR AN ACT RELATING TO WAIMANALO," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 309) recommending that H.B. No. 1282 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1282, entitled: "A BILL FOR AN ACT RELATING TO THE HONOKAA-PAULIO IRRIGATION DISTRICT," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 310) recommending that H.B. No. 1253, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1253, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO AID EFFICIENT MANAGEMENT OF LAKE WILSON," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 311) recommending that H.B. No. 921 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 921, entitled: "A BILL FOR AN ACT APPROPRIATING FUNDS FOR THE KAENA POINT COASTAL RESERVE," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 312) recommending that H.B. No. 810 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 810, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A WAIALUA-HALEIWA STORMWATER DRAINAGE MASTER PLAN," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 313)

recommending that H.B. No. 718 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 718, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 314) recommending that H.B. No. 438, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 438, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATERSHED MANAGEMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representatives Cachola and Takumi, for the Committees on Water and Land Use and Ocean Recreation and Marine Resources, presented a joint report (Stand. Com. Rep. No. 315) recommending that H.B. No. 1189 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1189, entitled: "A BILL FOR AN ACT RELATING TO THE COASTAL AREAS PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representatives Cachola and Takumi, for the Committees on Water and Land Use and Ocean Recreation and Marine Resources, presented a joint report (Stand. Com. Rep. No. 316) recommending that H.B. No. 498 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 498, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANALEI HERITAGE RIVER OFFICE," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 317) recommending that H.B. No. 180 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 180, entitled: "A BILL FOR AN ACT RELATING TO AN ALIEN SPECIES COORDINATOR," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 318) recommending that H.B. No. 333, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 333, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURE," passed Second Reading and was referred to

the Committee on Finance, with Representative Hiraki being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 319) recommending that H.B. No. 374, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 374, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 320) recommending that H.B. No. 898, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 898, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN AGRICULTURAL WATER SYSTEM FOR UPCOUNTRY MAUI," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 321) recommending that H.B. No. 978 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 978, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 322) recommending that H.B. No. 1732, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1732, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Hiraki being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 323) recommending that H.B. No. 942, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was referred to the Committee on Finance, with Representative Hiraki being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 324) recommending that H.B. No. 704, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 704, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Yonamine.

Representative Whalen rose and stated:

"I rise in qualified support for Standing Committee Report 324 (House Bill No. 704, HD 1).

"Mr. Speaker, it's been the intention of the Legislature to give greater autonomy to the University and pushing them toward self-sufficiency with tuition -- charging the appropriate tuition -- and managing the affairs of the University in a way that reduces our role. And, in fact, we've been criticized and some of our own members have put forth the notion that we might micromanage education in this State through the Legislature, and it is improper. And the University has said that many of the things that we do in controlling the University hurts them in their efforts to provide the kind of education to make it a world-class University.

"Mr. Speaker, everyone here wants to see Hawaiian people have all the opportunities that everyone else has. Although this is a very good bill -- a 'feel good' measure -- I believe that blanket tuition waivers for all Hawaiian students without any sort of condition on it does not take into consideration the finances of the individuals or their different other attributes. They go into deciding who should receive a scholarship or who should get a tuition waiver.

"For those reasons, Mr. Speaker, I would vote with reservations at this point. Hopefully, we'll be able to fine tune the bill in JHA.

"Thank you, Mr. Speaker."

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

"In order to clarify that, I think what we did was take the original bill, which was a mandate at tuition waivers, and we clarified it consistent with other bills we've pushed forward on tuition waivers. We made it a funding bill, and that funding is not dependent upon any particular mandate to the University. So it is the strong feeling of the Committee that it should be the Board of Regents that decides how to allocate those tuition waivers according to criteria that it itself sets.

"Thank you, Mr. Speaker."

Representative Yamane then rose and asked the Clerk to register an aye with reservations for him, saying:

"I have some similar concerns and my concern is that we just passed an autonomy bill last year. It seems like micromanaging to me.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 704, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Hiraki being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 325) recommending that H.B. No. 1632, as amended in HD 1, be recommitted to the Committee on Agriculture.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1632, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was

recommitted to the Committee on Agriculture, with Representative Hiraki being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 326) recommending that H.B. No. 1635, as amended in HD 1, be recommitted to the Committee on Agriculture.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1635, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was recommitted to the Committee on Agriculture, with Representative Hiraki being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 327) recommending that H.B. No. 1060, as amended in HD 1, be recommitted to the Committee on Labor and Public Employment.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1060, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was recommitted to the Committee on Labor and Public Employment, with Representative Hiraki being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 328) recommending that H.B. No. 403, as amended in HD 1, be recommitted to the Committee on Education.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 403, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was recommitted to the Committee on Education, with Representative Hiraki being excused.

ANNOUNCEMENTS

Representative Case moved to keep the Journal open until 6:00 p.m. this evening for the purpose of receiving from the Senate, Senate Concurrent Resolution No. 31, Senate Draft 1, entitled: "SENATE CONCURRENT RESOLUTION URGING A FULL, COMPLETE, AND DULY SUPERVISED AUDIT OF THE 1998 GENERAL ELECTION RESULTS," seconded by Representative P. Oshiro and carried. (Representative Hiraki was excused.)

Representative Case then moved that upon receipt of Senate Concurrent Resolution No. 31, Senate Draft 1, by the House, said Senate Concurrent Resolution shall be placed on the calendar for consideration and adoption by the House in session on Wednesday, February 17, 1999, at 12:00 noon, seconded by Representative P. Oshiro and carried. (Representative Hiraki was excused.)

Representative Case then stated:

"This is an announcement about Senate Concurrent Resolution No. 31, Senate Draft 1. As soon as it is received, the Clerk will make available and distribute to each member of the House a copy of said Senate Concurrent Resolution. Additionally, copies of the written testimony received by the Senate Judiciary Committee relating to said resolution will be available through the offices of the Clerk, the Majority Leader, and the Minority Leader for review by members. Thank you."

At 12:36 o'clock p.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 12:37 o'clock p.m.

Representative Yamane: "I would like to announce: if the members of the Health Committee can go back to Room 329. We have a long agenda still to finish up. Thank you, Mr. Speaker."

Representative Saiki then rose and requested waiver of the 48-hour hearing notice requirement for the Committee on Agriculture to conduct a public hearing with decision making to follow on House Bills 641, 984, 691, 1280, 368, 1632 HD 1, and 1635 HD 1, which will be held tomorrow, Wednesday, February 17, 1999, in Conference Room 325 at 8:30 a.m., and the Chair "so ordered."

Representative Garcia: "Mr. Speaker, your Committee on Public Safety and Military Affairs will be holding a hearing at 2:00 o'clock this afternoon in a room that is different from the one that your Committee usually does business in. That's Room 423 this afternoon at 2:00 p.m. Thank you, Mr. Speaker."

At 12:39 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Senate Concurrent Resolution No. 31, Senate Draft 1.

SENATE COMMUNICATION

Sen. Com. No. 13, transmitting S.C.R. No. 31, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING A FULL, COMPLETE, AND DULY SUPERVISED AUDIT OF THE 1998 GENERAL ELECTION RESULTS," which was adopted by the Senate on February 16, 1999, was received by the Clerk and was placed on file.

In accordance with a motion made earlier, S.C.R. No. 31, SD 1, was placed on the Clerk's desk for action tomorrow, Wednesday, February 17, 1999.

ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, February 17, 1999. (Representative Hiraki was excused.)

NINETEENTH DAY

Wednesday, February 17, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 1999, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Father Erwin Dela Cruz, Associate Pastor of Our Lady of Perpetual Help, Ewa Beach, after which the Roll was called showing all members present with the exception of Representatives Cachola, Menor, Saiki, Takumi and Yoshinaga, who were excused.

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

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Kawakami introduced 16 students, grades 9 through 12, from Waimea High School and their chaperones Ms. Harriet Watanabe, Ms. Janice Nitta and Mr. James Kawamura.

Representative Marumoto introduced "her favorite political opponent" Mr. Steve Tataii.

Representative Kahikina introduced Mr. John Kaopua, his "brother in the Lord" and Mr. Ivan Laikupu, President of Waianae Hawai'ian Homes Community Association.

Representative Morita introduced two friends from Kauai, Mr. Jimmy Torio and Mr. Ben Aranio, and also "my trusty aide" Mr. Baron Gushiken.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were referred to committee by the Speaker:

S.B.
Nos. Referred to:

- 1017 Committee on Judiciary and Hawai'ian Affairs
- 1168 Committee on Transportation, then to the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance
- 1194 Committee on Transportation

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 35 and 36) and concurrent resolutions (H.C.R. Nos. 51 and 52) were referred to committee by the Speaker, as follows:

H.R.
Nos. Referred to:

- 35 Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance
- 36 Committee on Health, then to the Committee on Judiciary and Hawai'ian Affairs

H.C.R.

Nos.

- 51 Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance
- 52 Committee on Health, then to the Committee on Judiciary and Hawai'ian Affairs

COMMITTEE REASSIGNMENTS

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

H.B.
Nos. Re-referred to:

- 377 Jointly to the Committee on Tourism and the Committee on Economic Development and Business Concerns, then to the Committee on Finance
- 461 Committee on Health, then to the Committee on Finance
- 511 Committee on Education, then to the Committee on Finance
- 635 Committee on Health, then to the Committee on Finance
- 887 Committee on Education, then to the Committee on Finance
- 1288 Committee on Education, then to the Committee on Finance
- 1711 Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance

UNFINISHED BUSINESS

S.C.R. No. 31, SD 1:

Representative Case moved that S.C.R. No. 31, S.D. 1, be adopted, seconded by Representative P. Oshiro.

Representative P. Oshiro rose to speak in favor of the measure, stating:

"Mr. Speaker, our democratic form of government here in Hawai'i, as well as across the United States, is premised upon the principle of allowing citizens to select individuals of their choice to run and to operate their government. The people's government.

"At the heart of this fundamental citizen's right, Mr. Speaker, is a process by which these representatives in government are chosen, which is our electoral process. It is essential, Mr. Speaker, that our electoral process is sound, that it is trustworthy and reliable in order to ensure that the voice and the will of the people in selecting their government officials is properly carried forth. This electoral process, Mr. Speaker, in essence, is the basis, again, of our democratic form of government that we all cherish and that we have all prospered under today.

"The introduction of a new voting method, coupled with apparent machine malfunctions uncovered during the 1998 General Election, has raised numerous questions and concerns in the minds of many in regards to the integrity and reliability of our newly adopted vote counting system. This has, Mr. Speaker, in essence, jeopardized the confidence of voters in our electoral process.

"To alleviate and to address these concerns, Mr. Speaker, Senate Concurrent Resolution 31, Senate Draft 1, directs the Chief Election Officer to conduct a full, complete and duly supervised audit of our 1998 General Election. This audit, Mr. Speaker, will include the use of an infra-red vote counting machine to recount all ballots cast, and I do emphasize, Mr. Speaker, all ballots cast, in our 1998 General Election. An independent oversight committee, which will consist of the State Auditor, a representative of the Federal Elections Commission, and a representative of the non-profit Election Center Association will, along with the statutorily mandated election observers, oversee this election audit to ensure its objectivity and its accuracy.

"Mr. Speaker, following the infra-red vote counting of all General Election votes cast, manual recounts will follow for precincts within which significant discrepancies are revealed between the election results and the audit recount. This recount procedure, Mr. Speaker, will be paid for, in its entirety by the vendor which provided the electronic voting methodology and equipment for our 1998 elections. Separate reports on this election audit will be submitted to this Legislature by both the Chief Election Officer and the independent oversight committee by March 31, 1999 for our review and our further consideration.

"I fully support this resolution, Mr. Speaker, as it will initiate a critical review process which will enable this Legislature to subsequently implement any and all necessary measures to ensure that the process utilized for all future elections conducted throughout the State of Hawai'i is sound, that it is reliable, and that it is accurate. I certainly believe, Mr. Speaker, that we should settle for no less and I urge your favorable consideration. Thank you."

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

"Events relating to the election results discrepancies in my Waianae-Makaha area were laid out in this resolution and are the basis for the legislative decision before us to audit all results of the 1998 General Election. It is from that unique perspective that I ask for your support of this resolution.

"Voting is one of our greatest freedoms and privileges. When people choose to exercise it, they need to know that their vote counts exactly as they cast it and that the candidate who received those votes win. Some of the results of the General Election indicate that there may be further difficulties. I am encouraged by the will of the Legislature to get to the bottom of this so that our voters are confident that this election was certified correctly. The people have a right to know. The voters also have the right to be represented by the person whom they elected. And if there is doubt and the Supreme Court fails to act quickly, as they did in my case, the voters are disillusioned.

"I can tell you, the strain on me, my family, my opponents, and the people of my district was immense. What we needed was a quick resolution and that was denied us by the Supreme Court without a firm deadline and who apparently failed to act for nearly two months. I have offered legislation to fix this, but there is no way to fix the insults made to the people of my district.

"As you may recall, there was a large number of over votes in my race. Instead of recognizing a possible system problem, their suggestion was that the people of Waianae and Makaha were uneducated and therefore, more likely to vote for more than one candidate in the same race. The results of the District 44 audit indicate an apology is in order. Human error was not the cause.

"I'm glad the discrepancies in my district were cleared up. And I'm anxious for the voters to regain confidence in the election process. This resolution is the beginning, but I make this suggestion. That we be prepared to take any additional

steps necessary before the audit highlights further discrepancies. Without honest, accurate and fair elections, there can be no democracy. Mahalo."

Representative Leong then rose to speak in favor of the measure, stating:

"Thank you, Mr. Speaker. I speak strongly for this resolution because a machine recount would verify the vote totals for the submitted ballots. A manual audit of select districts would further verify the machine totals. The audit would help restore public confidence in the election system, but it would not help in certain other areas. For instance, Mr. Speaker, at Koko Head District Park, long-time poll workers, Roberta and Robert McDonald Gee, precinct workers, complained about innumerable irregularities regarding the usage of registration affidavits.

"I was also distressed to read in Pacific Business News that two men reported that in District 15, Precinct 3, one out of five boxes of ballots, and in District 16, Precinct 3, just three out of four boxes of ballots were delivered to the central counting center. There were other districts with irregularities, Mr. Speaker, the 31st, the 39th, the 42nd, the 48th, 23rd, 49th, but the 15th and 16th district are in my area where I live.

"The story continues that the Chief Election Officer assured them that these problems are typical and would be handled properly. I certainly would hope so. We have many problems with our election system, but this resolution will be helpful in adding credibility to the count. I urge a yes vote on this measure. Thank you, Mr. Speaker."

Representative Rath then rose to speak in favor of the measure, stating:

"Thank you, Mr. Speaker. ES&S, the company that supplied the machines has reported that seven of their machines malfunctioned due to smudges, bits of food, hesitation marks, or some kind of miscalibration. And this caused the inaccuracies in the General Election in the final tally. In addition to counting errors, I'm quite upset that the breakdown of these machines at several points in polling places led to the embarrassment of many voters. It led to the loss of the secrecy of their ballots as they were stacked up to wait for machines.

"There were many areas where these machines stalled and people had to wait in line for excessive amounts of time. Some of these areas are Districts 06-3, 15-02, 16-02, 24-06, 35-02, 35-03, 36-10, 37-03, 51-02. Those are polling places where the voters had to wait and they don't know if they had a secret ballot or not. When they left, they weren't sure if their votes were counted or not. We're not really sure if the tallies that elected all of us were complete and accurate.

"I've been in eight elections. I've only lost one, but it had a close race. By your measures, I had a close race by a mere 82 votes, less than 1 percent. Of course, having won on a tie once and by .04 percent at one time, I guess it was a virtual landslide. Nonetheless, I have a doubt or a question on my race. Because certainly, if I was not truly and duly elected by the people in my district, I don't want or deserve to be here. I would like to know for a fact that, indeed, I am the Representative. And I know the people of my district want to know for a fact that I am their Representative.

"I think that this audit would verify and restore the faith in the electoral process in the State of Hawai'i. We desperately need that, Mr. Speaker. So I think this is something everybody should vote yes on. Thank you."

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

"I support this resolution because it is, at the very least, a step in the right direction. I'm not all that good at making big

speeches, but I believe that sometimes you have to speak up big time. I think this is one of those times because voting is as close as you get to the heart of our democracy. It is the most basic right we have as citizens. That is why I support S.C.R. 31 to authorize a recount of the 1998 General Election ballots in order to restore voter confidence.

"A recount is sorely needed. The Senate hearings made that quite evident, but, Mr. Speaker and colleagues, there are other concerns that relate inextricably to the problem before us. These concerns are alluded to in the Senate Standing Committee Report. The sum of these concerns might be expressed in this additional question. What on earth has been going on at the Office of Elections?"

"In 1998, Mr. Yoshina issued a non-bid contract to Election Systems and Software (ES&S) to supply electronic voting machines to the State of Hawai'i."

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

"When I look at the resolution, there is nothing regarding the means by which ES&S was selected by the Office of Elections."

Representative Pendleton then rose and stated:

"Mr. Speaker, the remarks of the Representative from the North Shore are germane to this bill. They track the language of this bill. The second 'Whereas' paragraph says that questions and concerns have been raised with regard to the integrity of the election process. That broad language surely provides the justification for this dialogue, Mr. Speaker."

Representative Meyer was then allowed to continue, stating:

"Thank you, Mr. Speaker. The idea of sole sourcing a contract when dealing with such an important and sensitive issue, as vote counting machines, is beyond my understanding. Mr. Yoshina says that he was unaware that other companies offered the same kinds of products and services. Even if he was unaware of other such companies, a simple request for proposal would, no doubt, have elicited responses from those companies. Mr. Yoshina's explanation, according to a recent Star-Bulletin article, is that there was not enough time to go through the request for proposal process. My question back would be, why not?"

"According to Mr. Yoshina, he and the Office of Elections had been considering switching systems since 1982. Why, all of a sudden, this sole source contract? ES&S was formed as a new company to market election products and services as a result of a combination of American Information Systems, Inc. and BRC Holdings, Inc. An executive of BRC, Mr. Tom Eschburger was indicted in a voting machine fraud scandal in the state of Arkansas in 1996. He was granted immunity from prosecution in return for cooperating with the U.S. Attorney. According to a story in the Arkansas Democrat and Gazette, Mr. Eschburger provided information against the Secretary of State, Bill McKewon, who pleaded guilty to public servant bribery, violating a state ethics law governing state employees and kickbacks, and selling a state job, among other things.

"According to the Democrat and Gazette article, McKewon hatched a scheme with Tom Eschburger, a BRC employee, to sell used voting machines that Eschburger's company had received as trade-ins. Now it doesn't take a ho'okele, a navigator, to figure out who the primary spokesman was for ES&S, the company that was awarded a sole source, non-bid contract by our Office of Elections -- remember? The representative was none other than Tom Eschburger. Mr. Eschburger had been a party to voting machine fraud with an Arkansas governmental official.

"Mr. Yoshina has been the top elections official in this State for the past 18 years. Wouldn't it seem nothing more than reasonable due diligence for Mr. Yoshina to have discovered the easily discoverable? That Tom Eschburger had a suspect past, and that past related to voting machine fraud specifically. At the very least we, as legislators, should expect our Chief Elections Officer to discover this fact. And then do the obvious.

"In such a situation as this, even the possible appearance of impropriety must be avoided. On that basis alone, the voting machine contract should have been put out for a competitive bid. Just because the government doesn't plan or budget properly is no excuse for shortchanging the people on, of all things, the machines that will count their election votes.

"Mr. Speaker, other problems persist with regard to the people and their rights related to voting. Mr. Russell Suzuki of the Attorney General's Office testified before the Senate Judiciary Committee that most requests under Hawai'i's law allowing the public to examine ballots after an election has been certified have been denied. When asked why the public was being denied this statutory right, Mr. Suzuki responded that there are no Administrative Rules established to set up a procedure to look at ballots.

"Mr. Speaker, colleagues, can you imagine that the Office of Elections now decides what laws will be enforced and what laws will not be enforced based upon whether or not they promulgate rules? Well, I guess we can just adjourn this body. God help me, I tremble at the thought. Unfortunately, I could go on, Mr. Speaker, and I'm sure none of you would appreciate that. Now I can only hope that at some point and in some way we will address these concerns as well. If, for example, there had been a competitive bid process on these voting machines, it is entirely possible that we would not be here today to deal with this business. And you would not have been subjected to this speech. Mahalo."

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

"Thank you, Mr. Speaker. I do not dispute democracy in no way. I believe in the democratic process. I believe that there is no perfect government on Earth. And with all its weaknesses, including the issue that we are trying to address in this concurrent resolution, it's all part of democracy. There is no perfect government.

"But, Mr. Speaker, for many of the reasons that the previous speaker spoke on, these are my reservations on this resolution. I'm asking myself, is it to restore voters' confidence in a mechanism or is it to restore the voters in itself? If it's to restore the mechanism, I see that perhaps this vehicle would give the vendor redemption, but it doesn't go far enough. For instance, no oversight on the selection of the Chief Election Officer, which we're talking about. No oversight over the procurement, the sole sourcing. No correction to the legal position that the Attorney General says there is no legal mechanism to change the election results. What are we trying to do? That's my reservation.

"And also, they're not addressing the correction on the matter of the speedy intervention of the Supreme Court. So all of the matters that we're bringing up, I don't see it in this resolution and those are my reservations. Thank you, Mr. Speaker."

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

"Your Republican Caucus is strongly in favor of passage of this resolution. We would like to see a recount of the election results and the manual audit in those precincts where the Elections Office has reported that ballot scanners may have malfunctioned. But I notice that the title has been scrambled a

bit. It now calls for an audit and a manual recount of the precincts. There might be some legal ramifications there.

"It was perhaps fortuitous that the complaint filed by the Democratic Party in the 44th District led to a manual audit ordered by the Supreme Court. The audit revealed that ballot scanners used were indeed fallible and could register gross errors. In that precinct alone, there were 157 over votes. And upon visual examination, there were only seven. There are many other questions regarding the voting and election process, but those questions were referred to the U.S. Attorney. We can always look to the federal government, the Department of Justice, to safeguard the civil and voting rights of Hawai'i's voters. We have asked the U.S. Attorney's office to look into several areas related to issues covered in this concurrent resolution.

"As mentioned in the Committee Report, why did the State Office of Elections personnel fail to notify the public and candidates of faulty machines? Especially before the end of the 20-day period. This prevented potential complaints from being filed by several candidates within the 20-day statutory limit.

"In reference to the first and second 'Whereas' of the resolution, which speak to the integrity of the election process in the 1998 General Election, we note that there were allegations of possible missing absentee ballots or absentee ballots remarked in pencil and pen by the Office of Elections personnel without outside oversight? And the possibility of non-citizen residents voting? Since we contacted the U.S. Attorney, many other questions and allegations have surfaced in the testimony from the Senate and in local papers.

"For instance, I do not know whether all of the absentee ballots from District 26 have yet been counted. This is the district where dozens of voters received the ballots for a Hawai'i County district. And as reported in the Pacific Business News, city and state vote totals differ significantly. Apparently there was a 4,933 difference in the voter turnout totals and a 5,160 vote difference between the absentee votes cast. Again, according to PBN, continuing to speak to the integrity of the election process, I ask, do we have assurance that all votes of people who are purged, yet voted in 1998, were legitimate? Were absentee ballots, and not absentee ballot requests, delivered in bulk to P.O. boxes, nursing homes and other places? Were people forced and coerced into voting for certain candidates or turning the ballots over to unions or employers?"

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

"Again, there should be an understanding here that we should speak to the merits of the resolution. And in the title, it says 'a full, complete, supervised audit of the 1998 General Election results.'"

Representative Marumoto then continued, stating:

"Thank you, Mr. Speaker. I'll try and contain my remarks to the independent observers who will conduct this audit. I think we need to expand this investigation to include all aspects of the sole source contract with Election Systems and Software and also Mr. Eschburger. I would feel better if I knew more about the organization that will be among the independent observers who will oversee this recount procedure, as outlined in this resolution.

"I have never heard of the Election Center, which is one of the observers. R. Doug Lewis, one of its directors, who in Senate testimony stated that the 'Election Commission has asked me to quickly prepare some information for your consideration,' and I ask, who is the State Election Commission? Does he mean the Office of Elections? Should we ask this body to help oversee the recount if it has already testified in support of the Office of Elections? Does this Texas

organization have close ties to ES&S or The Election Company where Mr. Eschburger, also of Texas, formerly worked?"

"I would have no objection if this concurrent resolution were expanded to further investigate the many questions swirling around the recently concluded election. As stated by Senator Chumbley upon passage of this S.C.R. in the Senate: 'The action taken on these resolutions today by itself is not enough to restore voter confidence.' Excuse me, he went on further: 'We must go much further.' Thank you, Mr. Speaker."

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

"Mr. Speaker, this is the first time I've seen this resolution. I, too, agree that we should approve a recount in order to protect the integrity of the electoral process. But, Mr. Speaker, not at the expense of the public hearing process.

"My reservations are as follows: how do we know that the Senate resolution or action is the best action to take without going to the public hearing and for House members to ask questions? Is the Senate position, indeed, the best possible option? And that's why some of my colleagues are asking about expanding the scope of this measure.

"If we do not have hearings on this issue, have we simply become rubber stamps for the Senate? Also, Mr. Speaker, the resolution only calls for a recount in the General Election. What message are we giving candidates running in the primary election? Are they unimportant and second class candidates? Moreover, Mr. Speaker, our action will impact the year 2000 elections and subsequent elections. Why are we acting hastily? Is there really an urgency to act on this now? Since there is no evidence of fraud and that an election recount will not change the election results.

"Lastly, Mr. Speaker, my major concern is that the decision not to hear the resolution by subject matter committee is based on the discussion during Majority caucus last Friday with the measure not acted on yet by the Senate and copies not made available for the House members. I think, Mr. Speaker, this action will open the House of Representatives to accusations of making decisions behind closed doors. The media particularly, led by Sandra Oshiro at the Honolulu Advertiser, has recently scrutinized and reported the actions of the Legislature not only here, but other places, government boards and commissions and also closed committees.

"I believe that this is not the first time that we are doing this. A hasty action under the guise of collaboration is the worst thing that the House of Representatives could do. To continue this practice will compromise the integrity of the House. I hope and pray that this practice will stop. Let's do our decision making in public and follow our public hearing process. With that, Mr. Speaker, let's go on with our recount. Thank you."

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

"Mr. Speaker, the reservations that I have are shared by the Representative from Kalihi. They arise from the fact that by considering this resolution today on this House floor, we are taking a rather extraordinary step in by-passing our House committee process. As you know, Mr. Speaker, we have a committee system in place which affords the chairs and members of the various subject matter committees an opportunity to evaluate and to discuss legislation, as well as to receive additional public input on the measures that come before them. And this kind of input that we receive is direct input, not input that is described in a Senate Committee Report or in media accounts.

"As you also know, Mr. Speaker, our committee process is one that is a very important part of a system of checks and balances in which all House members and their various

respective subject matter committees are able to identify and correct any flaws that may exist in bills that come over from the Senate. I know, Mr. Speaker, that you know that flaws in Senate Bills are things we have identified on more than one occasion.

"In that regard, Mr. Speaker, I would like to express my hope that today's action represents, really, an exception rather than the rule. And that in the future, significant bills or legislation will not be routed directly onto the House floor, by-passing the prerogatives and jurisdiction of the chairs and the members of our subject matter committees.

"Nevertheless, having said that, I will vote in favor of this resolution because I believe that it addresses important issues regarding public confidence in our election system and in the integrity of the election process. So for those reasons, I will vote in favor but with the reservations that I've stated. Thank you."

Representative Yoshinaga then rose and stated:

"Mr. Speaker, I rise to speak in support with reservations. I would like the Clerk to insert in the Journal the previous speaker's comments as that of my own. It was very eloquent and expresses my sentiments," and the Chair "so ordered." (By reference only.)

Representative Halford then rose to speak in favor of the measure, stating:

"Mr. Speaker, the ballot box is fundamental to democracy and is society's gateway to democracy. A questionable election is an assault on Hawai'i's people, an assault to their commitment to freedom. Additionally, a questionable election brings into question the legitimacy of our government.

"The Executive Branch could have, on its own, caused a reliable recount establishing confidence with Hawai'i's people, but it has not and will not. In the absence of any constructive response by the Executive, the problems arising out of this election, this legislation is appropriate and needed. Thank you."

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

"Mr. Speaker and members of this House, I wish to, if I could, incorporate the speeches of our good member from Kalihi and Mililani as my own," and the Chair "so ordered." (By reference only.)

"I further wish to add and I wish to speak against the motion. I'm speaking against the motion because I see no need for this resolution. All audits, thus far, that have been made show that there was about 300 irregularities out of 400,000 people voting. That's less than one half of 1 percent more like one-third percent of the votes. If you ask me that looks like a highly successful election.

"Further, the Attorney General has stated that regardless of the outcome, that it will have no bearing on the election results at all. Only the Supreme Court can make a decision to hold a re-election, if you can prove that there is fraud. No fraud has been shown up to this point in time. Also, the Election Officer has stated to the Senate that he is willing to have an audit made without this resolution.

"I believe a resolution like this adds fuel to the fear of the public that there is fraud, there is irregularities. We are adding that kind of fuel to the public's fears. And also, I hate to say it, but also it adds to some partisan rhetoric. Not that I blame them. They look for every opportunity to find faults within the system. But members, I find no fault with the system. The fault may be ours for not funding sufficient staff for the Office of Elections so that they can evaluate and monitor the system

better. So members, let's share in the fault and not let the Election Division be burdened with the pure fault. So please members, vote down on this resolution."

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

"With all due respects, Mr. Speaker, to leadership and to the Chair of the Judiciary Committee, I wish to indicate a no vote on this resolution, primarily for the reasons expressed by Speaker Emeritus. But also, when this issue was being deliberated in the Senate, I seriously questioned their judgment and rationale. I told my wife that should it come over to the House that I would be voting no. So I need to make good on a promise made.

"Some of the reasons given are that this would restore public confidence. I'm really not sure that it would. I am personally not sure that the public is looking at this in that regard. Now, should the results come out differently, it would not restore the public's confidence, it would destroy the public's confidence. Clearly, a different result, one can argue, is something that the public should know. I agree with that, but it would definitely not restore public confidence.

"The foremost reason for a full recount and audit would be to learn from any mistakes which were made so that we can correct them and do something differently, whatever that may be. And I would submit that all the errors which have been made are known, and this is a serious business. The company responsible for the election count and the Elections Office have been and will continue to look at that. So I don't think that the recount would accomplish that at all. And for those reasons, Mr. Speaker, I am voting no on this measure. Thank you."

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

"My reservations arise from page 2, lines 16 through 23, talking about the Attorney General's opinion that even if the audit shows different results, it won't change a thing.

"If that were true, then I would tend to agree with Speaker Emeritus and some of the other speakers that said there's no need to rush this, that we should have a hearing to decide what is our full and best action, et cetera. But I want to go to that basic assumption that because the Attorney General said it that we have to accept it. Because as you know, there have been recent cases where the Attorney General has made a ruling and the Supreme Court has overturned them. For instance, the constitutional convention issue.

"Our State Supreme Court has already ruled that 'the right to vote is perhaps the most basic and fundamental of all rights guaranteed by our democratic form of government. Implicit in that right is the right to have one's vote count and the right to have as nearly perfect an election proceeding as can be provided.' That's in Akizaki vs. Fong.

"While it's true that we have no statutes right now that would authorize the court to call a new election, or better yet, to direct that if there are any errors in people who are sitting in elected positions be corrected, the courts undisputedly have an inherent power. In fact, our own State Supreme Court has referred to it at numerous times.

"As recent as 1997, in Kawamata Farms, Inc. vs. United Agri-products, they noted that the inherent powers of the Court are derived from the State Constitution and are not confined by or dependent upon statute. What does the Constitution say? Basically, our number one starts off with 'all political power of this State is inherent in the people and the responsibility for their exercise rests with the people.' All government is founded on this authority.

"Mr. Speaker, among the Court's inherent powers are powers to create a remedy for a wrong, even in the absence of specific statutory remedies, and to prevent unfair results. And I'm quoting from past Supreme Court decisions. Mr. Speaker, as in Akizaki vs. Fong, its an old case and refers to our prior Constitution, but the principles are still in this one. In which case, that was one of the disputes. There is no statute on record. And in that case, the Supreme Court said we don't care what your statutes say. We have inherent powers to control election results to determine any disputes, and we're going to do that.

"So in this particular case, I would encourage our members that if you are truly concerned about justice, to vote for this bill and do not accept the Attorney General's opinion that because there is no statutes that allows Court action, that they are limited. The results, if they are different, should be commanded by our State Supreme Court and we should follow them. Thank you, Mr. Speaker."

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

"First, may I please ask that the remarks of our Judiciary Chair on the substance of this resolution be incorporated as my own," and the Chair "so ordered." (By reference only.)

Representative Case continued, stating:

"Thank you, Mr. Speaker. I do wish to briefly respond to the comments of the Representatives from Kalihi and Mililani because I think they raise a legitimate concern. And I think we should have at least some discussion on those concerns.

"I very much agree that this is an unusual procedure and that it should be utilized only in particularly unusual situations. I believe this is one of those situations.

"First, in this case, I think we have a resolution which, if I'm hearing the debate adequately, is supported by the great majority of the members.

"Second, the Senate has been occupied, pre-occupied, and over-occupied with this issue for some weeks now. It's an important issue, and I don't want to downplay the issue. But what I do want to convey is that there's a time when the discussion needs to cease and the decision needs to be made.

"We have been repeatedly criticized over the last few years for not keeping our eye on the ball. And the ball, in this case, I think should remain the matters that are pending before the House and that are receiving first hearings, second hearings, third hearings in depth before their respective committees; matters that relate to our respective packages, primarily economic vitality, and public confidence in government.

"So this issue has been fully discussed. This issue has been fully debated. We're at the point where we're really making too much of the discussion. We've had the discussion. A good solid conclusion has been reached by the Senate. It's in our court right now to decide whether we agree or not with the Senate, but let us not overdiscuss this. Let us move on with business; let us move on with this.

"The Chief Election Officer and the elections vendor want to complete this recount by March 31, 1999. For us to send them through a process of two or three more public hearings in this body really would detract from our ability, as a Legislature, to bring this matter to a close as soon as possible, and to give the guidance that will enable the vendor and the Chief Election Officer to complete their work, timely, by March 31, 1999.

"So again, I just wanted to add that perspective on this procedure. Again, I agree with the concerns, but I think this is one of those situations where we just need to get on with it already. We need to get on with our other business. Thank you."

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

"Mr. Speaker, with all due respect to the Majority Leader's comments, I do believe, as the Representatives from Mililani and Kalihi indicated, that we do have a process, and perhaps we could have limited it to just a single hearing. But because I feel that the issue is an important one, I will vote for it with reservations. Thank you."

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

"Mr. Speaker, I've been hearing a lot of allegations about fraud and collusion and questioning the public confidence and integrity in the elections process. I would urge those that have evidence of any fraud or collusion to forward that to the Attorney General's office for her deliberation.

"But, secondly, Mr. Speaker, it's interesting that we talk about restoring the public confidence in the elections process because the public has lost confidence in that and there's no doubt there's a lot of disillusionment, disenchantment, and disappointment out there. But I also say that for the people that are concerned about seven malfunctioning machines that occurred only in the General Election, there are many, many more people out there that are concerned about the 76 malfunctioning legislators that exist. I hope that for all the hew and cry that this resolution has ensued, that it serves as an inspiration for us to deal with that perception. Thank you, Mr. Speaker."

At this time, Representative M. Oshiro called for the question, seconded by Representative Hamakawa and carried. (Representatives Catalani, Chang, Saiki and Yoshinaga were excused.)

Representative Case moved that Stand. Com. Rep. Nos. 329 through 374 be adopted, and that their accompanying bills, as may be amended, pass Second Reading and be referred to their designated committees, seconded by Representative Yonamine.

At 1:00 o'clock p.m., Representative Takai asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:03 o'clock p.m., Representatives Case and Yonamine withdrew their pending motions to adopt and pass Stand. Com. Rep. Nos. 329 through 374 and their accompanying bills.

The motion to adopt S.C.R. No. 31, SD 1, was put to vote by the Chair and carried, and S.C.R. No. 31, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING A FULL, COMPLETE, AND DULY SUPERVISED AUDIT OF THE 1998 GENERAL ELECTION RESULTS," was adopted with Representatives Kanohe and Souki voting no and Representatives Cachola, Catalani, Chang, Goodenow, Saiki and Yoshinaga being excused.

STANDING COMMITTEE REPORTS

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 329) recommending that H.B. No. 353, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 353, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Souki rose and stated:

"Mr. Speaker, I have a potential conflict of interest. I'm a real estate broker," and the Chair ruled "no conflict."

Representative Ahu Isa then rose and stated:

"Mr. Speaker, I'm also a real estate broker," and the Chair ruled "no conflict."

Representative Meyer then rose and stated:

"Mr. Speaker, I was formerly a licensed broker, but my license has expired. Do I have a conflict?"

The Chair ruled "no conflict."

Representative Chang then rose and stated:

"Mr. Speaker, so do I. I have a broker's license," and the Chair ruled "no conflict."

Representative Ito then rose and stated:

"Mr. Speaker, so do I," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 353, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 330) recommending that H.B. No. 1522 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1522, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 331) recommending that H.B. No. 1649, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1649, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 332) recommending that H.B. No. 866 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 866, entitled: "A BILL FOR AN ACT RELATING TO STATE INFORMATION POLICY," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com.

Rep. No. 333) recommending that H.B. No. 1744, H.D. 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1744, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS," was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 334) recommending that H.B. No. 1115, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1115, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARDING HOMES," was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 335) recommending that H.B. No. 885, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 885, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII GOOD SAMARITAN LAW," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 336) recommending that H.B. No. 307, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 307, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representatives Morihara and Ito, for the Committees on Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 337) recommending that H.B. No. 939, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 939, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT HILO," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 338) recommending that H.B. No. 980, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 980, H.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO IRRIGATION WATER DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 339) recommending that H.B. No. 562 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 562, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 340) recommending that H.B. No. 1628 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1628, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 341) recommending that H.B. No. 1668 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1668, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TARO RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 342) recommending that H.B. No. 856, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 856, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STUDENT ACTIVITIES COORDINATORS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 343) recommending that H.B. No. 933, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 933, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC HEALTH CARE SPECIALISTS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 344) recommending

that H.B. No. 1578, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1578, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTORING," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 345) recommending that H.B. No. 853, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 853, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 346) recommending that H.B. No. 510 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 510, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 347) recommending that H.B. No. 1328, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1328, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representatives Morita and Herkes, for the Committees on Energy and Environmental Protection and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 348) recommending that H.B. No. 1012 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1012, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representatives Morita, Takumi and Morihara, for the Committees on Energy and Environmental Protection and Ocean Recreation and Marine Resources and Higher Education, presented a joint report (Stand. Com. Rep. No. 349) recommending that H.B. No. 677, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the joint report of the Committees be adopted and H.B. No. 677, H.D. 1, pass Second

Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"Mr. Speaker, the most passionate advocate of this concept, Dennis Toyomura, passed away on Sunday, February 7, 1999, several days before this bill was heard. Unfortunately, I did not have the privilege and honor of knowing him as many of our colleagues had, but I have learned what a visionary, risk-taker, dedicated professional and public servant he was.

"As point man, Mr. Toyomura has laid the groundwork for an ocean floating, all-natural clean energy power station, a technology attracting international attention and building on public-private partnerships. The baton now has been passed to us to fund a portion of the feasibility study.

"Mr. Speaker, you always tell us to take bold steps. Well, this is a man that was willing to dream and take bold steps, leading a way to reduce Hawai'i's dependency on imported oil for our energy needs. I hope my colleagues will join me and the Chairs of Ocean Recreation and Marine Resources and Higher Education in supporting this measure.

"Mr. Speaker, may I also have permission to insert Dennis Toyomura's obituary into the Journal," and the Chair "so ordered."

Mr. Dennis Toyomura's obituary, taken from the Honolulu Star-Bulletin on Wednesday, February 13, 1999, and written by Rod Oshira, is as follows:

"Dennis Toyomura saved his biggest challenge for last.

As the point man for an ambitious project to build an offshore power plant in Hawai'i, Toyomura was instrumental in bringing the right people together for an International Ocean Alliance Floating Summit meeting last December.

The State is interested in the project and lawmakers are considering more funding for studies. Toyomura, however, will not see it completed.

The award-winning architect and former Hawai'i Housing Authority commissioner and chairman died Sunday in Straub Hospital, Toyomura was 72.

His son, Gerald, said the ocean floating, all-natural clean energy power station project is on track.

'My father wanted Hawai'i to be the first,' Gerald Toyomura said. 'He was visionary with an exceptional quality of being able to work with people.'

Supporters of the offshore power station envision setting up a large platform about five miles off Keahole on the Big Island, where the Hawai'i Natural Energy Institute has been tapping deep water for ocean thermal energy.

The Star-Bulletin reported in February 1997 that Mitsubishi Research Institute of Japan had already designed a model platform.

As an architect, Toyomura designed the first community school library in the United States at Kahuku High and Intermediate School, says Gerald Toyomura.

In 1996, Toyomura received the American Institute of Architects' prestigious Government Affairs Award. He was only the second Japanese American ever honored with the award, his son says.

Gov. Ben Cayetano recognized the accomplishment in a letter to Toyomura by noting:

'The award acknowledges your excellent work in advocating for numerous legislative issues at both state and national levels -- including tort reform, procurement, consumer protection and professional conciliation.

I also thank you for your distinguished service on the Hawai'i Housing Authority's Board of Commissioners, as well as your contributions to other State entities -- including our University's School of Architecture, the State Foundation on Culture and the Arts, and the University of Hawai'i Research Corporation.'

Toyomura is survived by wife Akiko; sons Wayne, Gerald and Lyle; daughter Amy Tsujioka; brother Harry; and three grandchildren. Services are planned at 5:30 p.m. Sunday at First Presbyterian Church, 1822 Keeaumoku St. Cremation to follow. Casual attire. No flowers."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 677, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN OCEAN FLOATING, ALL-NATURAL CLEAN ENERGY POWER STATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 350) recommending that H.B. No. 140 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 140, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC-PRIVATE INFRASTRUCTURE PARTNERSHIPS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 351) recommending that H.B. No. 667 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 667, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC-PRIVATE INFRASTRUCTURE PARTNERSHIPS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 352) recommending that H.B. No. 830 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 830, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 353) recommending that H.B. No. 770, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 770, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR THE ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representatives Herkes and Morihara, for the Committees on Economic Development and Business Concerns and Higher Education, presented a joint report (Stand. Com. Rep. No. 354) recommending that H.B. No. 965, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 965, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 355) recommending that H.B. No. 1036, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1036, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 356) recommending that H.B. No. 486, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 486, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BREASTFEEDING," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 357) recommending that H.B. No. 1165, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1165, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 358) recommending that H.B. No. 471, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 471, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 359) recommending that H.B. No. 1161, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1161, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs, seconded by Representative Yonamine.

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

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

"I'd like to record a no vote and say that in a court action, if either party loses, either one should be subject to attorney's fees. This bill particularly exempts DLIR even if they bring a bad suit against somebody."

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

"For many years, the statutes have provided and it has been standard practice that when the Department of Labor and Industrial Relations acts on behalf of a wronged employee to recover wages owed but not paid, that the Department would not pay the costs, such as the court costs, the filing fees, et cetera. This has always been interpreted to mean that the Department is exempt from paying the employer's attorney fees as well as when the employer wins the case. This practice allows the Department, acting through the Attorney General's office, to pursue collection cases for individual employees and classes of employees who may not have the means to hire or to pay for their own attorney.

"This bill allows for a broad enforcement of the statutes, which is, after all, the policy that we are trying to pursue. It is the general rule of law, as the earlier Representative correctly said, that unless a statute or contract provides otherwise, all parties to a lawsuit pay their own costs and attorney's fees. This rule applies even to the winning party. Nothing in the present statutes authorizes a court to assess costs and attorney's fees against the Department of Labor in case the Department loses a lawsuit.

"Nevertheless, a court has recently done just that, apparently for the first time, and this is an aberration as I see it. The court held that the exemption of DLIR from costs in the statutes did not mean attorney's fees. And hence, there is a present need to clarify for the courts that the statutory exemption for the Department include exemptions from paying the employer's attorney fees in a situation where the Department loses the lawsuit.

"The labor statutes have always exempted the Department as a State agency. And this is from paying filing fees and costs. The Department has no special extra budget to pay for the costs of attorney's fees of employers, who typically have more resources available to them than either the Department or the employees in question. Now, to require the Department to assume such a burden would strain the already strained budget, and again, deter the ability of the Department to enforce its laws. This would be contrary to public policy.

"What I'm saying here, and maybe there's a misunderstanding, we're not talking about a case where someone is suing the Department and the Department is found wrong. We're only talking about cases where there is a violation and the Department is trying to enforce the law, so it would deter them from actually trying to enforce the law. It does not include all lawsuits. We're talking about this very specific situation, so I urge all my colleagues to vote yes. Thank you."

Representative Moses then rose and stated:

"Thank you, Mr. Speaker. My distinguished colleague just said: 'Where there is a violation', and the point of this measure is, where there is a presumed violation and then the employer is vindicated. I ask: in this State, who is the advocate for the employer? And to say that all employers can afford it is ludicrous. Some are very small businesses which can't afford it. I'm not saying don't allow the court case. I'm saying if the employer is vindicated, found innocent, then they should be recompensed for all their expenses, including the attorney's fees."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1161, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT OF WAGE LAWS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Moses and Rath voting no and Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 360) recommending that H.B. No. 1372, as amended in HD 1, pass Second Reading and be referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1372, H.D. 1, pass Second Reading and be referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, seconded by Representative Yonamine.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1372, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN EMPLOYMENT," passed Second Reading and was referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs with Representatives Moses and Rath voting no and Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 361) recommending that H.B. No. 1042, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1042, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 362) recommending that H.B. No. 1160, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1160, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY APPEALS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 363) recommending that H.B. No. 1166 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1166, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT AND TRAINING FUND PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 364) recommending that H.B. No. 94, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 94, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 365) recommending that H.B. No. 564, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 564, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"This bill allows acquisition of military time to ERS members at no cost and then it refunds it back to previous members who have purchased military time. My opposition in this is, first off, it's another give away program. More importantly, it excludes a class of citizens that would be applicable to this and that's basically women because they weren't drafted and most of them didn't serve in the military. I don't see where it's fair across the board. It gives special privilege to one class of people and none to the other. And like I said, it's a giveaway program, we have too many of those. Thank you, Mr. Speaker."

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

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

"Like my colleague from Kona said, when you look at the military, it's mostly men, but that's not why I'm speaking right now. There is a whole bunch of us a while back. I've worked for the University for 21 years, and I remember at one time our union had advised us to opt out of the Retirement System and take our money. So our percentage was decreased. I just feel that it is only fair that if we approve a bill like this, we also take a look at other employees who do not have the right to purchase additional credit. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 564, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Halford and Rath voting no and Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representatives Herkes and Cachola, for the Committees on Economic Development and Business Concerns and Water and Land Use, presented a joint report (Stand. Com. Rep. No. 366) recommending that H.B. No. 1022 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1022, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 367) recommending that H.B. No. 263, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 263, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII NATIONAL GUARD YOUTH CHALLENGE PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 368) recommending that H.B. No. 789, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 789, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"Mr. Speaker, this is an excellent bill which relates to the KASHBOX and Ho'omana programs' funding. I was not fully aware of these programs before this year. I learned about this program during my service on the Public Safety and Military Affairs Committee.

"I feel that this bill is an essential bill because it provides an opportunity for those who have taken the wrong path in life because of drugs to change and turn their lives around. We want to get tough on crime, but we need to get tough on many of the root causes of criminal conduct. This is one such program.

"During the testimony at the hearing, Mr. Speaker, I was very impressed to learn, from the National Institute of Drug Abuse, that \$130 million is the price tag that taxpayers throughout the country pay because of the acts, conduct or criminal behavior of drug addicts and alcoholics. At least this program here in Hawai'i, Mr. Speaker, will move to try to change behavior so that people aren't just doing time, but they are given the opportunity and access to programs, which will help transform their lives so that when they return to society after doing their time, they are different people and have given up their habits. The recidivism rate in the KASHBOX program is a very, very good one, much better than in comparable programs in other states.

"One final point, Mr. Speaker, about this bill is that in the HD 1, the Chairman had the foresight to extend the KASHBOX program to women through the Ho'omana program's funding.

"So I urge all members to continue to support this. And I don't want the Finance Committee to over interpret what our \$1 appropriation is. It's just for discussion purposes and we hope that they fully fund this program as appropriate. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 789, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KASHBOX PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 369) recommending that H.B. No. 400, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 400, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUPPORT SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 370) recommending that H.B. No. 812, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 812, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 371) recommending that H.B. No. 1485, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1485, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 372) recommending that H.B. No. 632, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 632, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISABILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 373) recommending that H.B. No. 895, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 895, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 374) recommending that H.B. No. 325, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 325, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 375) recommending that H.B. No. 635, as amended in HD 1, be recommitted to the Committee on Health.

Representative Case moved that the report of the Committee be adopted and H.B. No. 635, H.D. 1, be recommitted to the Committee on Health, seconded by Representative Yonamine.

Representative Chang rose and stated:

"I want to declare a potential conflict of interest as I'm a board member of the Hilo Residency Training Program," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 635, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was recommitted to the Committee on Health with Representatives Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 376) recommending that H.B. No. 1061, as amended in HD 1, be recommitted jointly to the Committees on Human Services and Housing and Health.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1061, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS AND SUBSIDIES," was recommitted jointly to the Committees on Human Services and Housing and Health with Representatives

Cachola, Catalani, McDermott, Menor, Saiki and Yoshinaga being excused.

ANNOUNCEMENTS

Representative Santiago: "Mr. Speaker, your Committee on Health respectfully requests the waiver of the 48-hour advance notice requirement for the purpose of conducting a public hearing to reconsider prior decision making on House Bill 635, HD 1, and will be heard tomorrow morning at the 8:30 a.m. hearing," and the Chair "so ordered."

Representative Kahikina: "Thank you, Mr. Speaker. Your Committee on Human Services and Housing will reconvene after session in Room 329."

Representative Morihara: "Thank you, Mr. Speaker. Your Committees on Higher Education and Education would request a waiver of the 48-hour hearing notice requirement to hear House Bill 261. That hearing will be today at 2 p.m. in Room 309," and the Chair "so ordered."

Representative Okamura: "Mr. Speaker, on behalf of your chairperson on the Committee on Labor, I would like to request the waiver of the 48-hour hearing notice requirement, as well as decision making for the following bills: House Bill 1416, Employees' Retirement System; House Bill 1773, relating to minimum wage; House Bill 301, relating to collective bargaining; and House Bill 297, relating to smoking in the work place. The hearing will be held tomorrow in Conference Room 309 at 8:30 a.m.," and the Chair "so ordered."

ADJOURNMENT

At 1:18 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 18, 1999. (Representatives Cachola, Catalani, Goodenow, McDermott, Menor, Saiki, Takamine and Yoshinaga were excused.)

TWENTIETH DAY

Thursday, February 18, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Michael Henderson from the New Life Body of Christ, after which the Roll was called showing all members present with the exception of Representatives Cachola, Garcia, Meyer, Morihara, P. Oshiro, Takamine, Takumi, Thielen and Yoshinaga, who were excused.

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, reading of the Journals was dispensed with and the Journals of the House of Representatives of the Fourteenth, Fifteenth, Sixteenth and Seventeenth Days were approved. (Representatives Cachola, Garcia, Meyer, Morihara, P. Oshiro, Takamine, Thielen and Yoshinaga were excused.)

GOVERNOR'S MESSAGE

Gov. Msg. No. 176, transmitting a copy of the Zone's "Annual Report of Activity to the Foreign-Trade Zones Board," was received and announced by the Clerk and was placed on file.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative M. Oshiro introduced three visitors from Wahiawa: Brother Chester Rogers, Brother Troy Walker and Pastor Michael Henderson.

Representative Pendleton introduced his "shadows" from St. John Vianney School: Malia Blumhardt and Eli Tokars.

Representative Kanohe introduced a group of students from Kapaa High School, Kauai High School and Waimea High School.

Representative Okamura, on behalf of Representatives Takai, McDermott and himself, introduced 51 students from the Moanalua/Aiea Community School for Adults. They were accompanied by Mr. Leroy Nakasako, Vice Principal; Dr. Ed Kawamoto, Site Supervisor; and teachers: Mrs. Helen Kumagai, Mrs. Geraldine Sakai, Mrs. Jane Liu, Mrs. Patricia Yoshikawa, Mrs. Lei Hiranaka, Mrs. Jean Hayashi and Mr. Andy Arakawa.

Representative Ahu Isa introduced former Representative Akira Sakima, senior advisor of the Nakasone Dance Studio and an officer in the Hawaii United-Okinawan Association, and his wife, Jane; Mr. Clarence Nakasone, husband of the honoree Mrs. Lynne Y. Nakasone; and Ms. Holly Richards, Executive Director of the State Foundation on Culture and the Arts.

Representative Ito introduced Dr. Margaret Oda, District Superintendent of the Honolulu District.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.B.
Nos. Re-referred to:

765 Committee on Transportation, then to the Committee on Consumer Protection and Commerce

1046 Committee on Finance

1055 Committee on Finance

1056 Committee on Finance

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 39 and 40) were announced by the Clerk and the following actions taken:

H.R. No. 39, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING THE U.S.S. MISSOURI MEMORIAL ASSOCIATION, INCORPORATED FOR RESTORING THE U.S.S. BATTLESHIP MISSOURI TO ITS PLACE OF PROMINENCE IN AMERICAN HISTORY," was jointly offered by Representatives Say, Kanohe and Garcia.

On motion by Representative Kanohe, seconded by Representative Garcia and carried, H.R. No. 39 was adopted, with Representatives Hiraki, Meyer, Nakasone and Thielen being excused.

At this time, Representative Kanohe introduced the following honorees who were seated on the House floor:

Mr. Edwin Carter, Chairman of the Board of Directors of the U.S.S. Missouri Memorial Association, and past President and CEO of Bishop Trust;

Admiral Ronald Hays who founded the Missouri Memorial Association and served as its first Chairman. He was also the Commander in Chief of the United States Pacific Command before retiring in 1988;

Mr. Harold Estes, retired Navy Chief Petty Officer and one of the original founders of the Association;

Mr. Michael Lilly, one of the original Association founders, President of the Pacific Region of the Navy League, a former Attorney General for the State of Hawaii, and a decorated Vietnam veteran;

Vice Admiral Robert Kihune, President of the Missouri Memorial Association, and a former Commander of the Naval Surface Forces of the U.S. Pacific Fleet; and

Captain Donald Hess, Vice President of Operations for the Association, who was responsible for coordinating and directing the restoration work of the U.S.S. Missouri.

Representative Kanohe then introduced the following guests who were seated in the gallery: Mr. Don Clegg, Mr. Patrick McFadden, Mrs. Margaret Oda and Mr. Robert Mougeot.

H.R. No. 40, entitled: "HOUSE RESOLUTION RECOGNIZING LYNNE Y. NAKASONE THE 1999 HONOREE OF THE STATE FOUNDATION OF CULTURE AND ARTS INDIVIDUAL ARTIST FELLOWSHIP AWARD," was offered by Representative Ahu Isa.

On motion by Representative Ahu Isa, seconded by Representative Arakaki and carried, H.R. No. 40 was adopted, with Representatives Hiraki, Meyer, Nakasone and Thielen being excused.

Representative Ahu Isa then introduced Mrs. Lynne Y. Nakasone, the 1999 honoree of the State Foundation on Culture and the Arts Individual Artist Fellowship Award.

Representative Arakaki then rose and introduced Mr. Clarence Nakasone, husband of the honoree, and other members of her family who were seated in the gallery.

At 12:47 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 377) recommending that H.B. No. 13, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 13, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 378) recommending that H.B. No. 141 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 141, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 379) recommending that H.B. No. 206, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 206, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAX LAW," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 380) recommending that H.B. No. 440, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 440, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 381) recommending that H.B. No. 462, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 462, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STUDY OF LATEX PRODUCTS IN HAWAII BY THE DEPARTMENT OF HEALTH," was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 382) recommending that H.B. No. 756, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 756, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES COMMISSION," was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 383) recommending that H.B. No. 1064 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1064, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND BONDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 384) recommending that H.B. No. 1066, HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1066, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 385) recommending that H.B. No. 1067, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1067, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative McDermott rose and stated:

"Mr. Speaker, I would just like to cast a no vote for Standing Committee Report 385, and I will not speak on that measure but I beg your indulgence if I can also cast a no on the next measure -- Standing Committee Report 386 -- as well. Thank you."

The Chair "so ordered."

Representative Yamane rose and asked for a potential conflict ruling, saying:

"Mr. Speaker, I have to ask for a conflict ruling on several bills on this page. On Standing Committee Report 385 (House Bill 1067), the comments are contrary to some professors at the

University. I am supposed to be in favor of having more regulations and charging myself more money for licensing with no expansion of market, so I'm supposed to be in support of this and I guess I have to be in support of this for the industry. But personally, I really don't care for this bill very much, but I have a conflict."

The Chair asked:

"Representative Yamane, how about Standing Committee Report 386?"

Representative Yamane answered:

"Just 385," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1067, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representative McDermott voting no, and Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 386) recommending that H.B. No. 1069 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1069, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representative McDermott voting no, and Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 387) recommending that H.B. No. 1082 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1082, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 388) recommending that H.B. No. 1287, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE GAS UTILITY SERVING THE GENERAL PUBLIC," was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 389) recommending that H.B. No. 1624, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1624, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representatives Garcia and P. Oshiro, for the Committees on Public Safety and Military Affairs and Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 390) recommending that H.B. No. 1196, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the joint report of the Committees be adopted and H.B. No. 1196, HD 1, pass Second Reading and be referred to the Committee on Finance.

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

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

Representative Meyer rose and asked the Clerk to cast a no vote for her, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 1196, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELEASE OF PRE-TRIAL INMATES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, McDermott, Meyer and Rath voting no, and Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representatives Garcia and P. Oshiro, for the Committees on Public Safety and Military Affairs and Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 391) recommending that H.B. No. 1460, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1460, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EXPANSION OF THE VIDEO ARRAIGNMENT AND CONFERENCING SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 392) recommending that H.B. No. 753, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 753, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF SPECIAL IMPROVEMENT DISTRICTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 393) recommending that H.B. No. 136, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 136, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance,

with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representatives Chang and Herkes, for the Committees on Tourism and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 394) recommending that H.B. No. 377, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 377, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 395) recommending that H.B. No. 1044, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1044, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS FOR PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 396) recommending that H.B. No. 1163, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1163, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 397) recommending that H.B. No. 522, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 522, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL-TO-WORK OPPORTUNITIES PILOT PROJECT," passed Second Reading and was referred to the Committee on Education, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

At 1:00 o'clock p.m., Representative Catalani asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:01 o'clock p.m.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 398) recommending that H.B. No. 944, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development and Business Concerns.

Representative Case moved that the report of the Committee be adopted and H.B. No. 944, HD 1, pass Second Reading and be referred to the Committee on Economic Development and Business Concerns, seconded by Representative Yonamine.

Representative Catalani rose and stated:

"I would like the Clerk to enter an aye with reservations for me on this bill," and the Chair "so ordered."

Representative Catalani continued, stating:

"I say this because during the committee hearing I did vote for the bill, but after looking at the draft I have some concerns. I certainly believe in the social policy of keeping people working. And this bill deals with a situation that happened on the sale of a business. I believe that all of these workers should be given a chance to continue their employment.

"On the other hand, I also understand the economic development stimulation that the State wants to put forward, and for that reason it seems contrary to the State's intent when it is trying to stimulate the economy to also create a system whereby employees who were once with the seller need to be retained as permanent employees. . .

Representative Meyer then rose and asked:

"What bill is the Representative referring to?"

The Chair answered:

"House Bill 944, House Draft 1, on page 5," and asked Representative Catalani to "please proceed."

Representative Catalani continued, saying:

"I think it's just contrary to the State's intent, to try to encourage economic development and investment, to prohibit buyers to buy their assets and take on all of the liabilities of the former employees. However, I certainly believe, like I said earlier, in the social policy of keeping employees working and for jobs that they did well.

"For that reason, although I have these concerns, I will be, hopefully, working with the proponents and opponents of this bill so that something can come out of it, to send a message to potential buyers that the State has an interest in keeping all of our employees working as well as also kind of encourage their investment and economic development.

"Thank you, Mr. Speaker."

Representative Okamura then rose and stated:

"Mr. Speaker, please have the Clerk cast a no vote for me, and I have written comments that I would like inserted into the Journal," and the Chair "so ordered."

Representative Okamura's remarks are as follows:

"Mr. Speaker, the intent of House Bill No. 944, HD 1, is to protect Hawaii workers from economic dislocations and resultant unemployment by transfers of ownership. However, it is with great regret that I cannot support this bill because contrary to its intent, I believe that its passage will adversely affect economic development in the State.

"I am sympathetic to the concerns and welfare of Hawaii's dislocated workers in these tenuous times of mergers, acquisitions and consolidations. I am also in support of encouraging new investors to retain incumbent employees. However, it is my belief that any legislation that prohibits companies from exercising their own fundamental business decisions on personnel matters, will only serve to discourage

the badly needed infusion of capital by local, mainland and international firms.

"There is no doubt that business acquisitions and mergers often result in employee hardship. However, House Bill No. 944, HD 1, is not an appropriate measure to deal with this issue and may add negatively to an already difficult economic climate in Hawaii.

"Thank you, Mr. Speaker."

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

"This bill is about people. And I would like to ask for all of the members to vote in support of this measure because I think that this is about what Hawaii is, which is our quality of life and caring for our workers.

"This bill is not about protection for the kinds of investors who will invest in Hawaii and just basically shed workers. There have been instances which were testified to at our Committee hearing in which, basically, workers were put under undue stress. Unlike the mainland, we can't just drive across state lines to find other employment. And when over a hundred workers are put in abeyance because basically it's a line item on an investment sheet, I'd say that it's a small price to pay to ask for investors to make responsible decisions in investing in our people. Because, after all, haven't we said that our most important asset in any organization are our people and employees and the quality of service that they give?

"This bill is about the kinds of balancing that we as Hawaiians want to preserve, for the caring of our people in terms of attracting investors who are committed to creating jobs. It's not about just doing what's happening on the mainland, which is basically that it's a line item whereby companies then invest and downsize in dramatic kinds of ways in order to cut overhead.

"I think that this bill which has a one-year retention period, and I would like to share with you my experiences in the private sector in which I have negotiated such agreements in which we provided for a three-year transition. So in spite of the concerns that this bill is empathetical to economic development, I challenge the members here to consider in their hearts that we want to attract the kind of management team that's going to make a commitment to staying in Hawaii and to our people. We have in the past set precedent, I believe, with the Dislocated Workers' Act where a lot of workers have been basically downsized out of jobs due to plant closings.

"This bill is new in the sense that it hasn't necessarily been discussed before, but I believe that it's an important issue in light of the trend on the mainland, and our unique circumstances here where our workers don't have the kind of mobility and flexibility.

"As my last comment, I just want to say that if we're going to trade off the kinds of investors that really don't care about our people, I'd say that's not really the kind of investors we want.

"Thank you, Mr. Speaker."

Representative Rath then rose in strong opposition to the bill, stating:

"Mr. Speaker, this is one of the most extreme anti-business measures I've seen or probably will see. You know, in socialist Third World countries, they nationalize industries. This bill is just one minor step away from doing that. We are already known as the 'People's Republic of Hawaii' in national magazines. And now we're sending the message that we don't want your investments, we don't want your money, stay out and

stay away. That's exactly the message that this bill gives to people who would invest here in Hawaii.

"It's ludicrous to think that a company would come in and bring everybody from someplace else. Indeed when the company comes in, generally they're buying a business that is doing poorly, or has failed, or about to fail, or is in bankruptcy. They have to be able to go in and they have to be able to remodel, just like this building was remodeled. And some of the remodeling has to be in the service, not just the physical attributes of a building or the assets of a business, but they have to be able to modernize. That means that they might be going from being a goods business to a service business. They are going to need different skills and different employees. And, yes, we hope that they will keep on the same workers. But let's face it, you buy a business and you want a transition from one type of business like what I was talking about -- high tech -- and if you want to go from low tech to high tech, you're going to need high tech people.

"We are closing the door to business. We are becoming and sending the message that we are indeed the 'People's Republic of Hawaii.' Let me remind this body that the model for the workers' paradise and Marxism have already failed. The country went bankrupt. They tore the wall down. It is no more. And the only way we can send a clear anti-business message to the rest of the Nation and the world is if we were to take the Union Jack out of our flag and replace it with a sickle and hammer.

"This bill should be killed right here, right now, today. We shouldn't let this thing see the light of day in any further readings. This sends the wrong message.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, before I share a few remarks, I would ask, for the sake of efficiency, if the Clerk could register a no vote for all Minority members present," and the Chair "so ordered."

"Mr. Speaker, the reason why I stand in opposition to Stand. Com. Rep. 398, House Bill 944, HD 1, relating to worker retention, is because, as previous speakers have stated, this measure requires successor employers to retain incumbent employees after the company has been sold for a year.

"We are struggling with an economy that needs a great deal of help and that is, I think, the priority of both caucuses this time. And whenever we pass this, we need to ask the questions: What kind of a message does this send to people who wish to come into our State and invest money? What kind of message does it send to people within the State who want to create jobs and invest money? And I think the message that is sent from this measure, Mr. Speaker, whether it is intentional or unintentional, is that Hawaii is a difficult place to do business.

"The Legislature will not leave these kinds of decisions to the private sector. We can say we want to encourage people to retain their employees. That's a great thing to do, a good and noble thing to do, to encourage employers to retain employees. We want to support employment, we want people to have jobs. But the question is: who should make those tough decisions? I don't think there's any employers out there who relish laying off people. I don't think there's any employer or business owner who enjoys and takes pride in laying off people. But sometimes when those tough decisions need to be made, it's best for the legislative body to defer to that employer, to allow that decision to be made there. It's a tough decision to be allowed to be made by the private sector.

"For those reasons, because I think that this perhaps micromanages too great an extent those kinds of decisions and it takes away those kinds of decisions from the decision maker

who really needs to make that particular decision, I oppose this measure.

"Thank you, Mr. Speaker."

Representative Moses then rose and stated:

"As you know by now, we're opposed to this measure and I think it clearly sends the wrong signal in this time of economic hardship in our State. I would hope that any new employee would be interviewed and that he could be retained if it is possible, maybe even retrained, but that should be up to the employer.

"As our Chair of Labor indicated, maybe we don't need those kinds of businesses here that wish to lay off the employees. I say then: what are we doing? We're telling them not to come. I say it's better to try to reinvigorate an industry or business that might be failing. That's usually why it's bought or merged; it's not doing too well. Otherwise, it wouldn't be sold. So, if it's not doing too well, let's try to keep that business here. Let's try to at least retain some employees. Let's give other employees a chance to be hired. But if we force them to abide by these rules before they ever get here, they're not coming, and I say we do want them to come.

"Thank you, Mr. Speaker."

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

"Just a quick message to my comrades across the aisle there. One, I think it's very interesting to know the historical anecdote that Social Security was once thought to be a socialist concept. I hope by not saying that, that's not a good idea today.

"Secondly, as we all know with legislation, many, many will emphasize, Mr. Speaker, I rarely speak on Second Reading because I think the time for the debate is on Final Reading.

"But that said, on this bill, the underlying premise of this bill, and I understand the concerns expressed by some, but the underlying premise is: should we have a society and a system where an employer can come into a buyer company and lay off every single employee and not hire any of them back with no responsibility to those employees or to that community? I think this is saying that we, as a body, do not want that to happen. Now granted, if somebody comes in and buys a hotel and changes it to a hospital, I don't think any of us are saying that they have to retain everyone of those hotel employees to work in the hospital. That is not the point.

"The point is that when you have somebody who should be compassionate and is a responsible investor and owner coming in, they should at the very least retain a portion, maybe not a hundred percent, but at least a portion of their prior employees, to alleviate the impact that that has on that community.

"Again, this bill has a long way to go. We can debate it further. Thank you very much."

Representative Halford then rose and stated:

"I would like to express my reservations on this bill. I am a member of the Economic Development Committee to which this bill will be referred to. I understand that this bill has some serious flaws that probably need repairing, and I am standing by to see it in that Committee. Thank you."

Representative Stegmaier then rose and stated:

"Based on the concerns that have been raised by the Majority and Minority members, I am going to vote no on this measure. Thank you."

Representative Nakasone then rose to register an aye vote with strong reservations, and the Chair "so ordered."

Representative Goodenow then rose to register an aye with reservations, and the Chair "so ordered."

Representative Takai then rose to register an aye with reservations, and the Chair "so ordered."

Representative Chang then rose to register an aye with reservations, and the Chair "so ordered."

Representative Ahu Isa then rose to register an aye with reservations, and the Chair "so ordered."

At 1:15 o'clock p.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 1:16 o'clock p.m.

Representative Pendleton then rose and stated:

"Mr. Speaker, just a few more comments in response to Representative Takumi's remarks.

"He mentioned that this bill has a very good intent and it does, but our job as legislators is to go beyond an evaluation of the benevolent intent and to look at the actual 'real world' effects of the bill.

"As I look at the language on page 3 of this particular measure, Mr. Speaker, which is Section 4, lines 20 on, the worker retention provision. It says: 'The successor employer shall retain incumbent employees.' There are no exceptions. It doesn't say a certain percentage or a large percentage. What it says: 'shall retain incumbent employees.' That means one hundred percent, Mr. Speaker.

"Also it says: 'of the affected establishment for a period of at least one year.' That doesn't mean they should try to make it one year or six months or eight months, that's good enough. It means one year.

"Finally, Mr. Speaker, the hypothetical that was given regard change of the nature of the business, type of services given. There is no provision in this bill which would address that particular issue.

"So while this bill may be well intended, again we can only vote on the language we have before us. And given the language here, this is clearly a bill that I am opposed to, and I believe a good many people are opposed, too, Mr. Speaker.

"Thank you."

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

Representative Suzuki then rose to register an aye with reservations, and the Chair "so ordered."

Representative Herkes then rose to register an aye with reservations, and the Chair "so ordered."

Representative Kahikina then rose to register an aye with reservations, and the Chair "so ordered."

Representative Ito then rose to register an aye with reservations, and the Chair "so ordered."

Representative Cachola then rose on a point of inquiry and asked:

"This is a triple referral, right?"

Chair: "I believe so."

Representative Cachola: "It's still going to the second committee, right?"

Chair: "Yes."

Representative Cachola: "And we have to put it in the last committee by tomorrow. What does that mean?"

Chair: "Ask your colleagues, sir."

Representative Cachola: "So why are we wasting our time talking? Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 944, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Economic Development and Business Concerns with Representatives Auwae, Fox, Leong, Marumoto, McDermott, Meyer, Moses, Okamura, Pendleton, Rath and Stegmaier voting no, and Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 399) recommending that H.B. No. 266, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 266, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEW MOTHERS BREASTFEEDING PROMOTION AND PROTECTION ACT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 400) recommending that H.B. No. 1144 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1144, entitled: "A BILL FOR AN ACT RELATING TO THE TRAINING OF EMERGENCY MEDICAL SERVICES PERSONNEL," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 401) recommending that H.B. No. 1146 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1146 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative McDermott rose to cast a no vote on this measure, saying:

"This is repealing the sunset of when we raised the fees, I think it was last year, from two dollars to ten dollars on birth certificates, marriage certificates, other documents like that. I recently had an opportunity to get one of these documents and I had to pay that fee, so I want to thank my colleagues for taking those extra bucks out of my pocket.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1146, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORD FEES," passed Second Reading and was referred to the Committee on Finance with Representative McDermott voting no, and Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representatives Santiago and Herkes, for the Committees on Health and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 402) recommending that H.B. No. 1209 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the joint report of the Committees be adopted and H.B. No. 1209 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"For years, we have always prided ourselves as the 'Health State.' One of the reasons was that we had pretty much universal health care coverage. What we have witnessed in the last few years is a slide and, nationally, we have seen our uninsured grow from a very low percent to somewhere over ten percent. Some people say as high as twelve percent.

"What this measure attempts to do is provide an incentive to employers to provide health care coverage to those employees who would otherwise not be covered.

"I think this bill is a sincere attempt on the part of the Administration to ask us to support their efforts to get employers to understand that the larger picture means that by having their employees insured and covered, we will be saving a tremendous amount for our society in the long run.

"I am very strongly in support of this measure, and I ask all my members to support this measure also. Thank you."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 1209, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE INCOME TAX DEDUCTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 403) recommending that H.B. No. 401, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 401, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representatives Arakaki and Ito, for the Committees on Human Services and Housing and Education, presented a joint report (Stand. Com. Rep. No. 404) recommending that H.B. No. 563, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 563, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO THE HEAD START PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 405) recommending that H.B. No. 1641, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1641, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICALLY UNDERSERVED," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 406) recommending that H.B. No. 938, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 938, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 407) recommending that H.B. No. 77 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 77, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY ENCROACHMENT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 408) recommending that H.B. No. 367, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 367, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Herkes rose and stated:

"Mr. Speaker, I rise in some qualified support of Standing Committee Report No. 408, House Bill 367, referring to water conservation for agricultural use.

"As I understand the bill, we want to give a credit to reduce the threat of drought in vulnerable agricultural areas so we want to make sure that the cows can drink. Ninety percent of the people in my district run catchments. It seems strange that we'd want to give a tax credit to cows and not to people, and I suppose I have a conflict because I am on catchment."

The Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 367, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER

CONSERVATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 409) recommending that H.B. No. 1016, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1016, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REDEVELOPMENT OF BARBERS POINT NAVAL AIR STATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 410) recommending that H.B. No. 1021, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1021, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 411) recommending that H.B. No. 1025 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1025, entitled: "A BILL FOR AN ACT RELATING TO THE KAKAOKO HIGH TECHNOLOGY ZONE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 412) recommending that H.B. No. 1030 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1030, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND COMMUNITY DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 413) recommending that H.B. No. 1172, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1172, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 414) recommending that H.B. No. 1184 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1184, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL LAND AND DEVELOPMENT FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 415) recommending that H.B. No. 1186 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1186, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE PENALTIES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 416) recommending that H.B. No. 1188 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1188, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 417) recommending that H.B. No. 1378, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1378, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Yonamine.

Representative Stegmaier rose and asked for a potential conflict ruling, saying:

"My wife is a preschool director that might be affected by this legislation."

The Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1378, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 418) recommending that H.B. No. 1403 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and H.B. No. 1403, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 419) recommending that H.B. No. 1629, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1629, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 420) recommending that H.B. No. 1381, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1381, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MARKETING DEVELOPMENT OF CERTIFIED ORGANIC FOOD PRODUCTS IN HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 421) recommending that H.B. No. 1630 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1630, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 422) recommending that H.B. No. 801, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 801, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 423) recommending that H.B. No. 1350, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1350, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF RECYCLED OIL," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 424) recommending that H.B. No. 316, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 316, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARTS EDUCATION," was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 425) recommending that H.B. No. 323 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 323, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 426) recommending that H.B. No. 1747 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1747, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR KAPOLEI HIGH SCHOOL," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 427) recommending that H.B. No. 1619 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1619, entitled: "A BILL FOR AN ACT RELATING TO THE COMPREHENSIVE SCHOOL ALIENATION PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 428) recommending that H.B. No. 524, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 524, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 429) recommending that H.B. No. 1088, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1088, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL

ATTENDANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 430) recommending that H.B. No. 1290 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1290, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

Representatives Ito and Morihara, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 431) recommending that H.B. No. 526 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 526, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Thielen, Whalen and Yoshinaga being excused.

At 1:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:23 o'clock p.m.

Representatives Garcia and P. Oshiro, for the Committees on Public Safety and Military Affairs and Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 432) recommending that H.B. No. 1492 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1492, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Hiraki, Morihara, Souki, Stegmaier, Takamine, Thielen Whalen, Yamane and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 433) recommending that H.R. No. 26 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 26, entitled: "HOUSE RESOLUTION SUPPORTING APPROVAL OF THE FORD ISLAND DEVELOPMENT PROJECT BY THE U.S. CONGRESS," was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Stegmaier, Takamine, Thielen Whalen, Yamane and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 434) recommending that H.C.R. No. 45 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING APPROVAL OF THE FORD ISLAND DEVELOPMENT PROJECT BY THE U.S. CONGRESS," was referred to the Committee on Finance, with Representatives Hiraki, Morihara, Souki, Stegmaier, Takamine, Thielen Whalen, Yamane and Yoshinaga being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 37 and 38) and concurrent resolution (H.C.R. No. 53) were referred to Printing and further action was deferred:

H.R. No. 37, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY BY THE DEPARTMENT OF HEALTH ON ESTABLISHING A USED ROOFING MATERIAL RECYCLING PROGRAM," was offered by Representative Garcia.

H.R. No. 38, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CREATE ALTERNATIVES FOR STUDENTS AT MULTI-TRACK SCHOOLS DURING INTERIM PERIODS," was jointly offered by Representatives Menor and Lee.

H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CREATE ALTERNATIVES FOR STUDENTS AT MULTI-TRACK SCHOOLS DURING INTERIM PERIODS," was jointly offered by Representatives Menor and Lee.

At 1:26 o'clock p.m., Representative Yonamine asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:27 o'clock p.m.

ANNOUNCEMENTS

Representative Abinsay rose and requested waiver of the 48-hour hearing notice requirement for decision making on House Bill 984 tomorrow in Room 325, and the Chair "so ordered."

Representative Ito then rose and requested waiver of the 48-hour hearing notice requirement for the purpose of holding a public hearing and decision making on House Bill 522 tomorrow morning in Room 329, and the Chair "so ordered."

Representative Lee then rose and requested waiver of the 48-hour hearing notice requirement for the Consumer Protection and Commerce Committee to hear House Bill 247 tomorrow morning, and the Chair "so ordered."

Representative Kawakami then rose and announced that the House Finance Committee will be meeting immediately following session.

Representative Arakaki then rose and requested waiver of the 48-hour hearing notice requirement for the purpose of holding a public hearing with decision making on House Bill 1596 tomorrow, Friday, at 9:00 a.m. in Room 329, and the Chair "so ordered."

ADJOURNMENT

At 1:29 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 19, 1999. (Representatives Souki, Thielen, Whalen and Yoshinaga were excused.)

TWENTY-FIRST DAY

Friday, February 19, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 1999, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Doctor Gail Silva from Disciples of Christ, after which the Roll was called showing all members present with the exception of Representatives Cachola, Kanoho, Menor, Morihara, Moses, Souki and Yamane, who were excused.

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

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Pendleton, on behalf of himself and Representative Thielen, introduced 71 second graders from Kailua Elementary School and their teachers Mr. Kawasaki, Mrs. Ramuar and Mrs. Becker.

Representative Ahu Isa introduced fifth graders from Lanakila Elementary School and their teachers Akiko; and Ms. Carol Kishimoto.

At 12:15 o'clock p.m., Representative Case asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:16 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
185	Committee on Finance
486	Committee on Labor and Public Employment, then to the Committee on Finance
505	Committee on Economic Development and Business Concerns, then to the Committee on Finance
975	Committee on Finance
1171	Committee on Education, then to the Committee on Finance
1296	Committee on Ocean Recreation and Marine Resources
1683	Committee on Finance

STANDING COMMITTEE REPORTS

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 435) recommending that H.B. No. 172, H.D. 1, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 172, H.D. 1, be referred to the Committee on Finance, seconded by Representative Yonamine.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 172, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPICE SERVICES," was referred to the Committee on Finance with Representative Rath voting no and Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 436) recommending that H.B. No. 350, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 350, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAXATION OF RECIPROCAL INSURERS AND THEIR ATTORNEYS-IN-FACT," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 437) recommending that H.B. No. 460, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 460, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 438) recommending that H.B. No. 512, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 512, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 439) recommending that H.B. No. 936, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 936, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL PAPER," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 440) recommending that H.B. No. 1065, as amended in HD 1, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1065, H.D. 1, be referred to the Committee on Finance, seconded by Representative Yonamine.

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

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

Representative Meyer then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1065, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Finance with Representatives McDermott, Meyer and Rath voting no and Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 441) recommending that H.B. No. 1068, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1068, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH MAINTENANCE ORGANIZATIONS," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 442) recommending that H.B. No. 1077, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1077, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 443) recommending that H.B. No. 1083, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1083, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 444) recommending that H.B. No. 1139, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLINICAL LABORATORY PERSONNEL," passed Second Reading and

was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 445) recommending that H.B. No. 1203, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1203, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 446) recommending that H.B. No. 208, H.D. 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 208, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Cachola and Morita, for the Committees on Water and Land Use and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 447) recommending that H.B. No. 1503 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1503, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 448) recommending that H.B. No. 1221, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1221, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE MATERIALS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 449) recommending that H.B. No. 389 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 389, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 450) recommending that H.B. No. 1094, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1094, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 451) recommending that H.B. No. 1392 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1392, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 452) recommending that H.B. No. 92, as amended in HD 1, pass Second Reading and be referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 92, H.D. 1, pass Second Reading and be referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, seconded by Representative Yonamine.

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

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

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

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

"Mr. Speaker, a no vote for me. The intent is good, but unfortunately I must register a no," and the Chair "so ordered."

Representative Meyer then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 92, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," passed Second Reading and was referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs with Representatives Marumoto, McDermott, Meyer, Rath and Stegmaier voting no and Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 453) recommending that H.B. No. 508, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 508, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST COMMUNITY BENCHMARKING PILOT PROJECT AND APPROPRIATING FUNDS TO SUPPORT THE PROJECT," passed Second Reading and was referred to

the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 454) recommending that H.B. No. 527, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 527, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HALE KOKUA PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 455) recommending that H.B. No. 550 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 550, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE RENTAL HOUSING TRUST FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 456) recommending that H.B. No. 588, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 588, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 457) recommending that H.B. No. 170, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 170, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE TAX BENEFITS," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 458) recommending that H.B. No. 627, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 627, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CHILDREN'S HEALTH INSURANCE PROGRAM," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 459) recommending

that H.B. No. 284, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 284, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 460) recommending that H.B. No. 318 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 318, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ADDITIONAL SCHOOL CLERICAL POSITIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 461) recommending that H.B. No. 842, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 842, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GLASS CONTAINER RECOVERIES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Cachola and Abinsay, for the Committees on Water and Land Use and Agriculture, presented a joint report (Stand. Com. Rep. No. 462) recommending that H.B. No. 179, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 179, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 463) recommending that H.B. No. 582, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 582, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Morita and Cachola, for the Committees on Energy and Environmental Protection and Water and Land Use, presented a joint report (Stand. Com. Rep. No. 464) recommending that H.B. No. 1370, as amended in HD 1, be referred to the Committee on Finance.

Representative Case moved that the joint report of the Committees be adopted and H.B. No. 1370, H.D. 1, be referred

to the Committee on Finance, seconded by Representative Yonamine.

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

"I supported this two years ago, or a year ago. The intent is really good, but I just didn't like the increase. Thank you, Mr. Speaker."

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

"There is, I believe, in House Draft 1, no longer any increase in the conveyance taxes. However, there also exists no nexus between the conveyance tax and the support of the homeless. It should be out of the general fund and not set aside as a specific item. While I agree with the intent, I don't think this is good public fiscal policy. Thank you, Mr. Speaker."

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

"Thank you. I want to sincerely thank the Chairs that put out this Standing Committee Report. They repaired the bill tremendously and made this a very livable bill.

"I wanted to point out that the distribution of money from the conveyance tax was arbitrary, in my view, to begin with, and this is another arbitrary distribution of the funds. I want to point out, as was just said, that there is a weak nexus between real estate transactions and the homeless poor. We have already damaged the most fragile members of our community from the homeless to the working poor by removing tax credits related to the General Excise Tax, which does have a strong nexus to the homeless poor and also to our lagging economy.

"So in conclusion, I'd like to say, again, that if this Legislature is serious about helping Hawai'i's poor and helping our economy, we would restore the tax credits on the General Excise Tax. Thank you."

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

"Mr. Speaker, I believe there is a nexus when we talk about homeless and we talk about housing because the conveyance tax is for the purpose of conveying both housing and land.

"Unfortunately, when we talk about the economy, we know that the economy is not doing well. But it seems that the people who are most negatively affected are those who are homeless, who have nothing as compared to those who are able to convey their property or their homes. I guess we are asking that a part of this, on a temporary basis, go towards dealing on a temporary basis with what we hope will be a temporary situation. And that's the increase in the number of homeless families.

"I would say that there's more of a nexus between the problems of the homeless and the conveyance tax than there is a nexus between the conveyance tax and perhaps the Natural Area Reserve Fund. There's definitely a nexus between the Rental Housing Trust Fund because what it does is it funds an increase in the supply of low-income rental housing.

"I guess we talk about using the general fund, but the reality is we just know there aren't enough monies to account for increases in this area. So again, this is just a temporary measure. And I just want to make note too that there've been several references to tax credits. Unfortunately, many of the homeless do not file taxes. So this kind of tax credit, and it's only on a one time basis if they do file, but most of it is not available to them. It doesn't help to solve their homelessness. So I'm hoping that people will look at this with a more compassionate eye and look at it as just a temporary and rather

weak way of us responding to a real growing need. Thank you, Mr. Speaker."

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

"Mr. Speaker, in the hearing before your joint Committees on Energy and Environmental Protection and Water and Land Use, the proponents of the measure explained the nexus this way with respect to the homeless and the conveyance tax.

"It was an interesting explanation in that it was given in the context, not just of Hawai'i, but across the country. Where up until the 1970s homes were seen as shelters where people live in and that was the sole purpose of buying a home. But in the '70s and '80s what we saw was a lot of real estate being bought for investment purposes. I think this is what is alluded to as 'the bubble' in the real estate here in Hawai'i. Because of that, we have priced people out of homes. Many people who are leaning to be homeless. And that is the reason why we are pushing this measure to see what we can do by putting some of the portion of the conveyance tax into the Rental Housing Trust Fund so that we can deal with our problems of the homeless in that way. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 1370, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," was referred to the Committee on Finance with Representatives McDermott and Rath voting no and Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 465) recommending that H.B. No. 1595, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1595, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WASTE PROCESSING ENTERPRISES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 466) recommending that H.B. No. 1728, HD 1, as amended in HD 2, be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1728, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REVERSE WARNING SYSTEM," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 467) recommending that H.B. No. 796, H.D. 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 796, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on

Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Hiraki and Herkes, for the Committees on Transportation and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 468) recommending that H.B. No. 1027 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1027, entitled: "A BILL FOR AN ACT RELATING TO TAX EXEMPTIONS FOR AVIATION TRAINING FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 469) recommending that H.B. No. 1555, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1555, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SALT LAKE BOULEVARD WIDENING, OAHU," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 470) recommending that H.B. No. 1547 pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1547, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 471) recommending that H.B. No. 382 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 382, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 472) recommending that H.B. No. 1565, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1565, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO STUDY THE FEASIBILITY OF CREATING A LOOKOUT AT WAIMEA BAY ON KAMEHAMEHA HIGHWAY ON THE ISLAND OF OAHU," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 473) recommending that H.B. No. 1401, as amended in HD 1, pass Second Reading

and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1401, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 474) recommending that H.B. No. 1034 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1034, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 475) recommending that H.B. No. 1292 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1292, entitled: "A BILL FOR AN ACT RELATING TO AN INTERISLAND FERRY SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 476) recommending that H.B. No. 1210 pass Second Reading and be referred to the Committee on Judiciary and Hawai'iian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1210, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary and Hawai'iian Affairs with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 477) recommending that H.B. No. 719, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 719, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 478) recommending that H.B. No. 642 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Case moved that the report of the Committee be adopted and H.B. No. 642 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Yonamine.

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

"Mr. Speaker, this is a bad bill. I hope very much that this bill will die in the next committee. In the Transportation Committee, there were only three clean votes in favor of this bill out of the ten members present.

"What the bill does is allow a bad practice that we had put away in 1990 to come back, and that's the practice of encouraging people that are agents renting cars to push insurance and to push people not to decline the insurance waiver. I think the climate for rent-a-cars in Hawai'i has improved greatly as a result of the action of the Legislature in 1990. And that improvement benefits our visitor industry and benefits residents as well when they rent cars on other islands.

"So I hope very much that we don't return to a bad practice. The Department of Commerce and Consumer Affairs came before the Committee and testified against this bill. I hope that the members of the next committee see fit to either not hear this bill or to have it die. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 642, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Fox and Rath voting no and Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 479) recommending that H.B. No. 714 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 714, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 480) recommending that H.B. No. 1212 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1212, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HONOLULU HARBOR, OAHU," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 481) recommending that H.B. No. 1530 pass Second Reading and be referred to the Committee on Judiciary and Hawai'iian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1530, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVERS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'iian Affairs with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 482) recommending

that H.B. No. 1636, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1636, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 483) recommending that H.B. No. 730 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 730, entitled: "A BILL FOR AN ACT RELATING TO RULES OF THE ROAD," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Chang, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 484) recommending that H.B. No. 821, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 821, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Menor and P. Oshiro, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 485) recommending that H.B. No. 547, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 547, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Menor and P. Oshiro, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 486) recommending that H.B. No. 850, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 850, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 487) recommending that H.B. No. 622, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 622, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was referred to the Committee on Finance with

Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 488) recommending that H.B. No. 749, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 749, H.D. 2, be referred to the Committee on Finance, seconded by Representative Yonamine.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 749, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DIETITIANS," was referred to the Committee on Finance with Representative Rath voting no and Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 489) recommending that H.B. No. 894, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 894, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENTS," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 490) recommending that H.B. No. 317, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 317, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 491) recommending that H.B. No. 630, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 630, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 492) recommending that H.B. No. 279, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 279, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REHABILITATION OF MEMBERS OF YOUTH GANGS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 493) recommending that H.B. No. 1369, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1369, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 494) recommending that H.B. No. 643, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 643, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 495) recommending that H.B. No. 902, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 902, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS SHELTER STIPENDS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 496) recommending that H.B. No. 1122, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1122, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED FINANCIAL ASSISTANCE BENEFITS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 497) recommending that H.B. No. 1693 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1693 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Arakaki rose and stated:

"I would like to request a ruling, Mr. Speaker, on a possible conflict. I serve as a voluntary board member for the Honolulu Neighborhood Housing Services and this is in regards to Standing Committee Report No. 497," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1693, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 498) recommending that H.B. No. 118 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 118, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 499) recommending that H.B. No. 121 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 121, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 500) recommending that H.B. No. 129 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 129, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 190 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 190, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 502) recommending that H.B. No. 209 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 209, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX LAW," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 503) recommending that H.B. No. 1360 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1360, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT ATTRACTION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 504) recommending that H.B. No. 505 pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 505, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Water and Land Use with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Herkes and Hiraki, for the Committees on Economic Development and Business Concerns and Transportation, presented a joint report (Stand. Com. Rep. No. 505) recommending that H.B. No. 1028, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1028, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALOHA TOWER DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Herkes and Chang, for the Committees on Economic Development and Business Concerns and Tourism, presented a joint report (Stand. Com. Rep. No. 506) recommending that H.B. No. 243 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 243, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Herkes and Chang, for the Committees on Economic Development and Business Concerns and Tourism, presented a joint report (Stand. Com. Rep. No. 507) recommending that H.B. No. 1266 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1266, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 274, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 274, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILIES," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 500, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 500, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 510) recommending that H.B. No. 706, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 706, H.D. 2, be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"Thank you, Mr. Speaker. I'm very grateful for the great debate on the Hawaiian Homes associated with our constitutional responsibility. This Act identifies the lessees who are unable to secure financing to improve their leasehold property because of the descendants' provision contained in Section 171-99E in the Hawai'i Revised Statutes.

"Mr. Speaker, as this great debate goes on, it helps this Representative educate everyone here of our constitutional responsibility to the Hawaiian Homes Commission Act. And that if we had properly managed the Hawai'ian Homes Commission Act, perhaps today we wouldn't have an Office of Hawaiian Affairs. Perhaps, we wouldn't be discussing more in detail about the provisions that were provided in the ceded land revenues. So, Mr. Speaker, I'm looking forward to this great debate continuing. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 706, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOMESTEAD LEASES," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 511) recommending that H.B. No. 967, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 967, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE COLLEGE," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 727, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and H.B. No. 727, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX PENALTIES AND INTEREST," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 986, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 986, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REMEDIES OF PART VII, CHAPTER 103D, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 989, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 989, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 515) recommending that H.B. No. 990, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 990, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 516) recommending that H.B. No. 992 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 992, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 517) recommending that H.B. No. 993, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and H.B. No. 993, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE JUDGMENT LIENS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 518) recommending that H.B. No. 8, H.D. 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 8, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 519) recommending that H.B. No. 164 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 164, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY REQUIREMENTS FOR MEMBERSHIP IN THE SENATE OR HOUSE OF REPRESENTATIVES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 520) recommending that H.B. No. 166 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 166, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 521) recommending that H.B. No. 20, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 20, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

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

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

"Mr. Speaker, I speak against this measure every year it comes up. This is regarding Judicial pay raises. I'm not taking a political shot, but philosophically I disagree vehemently with the way our High Court has ruled in the last several years. And therefore, I cannot see rewarding them, although there are some hard working judges who will be caught up in this without a

pay raise. I'm sorry I cannot support a pay raise for these folks."

Representative Ahu Isa then rose and stated:

"Mr. Speaker, I just want to declare a conflict. My brother is a circuit court judge," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 20, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance with Representatives McDermott, Rath and Thielen voting no and Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 522) recommending that H.B. No. 71, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 71, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 523) recommending that H.B. No. 72, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 72, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 524) recommending that H.B. No. 161, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 161, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH AND RESCUE COSTS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 525) recommending that H.B. No. 163, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 163, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives P. Oshiro and Garcia, for the Committees on Judiciary and Hawai'ian Affairs and Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 526)

recommending that H.B. No. 157, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 157, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 527) recommending that H.B. No. 1117, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1117, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 528) recommending that H.B. No. 1037 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1037, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 529) recommending that H.B. No. 1448 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1448, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 530) recommending that H.B. No. 1000, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1000, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 531) recommending that H.B. No. 1001, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1001, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGMENT LIENS IN FAVOR OF THE STATE," passed Second Reading and was

referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 532) recommending that H.B. No. 1002, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1002, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

Representative Meyer then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1002, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer and Rath voting no and Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 533) recommending that H.B. No. 1006, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1006, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SENTENCING SIMULATION MODEL," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 534) recommending that H.B. No. 1051, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1051, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COURT APPOINTED COUNSEL," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 1191, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1191, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIME VICTIMS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 536) recommending that H.B. No. 1237, as amended in HD

1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1237, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Marumoto rose to speak in favor of the measure with reservations, stating:

"This is the fireworks bill. I am in favor of this measure, Mr. Speaker, I just have some reservations.

"I thank the Judiciary Committee for strengthening provisions against aerial fireworks which I believe are a great hazard to home and hillside, especially in my district. Although it prohibits possession and use of aerals without a permit, I am wondering whether the import and sales of aerals will be curtailed by this measure.

"I'm afraid that if aerals are widely available, as they are today, then people will still be tempted to buy and set them off in spite of the very harsh penalties in this bill. The bottom line, Mr. Speaker, I'm happy to see a fireworks bill moving along. Thank you."

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

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

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

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

"Thank you, Mr. Speaker, on the same measure, just a brief comment. I think if we're going to give the counties an opportunity to regulate the number of fireworks that someone can purchase, my only suggestion is maybe we should give the counties the opportunity to decide whether or not we should have fireworks in each of the four counties. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1237, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina and Okamura voting no and Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 537) recommending that H.B. No. 1118 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1118, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF DEPARTMENT OF HUMAN SERVICES' RECORDS," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 538) recommending that H.B. No. 1179 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1179, entitled: "A BILL

FOR AN ACT RELATING TO COMMERCIAL MARINE LICENSES," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 539) recommending that H.B. No. 1176, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1176, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING PENALTIES," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 540) recommending that H.B. No. 1706, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1706, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FISHERIES," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 541) recommending that H.B. No. 1444 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1444, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF NOTARY RECORDS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 542) recommending that H.B. No. 1675 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1675, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 543) recommending that H.B. No. 1052, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1052, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 544) recommending that H.B. No. 1095, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1095, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REVIEW OF THE SALARIES OF THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 545) recommending that H.B. No. 1454, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1454, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 546) recommending that H.B. No. 1121 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1121, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE IN ACT 128, SESSION LAWS OF HAWAII 1997," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 547) recommending that H.B. No. 1151 be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1151 be referred to the Committee on Finance, seconded by Representative Yonamine.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1151, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 548) recommending that H.B. No. 319, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 319, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 549) recommending that H.B. No. 847, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and H.B. No. 847, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH SERVICES FOR FELIX CLASS CHILDREN," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 550) recommending that H.B. No. 87, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 87, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 551) recommending that H.B. No. 408 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 408, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 552) recommending that H.B. No. 560 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 560, entitled: "A BILL FOR AN ACT RELATING TO HILO COMMUNITY SCHOOL FOR ADULTS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 553) recommending that H.B. No. 899 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 899, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DRUG TREATMENT, COUNSELING, AND INTERVENTION SERVICES AT KING INTERMEDIATE SCHOOL," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Ito and Santiago, for the Committees on Education and Health, presented a joint report (Stand. Com. Rep. No. 554) recommending that H.B. No. 1085 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1085, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 555) recommending

that H.B. No. 451, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 451, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE METROPOLITAN PLANNING ORGANIZATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 556) recommending that H.B. No. 1528, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1528, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES AND PROCEDURES ON ARREST," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representatives Abinsay and Cachola, for the Committees on Agriculture and Water and Land Use, presented a joint report (Stand. Com. Rep. No. 557) recommending that H.B. No. 1380 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1380, entitled: "A BILL FOR AN ACT MAKING AN INTERIM APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE, AGRICULTURAL RESOURCE MANAGEMENT DIVISION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 558) recommending that H.B. No. 368 pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 368, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," passed Second Reading and was referred to the Committee on Water and Land Use with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 559) recommending that H.B. No. 1635, H.D. 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1635, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 560) recommending that H.B. No. 1632, H.D. 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1632, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 561) recommending that H.B. No. 138, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 138, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs, seconded by Representative Yonamine.

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

"Mr. Speaker and colleagues, House Bill 138 is part of the Majority Package of legislation known as the 'theft bill.' The purpose of this bill is to prevent or deter theft of agricultural goods and commodities. We are very much aware that criminal trespass and theft are major problems on agricultural and aquacultural facilities. These problems have occurred in the past -- it is happening now -- and it will continue to happen unless we do something about it. The theft of coffee, macadamia nuts, pineapples, melons and tuberoses are examples of agricultural goods that have suffered heavy losses due to theft.

"The original bill provided for confiscation of any vehicle found in the possession at the time of the offense of a person convicted of criminal trespass in the first degree. However, there was concern about 'probable cause' to stop a vehicle and theft as a criminal act which would be enforced by county police departments.

"We worked to amend H.B. 138 to protect the rights of owners of agricultural goods and commodities by requiring proof of ownership of sellers, buyers, and transporters of produce lots of fruits, nuts, and vegetables.

"Mr. Speaker, this amendment is patterned after section 142-49, Hawai'i Revised Statutes, which provides for proof of ownership of livestock and certification of movement.

"Mr. Speaker and colleagues, this bill is critical at a time when we are putting forward every effort to promote our agricultural industry. Current laws put the burden of proof on the farmers. We need to address them and that is why I am asking for your support to pass 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 H.B. No. 138, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL GOODS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 562) recommending that H.B. No. 32, as amended in HD 1, pass Second Reading and be referred jointly to the Committees on Judiciary and Hawai'ian Affairs and Public Safety and Military Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 32, H.D. 1, pass Second Reading and be referred jointly to the Committees on Judiciary and Hawai'ian Affairs and Public Safety and Military Affairs, seconded by Representative Yonamine.

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

"Mr. Speaker and colleagues, the purpose of this bill is to allow privately funded industrial hemp research in Hawai'i when the required permits from state and federal agencies are obtained.

"Originally, House Bill 32 called for state appropriation of \$100,000 expended by the University of Hawai'i at Hilo to conduct the study of industrial hemp production in Hawai'i.

"Mr. Speaker, the Agriculture Committee held a public hearing on this bill in Hilo. We did this, keeping in mind the House policy of reaching out to the community, to give them an opportunity to voice their opinions, first-hand and up close on issues that directly affect them. These community-based public hearings are a perfect example of bringing government to the people. Thank you, Mr. Speaker, for allowing the Committee to do this.

"I am happy to report that the hearing was very positive. There were testimonies in full support or in support only if private funds are used. Testimony from the University of Hawai'i-Hilo stated that with the required acreage, staff and equipment the cost of this study would be more than what the amount requested on the bill. Farmers and merchants came to testify and took the time to educate us and show us the various products they sell which are made from industrial hemp with imported raw materials. Because of the similarity of the hemp to marijuana, there is fear of the potential for abuse of marijuana cultivation. That is an issue well argued by both the Honolulu and the Big Island police who testified in opposition of the measure for obvious reasons.

"We took all of this information into consideration in drafting the amendment to this bill. I believe, and I think everyone would agree, that industrial hemp could have a significant economic benefit for Hawai'i. We know of its thousands of different uses from hemp fiber to make clothing, its seeds and oil for food, building materials, and so forth. We have read numerous articles about the pros and cons of growing industrial hemp. Can we grow and produce industrial hemp in Hawai'i? Is it economically viable? Other countries are doing it -- can we do it? The answer is maybe, maybe not.

"I believe that this bill has its merits. The research would be able to test the growing conditions here in Hawai'i, the seed variety that can be developed for a Hawai'i variety, harvesting methods and other information. It is time we allow this research to be conducted here in Hawai'i in order to determine the real value of this crop to the Hawai'i agricultural industry. This research involves no state funds, Mr. Speaker. I repeat, no state funds, therefore, at no cost to taxpayers as fully and clearly stated in the bill.

"The issue of potential abuse of marijuana cultivation is properly addressed by close monitoring and under strict control of the State Department of Public Safety and the U.S. Drug Enforcement Agency who are responsible in issuing the permits.

"The Committee on Agriculture fully supports House Bill 32, HD 1. And I urge all of you to support its passage for Second Reading and referral jointly to the Judiciary and Hawai'ian Affairs and Public Safety and Military Affairs Committees. Thank you, Mr. Speaker."

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

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

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

"First, I'd like to ask the Chair for a ruling. I'd like to disclose a potential conflict. My son, Peter, manufactures a line of industrial hemp resort wear here in the islands," and the Chair ruled "no conflict."

Representative Thielen continued, stating:

"Peter won't benefit from this bill, Mr. Speaker, because we don't have the size of population to justify building a fabric mill here. However, the people of Hawai'i and the business community, the labor community will benefit from this bill, Mr. Speaker.

"We're taking a major step today, members, to start research to see if we can develop a low THC seed variety of industrial hemp that is appropriate for our islands, in our latitude. Right now in Canada, they're having much success with the crop. The world-wide demand for industrial hemp products has grown 233 percent within the last two years. There's a major increase in demand for this crop.

"The Canadian farmers are unable to get the industrial hemp seed that they need. Many of the sources are sold out. We have the opportunity to take this step to do that, probably three years of research to develop the correct seed varieties. We can be a major player when producing seed. We can also be a major player in producing hemp based foods for our islands and producing hemp building materials which are hurricane resistant and also more fire retardant. And doing a myriad of other things including biomass for energy and looking at ethanol.

"The three year research is important for the fact that we need to get started. I have a letter from the U.S. Department of Justice, Drug Enforcement Administration, the DEA, that was just sent to me on February 8, 1999, from the Deputy Assistant Administrator Mr. John H. King. In the letter, he explains to me: 'DEA is currently reviewing the security regulations in order to establish standards for growing marijuana for industrial purposes.' What this means is for industrial hemp.

"The DEA is going to be changing its regulations. That would probably take a year or so, but we would be in place then after having the research from this for going ahead with the crop. By the time the research is completed in three years, we will have seed varieties. Then we will be able to turn to our farmers with, I think, strong support from ILWU and be able to allow our farmers to grow this crop. So today is the first step, Mr. Speaker, and I believe it is a very forward step in economic development. Thank you."

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

"Thank you, Mr. Speaker. I need to be consistent with my vote in Committee, so I need to vote with reservations.

"Briefly, if I could comment that the Chairman of the Agriculture Committee did a good job with this bill. He took it for a hearing in a place that would get the most input. He worked hard to get the best elements that could be done with this bill. So I want to acknowledge that and I do want to say that I'm voting with reservations because of the nature of the opposition to this bill, I need to acknowledge that. Thank you."

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

"Thank you. I apologize for appearing to be and perhaps being so obstinate, but there are two things that I feel strongly about the need for us to resist. Because I think in both cases any weakening could ultimately result in a change in our society to the detriment. One is in the area of the use of drugs and legitimizing the use of mind altering drugs. While I understand the sincere efforts to develop an industry, I'm concerned that this is part of the agenda of some people to

legitimize and decriminalize marijuana. And I think that would be bad for our society.

"I see a similarity with our resolve concerning gambling. Any allowance for gambling has the impact of opening the door for all kinds of gambling. For that reason, I object to this measure, thank you."

Representative Thielen then rose and stated:

"Mr. Speaker, I think I had better clarify for my colleague. It is not my agenda to decriminalize marijuana and I think I have made that clear in these halls. If I haven't, I apologize, but it is definitely not my purpose to do that.

"I'd like to just respond briefly, Mr. Speaker. The scientist, Dr. Professor Malburg, who is the Senior Professor of Biology at Indiana University, has studied the cannabis plant for decades with a DEA permit. He's internationally published on the subject.

"In writing in support of the bill, Dr. Malburg explained the cross pollination as such: 'The cross pollination goes from industrial hemp plants which contain low THC,' that's the psycho-active ingredient. 'It goes to the marijuana plant, which contains high THC. Wind will carry the pollen from industrial hemp plants for miles which will pollinate female flowers of the illicit, the illegal marijuana patches. The THC in the marijuana seed will be lower than in the original plants. The repeated pollination will continue to produce seeds in marijuana plants with lower THC year after year.' Dr. Malburg notes 'this foreign pollen is such a problem to indoor marijuana growers that some install special filters to capture the pollen before circulating air in the growing rooms of their illegal crops.' Thus, he notes, 'the problem of cross pollination is of no concern for industrial hemp cultivation. It is of great concern to marijuana growers.'

"There's another aspect that Dr. David West, Ph.D, plant geneticist, submitted testimony about and I quote: 'The THC in industrial hemp levels are so low that no one could get high from smoking it. Moreover, industrial hemp contains a relatively high percentage of another cannabinoid (CBD) that actually blocks the marijuana high.' Hemp it turns out is not only not marijuana, it could be called anti-marijuana.

"What we're doing today, Mr. Speaker, is moving ahead with an agricultural crop that was a very important crop in the founding of our Nation. We used to be able to pay our taxes in industrial hemp or in money. Our first Declaration of Independence was drafted on industrial hemp paper. One of the first Hawai'ian flags is still in existence and it was sown on hemp cloth. During World War II, the federal government urged our farmers to grow hemp for victory. And President Clinton has placed in his Executive Order as one of the items that is essential for the well-being of our Nation, hemp. So I would say members, this is not a step toward legalizing marijuana. This is a step to recognize the differences and going back to the agriculture crop that was such a key factor in our Nation. And I would hope that people are able to make that distinction. If members need any further information, Mr. Speaker, I would be glad to give it to them. Thank you."

Representative Stegmaier then rose and stated:

"Thank you, I would like to clarify for the previous speaker, as well as anyone else including the very good Chair of the Agriculture Committee that I did not mean to imply in any way that that was their agenda. And I know for a fact that it's not. I just have a problem with the agenda of others concerning this issue. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 32, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred

jointly to the Committees on Judiciary and Hawai'ian Affairs and Public Safety and Military Affairs with Representatives McDermott, Rath and Stegmaier voting no and Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 563) recommending that H.B. No. 814, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 814, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMY," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 564) recommending that H.B. No. 1379, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1379, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 565) recommending that H.B. No. 1233 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1233, entitled: "A BILL FOR AN ACT RELATING TO WAILUPE STREAM," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 566) recommending that H.B. No. 797, H.D. 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 797, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR RECREATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 567) recommending that H.B. No. 806, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 806, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"Thank you, Mr. Speaker. This is a very exciting proposal. A very professional motor sports facility that would be built by a private entity. It does call for an exchange in property, but the property is a very new lava flow almost across from the airport. It seems like the perfect spot for a very noisy kind of sport. I had the opportunity to talk to a representative from the developer. And my concern was the logistics. We might have

this beautiful facility, but it's very costly to get those stock cars and race cars here to Hawai'i. But I was informed that they already go to Japan. They go to Australia. We would be sitting right in the middle of that and would be assured at least two to four great races. It has the potential to bring millions of dollars into the State. So I would just encourage our colleagues to look at this bill and support it. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 806, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 568) recommending that H.B. No. 1332, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1332, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REDEVELOPMENT OF BARBERS POINT NAVAL AIR STATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 569) recommending that H.B. No. 1653, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1653, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ALA WAI CANAL WATERSHED IMPROVEMENT PROJECT," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 570) recommending that H.B. No. 590 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 590, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 571) recommending that H.B. No. 167, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 167, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 572) recommending that H.B. No. 286, as amended in HD 1, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 286, H.D. 1, be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"I've been waiting for this bill. It is really a good bill because when we look at our students crossing the street, especially in my area when I stand and sign wave. I cannot believe, sometimes it just scares me, that these little kids are running across the street and these people are speeding. They know it's school time and yet they still, I guess they're late for work or wherever they're going, speed. This bill does increase fines. So if we're talking about increasing fees, normally I'm not in support of it, but this time I am. And it increases it quite a bit.

"If you look at how the bill is amended, 'any person who violates this section, speeding within school zones or construction areas shall be fined not more than \$400 for the first conviction, \$600 second offense, \$1000 for the third and subsequent offense committed within a year after the date of the first offense.' So I just want to thank the person and the Chairman from this Committee. Thank you, Mr. Speaker."

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

"Mr. Speaker, I voted against this before. I'm going to support it now. As Representative Kawanakoa pointed out to me last year that a fine is a penalty that you pay for breaking the law, whereas, a fee is something different. So I know I'm getting too political, but I'll support this one."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 286, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEEDING," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 573) recommending that H.B. No. 532, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 532, H.D. 2, be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"I'd like to offer a few comments. I'm all for equal opportunity and gender equity in sports and equal funding for our boys and girls. I just ask that as we move forward in these measures and try to apply these concepts that we don't lose sight of the special God given uniqueness of boys and girls and the wonderfulness of each individual sex.

"Mr. Speaker, when I watch T.V. sometimes, and I watch pay-per-view sometimes, championship fights, they have women's boxing on. And when I watch women's boxing it just turns my stomach. I don't believe that kind of thing is right. So I just want to keep in mind that as we move forward that there are some limits. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 532, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENDER EQUITY IN SPORTS," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 574) recommending that H.B. No. 876, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 876, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 575) recommending that H.B. No. 1125, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1125, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF MEDICAL PAYMENTS," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 576) recommending that H.B. No. 1142, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1142, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 577) recommending that H.B. No. 988, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 988, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR STATE GOVERNMENT TO IMPLEMENT YEAR 2000 COMPLIANCE EFFORTS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 578) recommending that H.B. No. 1105, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1105, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"Mr. Speaker, this particular measure relates to claims against the government regarding the Y2K, or the Year 2000 computer problem. I voted for it in Committee and I think it's a necessary bill given the testimony that we had regarding the concerns especially from the Department of Transportation and from DAGS. I think it's important for us to safeguard the taxpayers money from other problems that may arise from Y2K.

"At the same time that I wholeheartedly support this, I want to strongly urge DAGS and the Department of Transportation not to use this as an excuse to slow down their efforts in being

Y2K compliant. In fact, I want to urge them all the more to continue their efforts to be Y2K compliant.

"The problems this addresses relate only to the litigation that may follow. But we could face some very, very serious problems throughout the government. In terms of people getting the checks they need, work being done and providers who are providing crucial services to people being able to provide those services if our computers are not Y2K compliant. So, again, I stand in strong support, but want to urge DAGS and DOT not to think that this somehow gives them extra time. The year 2000 still is on its way and they need to be fully compliant by that time. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1105, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE GOVERNMENT BASED ON YEAR 2000 ERRORS BY COMPUTER-BASED SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 579) recommending that H.B. No. 1111, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1111, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YEAR 2000 ERRORS BY COMPUTER-BASED SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 580) recommending that H.B. No. 1367, H.D. 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1367, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE PROTECTION OF CHILDREN AND FAMILIES," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 581) recommending that H.B. No. 1457 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1457, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 582) recommending that H.B. No. 1214, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1214, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 583) recommending that H.B. No. 1389, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1389, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, AND ARTICLE X, SECTION 1, OF THE HAWAII CONSTITUTION, TO AUTHORIZE THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO PRIVATE PRIMARY OR SECONDARY EDUCATIONAL INSTITUTIONS," was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 584) recommending that H.B. No. 1192, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1192, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 585) recommending that H.B. No. 1690, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1690, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 586) recommending that H.B. No. 123, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 123, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 587) recommending that H.B. No. 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 3, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 588) recommending that H.B. No. 1277, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1277, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER TREATMENT FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 589) recommending that H.B. No. 1548, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1548, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER REUSE," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 590) recommending that H.B. No. 709, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 709, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABELING," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 591) recommending that H.B. No. 1241, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1241, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PACON INTERNATIONAL," passed Second Reading and was referred to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 592) recommending that H.B. No. 1197, as amended in HD 1, be recommitted to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1197, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was recommitted to the Committee on Finance with Representatives Cachola, Kanoho, Moses and Yamane being excused.

THIRD READING

H.B. No. 1492:

By unanimous consent, action was deferred one legislative day.

ANNOUNCEMENTS

Representative Case: "Mr. Speaker, two announcements, first of all there will be a Majority Caucus immediately after session in our Majority Caucus room. I also take the opportunity to remind members that our House session will reconvene at 8 p.m. tonight. And we very much request the members be prompt so we can dispose of our evening agenda. Thank you."

Representative Morita: "Mr. Speaker, I just wanted to remind the members and invite them to the Energy and Environmental Protection Committee informational briefing regarding how our power companies are dealing with Y2K. It will be on Monday at 9 o'clock a.m. in Room 325. Thank you."

Representative Pendleton: "Mr. Speaker, I'd just like to remind the members of the Minority Caucus that we will have a caucus immediately after this session."

At 12:59 o'clock p.m., the House of Representatives stood in recess until 8:00 o'clock p.m. tonight.

NIGHT SESSION

The House of Representatives reconvened at 8:08 o'clock p.m.

The Vice Speaker assumed the rostrum.

STANDING COMMITTEE REPORTS

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 593) recommending that H.B. No. 827, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 827, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 594) recommending that H.B. No. 858 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 858, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 595) recommending that H.B. No. 1071, H.D. 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1071, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," was referred to the Committee on Finance with Representatives

Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 596) recommending that H.B. No. 351, as amended in HD 1, be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 351, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY OF HEALTH CARE INFORMATION," was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 597) recommending that H.B. No. 252, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 252, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 598) recommending that H.B. No. 790, as amended in HD 1, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 790, H.D. 1, be referred to the Committee on Finance, seconded by Representative Garcia.

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

"Mr. Speaker, I hope in Finance that we can take a better look at this and adjust it for the State of Hawai'i. We all don't live in hurricane alleys. It will be expensive to build all the schools to hurricane strength, which is what the bill calls for, even those for shelters. Those buildings on the Big Island, especially those further up the mountain, have no history of being or coming close to a hurricane. So for the sake of stretching our budget further, I hope Finance will take a look and make the necessary amendments to the bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 790, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 599) recommending that H.B. No. 1026, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1026, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com.

Rep. No. 600) recommending that H.B. No. 1136, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1136, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRUG FORMULARY," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 601) recommending that H.B. No. 519 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 519, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 602) recommending that H.B. No. 1274, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1274, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMATIC BRAIN INJURY," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 603) recommending that H.B. No. 331, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 331, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 604) recommending that H.B. No. 324, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Case moved that the report of the Committee be adopted and H.B. No. 324, H.D. 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Garcia.

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

"Just a brief comment. I just don't like it. We keep chipping away at the rights and privileges of physicians. Thank you."

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

Representative Marumoto then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

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

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

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

Representative Leong then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

Representative Auwae then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 324, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Auwae, Halford, Leong, Marumoto, McDermott, Moses, and Rath voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representatives Santiago and Garcia, for the Committees on Health and Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 605) recommending that H.B. No. 1157, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

Representative Case moved that the joint report of the Committees be adopted and H.B. No. 1157, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs, seconded by Representative Garcia.

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

"I'm a compassionate guy, warm-fuzzy guy, but there's no compelling medical evidence for this one. And I'll be quick. The National Institute of Health, American Medical Association, HMA, American Lung Association, none of these groups were in support of this measure. Some of them stated that after 20 years, there's no clinical evidence, no data, that supports the assertions that this is helpful. So while I'm compassionate, I don't want to put a placebo out there that there's no medical evidence to back. Thank you."

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

"Presently, there is a drug called marinol which is a THC derivative that can be prescribed by a doctor and obtained at a pharmacy. This bill seeks nothing more than to remove marijuana from the Schedule I drug substance abuse. I think that this is a bad precedent to set. We should be trying to keep drugs out of schools and our societies, not promoting them. For real medical problems, they already have prescription drugs. For crying out loud, you have all kinds of opiates that are used medicinally. This is not the proper way to do it. Thank you."

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

"I think that I might consider it if it were solely for terminal patients, but this is only for patients with a debilitating medical condition or treatment of such conditions. So I think it's a little too broad at this point. Thank you."

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

"I believe in the bill it contains the words 'serious illness.' I have much more than that. I've been on 3800 milligrams of Motrin for years for pain and I don't want to take up inhaling. Thank you, Mr. Speaker."

Representative Leong then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

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

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

"In addition to the comments already made, I am voting against this measure. I think it's important to recognize that we did hear testimony that for appetite enhancement, another rationale given for the medical use of marijuana, there are alternative medicines that provide that for patients who need it. I just feel strongly, Mr. Speaker, that we need to hold ourselves from venturing down this trail. One which most of the testifiers in the Health Committee appeared desirous of even broader usage of marijuana should that time come.

"I think we need to make a statement that we will not allow ourselves to use marijuana legitimately for any concern. Especially, since there is not a necessity for this drug since others are available. For these reasons, I strongly urge the members to vote against this measure. Thank you."

Representative Auwae then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

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

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

"Mr. Speaker, I sat on the Health and Public Safety and Military Affairs joint hearing and listened carefully to the testimony. I was very sympathetic to the concern to control pain and the concerns about nausea. At the same time, what disturbed me about this bill was they were essentially asking us to make a medical, pharmacological, or a health decision which I think is beyond the scope of a legislative body.

"The testimony we received from the Hawai'i Medical Association, testimony we received from other kinds of health related organizations, in fact, the National Institutes of Health and the FDA have some serious concerns about the medical use of marijuana. And so while it seems to me that there is scientific evidence, at least on both sides, that it is best for us to defer to those decision making bodies with the kind of expertise and insulation from the political process required to make the right health or medical decision. And so until such time as the FDA or the National Institute of Health change their positions regarding this, I'm going to stand in opposition to this. I just don't think that this is the best place to make this kind of decision. Thank you, Mr. Speaker."

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

"I initially thought, oh just let it move on, and I thought since no one else is going to get up and speak for it. I did chair the Committee that heard the measure and recommended that this measure move out.

"Mr. Speaker, for three years now, I have sat through some of the most emotionally draining testimony regarding this issue. I have heard experts from both sides talk to the affects and the benefits of medical marijuana. I understand the politicization of this measure. And I am very sorry that the national level

hasn't moved quicker on this. What we have done in the past is the first year we heard a measure we held it. The second year we drafted a resolution asking the National Institute of Health to begin the studies in earnest. They have moved very slowly. Five states have since passed initiatives to legalize the use of medical marijuana.

"The reason that I was able to comfortably recommend moving this measure forward and allowing the debate to occur at another level, including on the floor here tonight, was because this was an administration bill. This is being backed by our Governor and his Department of Health with many, many, many people from the community speaking to the benefits. I, as the Health Chair, felt it is important that we discuss lots of the concerns that my colleagues have raised tonight, but that it occur at the Judiciary level where I think it's much more important that it happen.

"And for that reason, Mr. Speaker, I am glad that it is on the floor. I'm glad we are raising the awareness of the members of the needs of these individuals. Many of whom will say to you that it's easy for us to sit back and let the American Medical Association and others say we have alternatives. They could not find any alternatives. And I do not speak for those individuals who came to the hearing who had alternative motives, who wanted to look at marijuana as a recreational use drug later on down the line and who are very clearly stated in the Committee. It was very clear who was there for the right reasons and who were there for the wrong reasons. And I could see through that. But for those individuals who testified about their loved ones who in their final days could only use this form of medicine, as they believed it was, to give them some dignity in their final days.

"I, for one, could not in good conscience, continue to bottle this measure up in my Committee. I wanted to bring it to the floor. I want people to talk about it. I want us to understand. This is important. We hear all the time about death with dignity. We hear all the time about how we want to improve the quality of life for those individuals who are terminal.

"Yes, we did put in the bill the definitions of what it is and how we would allow the medical community to continue to have the safeguards to keep this from being used for recreational purposes. This is in no way to downplay the importance of that. In no way was the Committee on Health trying to downplay the importance of us taking a tough stand against drugs. But we wanted to allow this to occur. And I'm hopeful, I am truly hopeful from the bottom of my heart, that the federal government will begin to hear the states as we say to them look at this issue. Move on it. Do not continue to drag your feet and only hide behind the law enforcement threats that we're going to start arresting people the minute you use it.

"We had a veteran, a military Marine, come before us and talk about why he needed to use it. It was very moving testimony. And for that reason, I ask the members to please allow this to continue to be debated. There's no fear. This needs to be talked about at a larger level and it will continue to be so. Thank you, Mr. Speaker."

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

"Mr. Speaker, as to the medical use of marijuana, I left that to the good Chairman of the Health Committee and his members to consider the merits of medical use. Your Committee on Public Safety and Military Affairs was more concerned, perhaps, with the law enforcement aspects of this issue. And that is why we held a joint jurisdiction on this measure.

"I was glad to see that even in its amended form that the registry requirements still remain with Public Safety. And as the bill moves forward, if it should, this Chairman will continue to oversee or at least try to see to it that the concerns of law

enforcement with respect to the supply, distribution points, the interstate transport of this substance will be closely watched over. And so I would urge the members as this bill moves forward that this Chairman with respect to law enforcement concerns will keep watch over that. That really should not, though, over shadow what the two Committees felt was a legitimate use of this substance. Thank you."

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

"Briefly, I think that, as the Chairman of the Health Committee has reminded us, we're dealing with a bill that is at a premature stage. We have five states that because of initiatives are trying to push the medical use of marijuana. But we have a federal government that currently is still dug in against this practice. I don't see any reason why we have to move forward in the absence of a federal government decision on this issue. Thank you."

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

"Mr. Speaker, I have great respect for the Chair of the Health Committee and the Chair of the Public Safety Committee. However, because of a length that was tried to be made by the Representative from Hawai'i Kai on another measure this morning, I feel obligated to vote no."

Representative Stegmaier then rose and stated:

"Just a further comment in opposition. It is true that the Department of Health supported the measure this year. Asked why there had been a change over the past two years, the Director of the Department of Health had no new information to base the switch in position of the Department. Thank you."

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

"Mr. Speaker, I wasn't at the joint hearing, but I think that the Green Harvest was probably the biggest social blunder we've had in this State if not this Nation. And I fully support the research and development of medical marijuana."

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 am very concerned with the law enforcement problems that this bill might cause. I will hold judgement until Third Reading."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 1157, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL USE OF MARIJUANA," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Auwae, Fox, Leong, Marumoto, McDermott, Moses, Pendleton, Rath, Stegmaier, Thielen and Whalen voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 606) recommending that H.B. No. 119, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 119, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," passed

Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 607) recommending that H.B. No. 188, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 188, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 608) recommending that H.B. No. 838 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 838, entitled: "A BILL FOR AN ACT RELATING TO LEASED EMPLOYEES AND EMPLOYERS OF LEASED EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 609) recommending that H.B. No. 231, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 231, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 610) recommending that H.B. No. 232, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 232, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 611) recommending that H.B. No. 741, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 741, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Garcia.

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

Representative Rath continued, stating:

"It raises the GET to 5 percent. Thank you."

Representative Herkes then rose on a "point of order," stating:

"There is no GET increase in that bill."

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

"Although the bill originally had a 1 percent increase in the GET, which would have made it a very harmful bill to any economic recovery, this particular feature has been removed from the bill. However, as this bill progresses through the Legislature, at some time or another the tax increase can be restored to this bill. In which case, I kind of liken it to a dormant monster that can arise and be very damaging to us. So although in its present form it seems to be beneficial by providing some tax relief, I ask the members to keep their eye on it as a potential tax increase measure. Thank you."

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

"There are a number of measures that we passed out of our Committee because the Finance Committee wanted those particular titles. In the case of H.B. 741, it has a very broad title and is very useful to them for the flexibility in developing the overall state financial plan. But I also note that H.B. 118, Relating to GET; H.B. 129, Relating to the GET; H.B. 190, Relating to the GET; H.B. 209, Relating to GET, there's a whole lot of titles that an increase in GET could be put into in Finance. So I'm curious as to why just because we took this out of H.B. 741, over the Speaker Emeritus' recommendations, why there's this great suspicion about it. There's a whole lot of titles that can be used in the Finance Committee. The final vote in Third Reading is when we know what's in these bills."

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

"I'll be brief. I, for one, am extremely encouraged by the boldness that we've shown in passing out this bill and the connecting bills that came out of EDB. I applaud the leadership for taking us in this direction. I feel that it is the type of courage that we need to move us out of our economic problems. As was noted by the previous speaker, we could change any bill to say 101 different things which we would support or oppose depending on our own positions. I give full endorsement. I hope and pray that our Finance Committee will give this a sincere look and support it and not merely look at how do we make taxes, revenues and tax cuts balanced, but how can we really take initiative to move beyond where we're at today. Thank you, Mr. Speaker."

Representative Souki then rose and stated:

"First of all, I'm a little disturbed that the Representative across the hall would look at a bill that has my name on it and would think automatically it's for a tax increase. Even though I've favored some restructuring of the taxes in the past, is not necessarily for -- it's a 'point of order,' Mr. Speaker. And I think this type of consideration should be discouraged.

"In speaking for the bill, and I wish to speak for this bill, again I wish to congratulate the Speaker of the House and the House Leadership and the Committee for being very bold in processing these bills over to the Finance Committee so they can have more dialogue. I think this is the kind of bold action that we need. However, I wish to challenge the remarks of Lowell Kalapa in this morning's paper when he claimed that if you're going to have this bill that revenue control would raise the consumer tax, sales tax to 15 percent. And I challenge Mr. Kalapa to come and show how and why he made that statement. Thank you very much, Mr. Speaker."

Representative Pendleton then rose on a "point of order," stating:

"Is the gentlemen addressing the language of the bill."

Representative Marumoto then rose in rebuttal, stating:

"I didn't see anybody's name on this particular measure, but yet I do note that in the first version it was introduced with a tax increase in it. The Chairman of the Economic Development Committee is correct. Any bill with a broad enough title can include a tax increase. So I caution everyone to be very careful with these bills with broad titles. The Minority is always wary of tax increases that are imposed by the Majority. But thank you, we will be vigilant."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 741, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representative Rath voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 612) recommending that H.B. No. 375, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 375, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 613) recommending that H.B. No. 1620 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1620, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE COMMUNITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 614) recommending that H.B. No. 1222, H.D. 1, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1222, H.D. 1, be referred to the Committee on Finance, seconded by Representative Garcia.

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

"Mr. Speaker, last year, I believe it was, we passed out a bill, which I opposed actually, that would prevent an employer from inquiring as to a person's criminal record except on limited circumstances. This bill would create a tax credit for hiring parolees or felons in the process of getting a job. Certainly, we want to support them. Yet, why are we creating a tax break as an incentive when they won't find out a person has a criminal record till after they've offered them a job? And for those reasons, Mr. Speaker, I hope that this bill is looked at seriously in terms of how we can make it consistent with the law we passed last year."

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

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

"I would like to stress that this bill will be an incentive for employers to consider hiring ex-offenders whose rehabilitation and reintegration into society often hinges upon the availability of steady employment.

"The Hawai'i Paroling Authority's testimony describe the expected positive impacts this policy would have -- for both the ex-offender, and for the goal of the State to help break out of the cycle of criminality -- the so-called 'revolving door.' Numerous ex-offenders echoed this exact sentiment in their compelling testimony before your Committee on Public Safety.

"The bill is carefully tailored to reward those employers willing to give an ex-offender an opportunity to prove himself or herself by offering a tax credit of 5 percent of the wages for the first year (to a maximum credit of \$1500). Since stable, long-term employment is especially crucial to attempt to break the cycle of joblessness and anti-social behavior, the tax credit for an employer willing to retain the ex-offender employee increases during the second year to 15 percent of the wages (to a maximum credit of \$4500).

"There are those who would argue that this tax credit 'rewards' undeserving members of our society; that job seekers without criminal records will be put at an unfair advantage. This is, in some ways, a valid concern. There will likely be isolated cases where an employer making a hiring decision between two comparable applicants comes down in favor of the ex-offender. However, the employers of our State are not to be underestimated.

"In today's lean economy that demands more and more productivity from every worker, an employer who wants his or her business to survive is not likely to hire and unqualified ex-offender merely to receive the tax credit. Even the maximum \$1500 tax credit could not outweigh the loss in profits during the first year that such a short-sighted hiring decision would result in. In short, those ex-offenders hired will not frequently displace qualified non-offenders. The tax incentive is to help the qualified ex-offender onto the 'short list' of candidates for possible hire; a list that routinely excludes even the most qualified ex-offenders.

"Once the ex-offender has been hired and has proven himself or herself capable to work, the bill addresses the goal of creating job stability by increasing the amount of the tax credit available to the employer to 15 percent, as I said earlier.

"In effect rewarding the employer for two things; first, the perceived risk they put their company in for the first twelve months, and second, for the positive effect the ex-offender's employment provides for the larger social good of slowing the so-called 'revolving door.'

"If recidivism rates remain as they are, and the costs of imprisonment continue to increase, then the fiscal impact of this bill should be seen as a potential net gain. As an example, assume that an ex-offender is hired at a wage that allows for the maximum tax credit to the employer. At most, over two years the State could lose \$6000 in tax revenue (a loss partially offset by the income taxes paid by the ex-offender). Without steady employment, however, recent history shows the odds are better than 50/50 that the inmate will be reincarcerated at a cost many times great than the maximum tax credit.

"Mr. Speaker, you have heard earlier, on this floor, in the years that I have been Chairman, the cost of incarcerating an inmate per year is somewhere around \$42,000; \$6,000 vs. \$42,000.

"Mr. Speaker, I urge you and the rest of my colleagues to vote in support of this bill that would provide renewed hope and a helping hand to ex-offenders who, after accepting and fulfilling their debt to society, would like to prove their capability to be a good employee and to reclaim their status as a good citizen. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1222, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred to the Committee on Finance with Representative Rath voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 615) recommending that H.B. No. 873, H.D. 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 873, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMUSEMENT AND THEME PARKS," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representatives Hiraki and Ito, for the Committees on Transportation and Education, presented a joint report (Stand. Com. Rep. No. 616) recommending that H.B. No. 1637, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 1637, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 617) recommending that H.B. No. 841 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 841, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A PARENT-COMMUNITY NETWORKING CENTER DISTRICT COORDINATOR POSITION FOR KAUAI," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 618) recommending that H.B. No. 855 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 855, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 619) recommending

that H.B. No. 1750 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1750, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BUSINESS SPECIALIST POSITIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 620) recommending that H.B. No. 390, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 390, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 621) recommending that H.B. No. 259, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 259, H.D. 2, be referred to the Committee on Finance, seconded by Representative Garcia.

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

"Initially, I opposed this bill, but the Chairs of Human Services and Education were in work with the Committee and they made some very good changes. I wish the Human Services Chair was here because I'm always hammering the poor guy and this is an opportunity to say good job. Thank you."

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

"Mr. Speaker, I concur, also, with my colleague's remarks, my colleague from Foster Village. At first, this measure was very disturbing because it would have mandated screening for one's child by about age three. But the Chair in working with the concerns of the people that testified and the members amended the language. So instead the language reads 'shall have access' to screen for psychological and cognitive language, motor and behavioral, or socially/emotionally development. And that's a great improvement 'shall have access'. So it's an opportunity. It empowers parents to be able to take advantage of these kinds of services rather than mandating that parents do that. For these reasons, Mr. Speaker, I support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 259, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD ASSESSMENTS," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 622) recommending that H.B. No. 264, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 264, H.D. 2, be referred to the Committee on Finance, seconded by Representative Garcia.

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

"Just to mention, the measure, which has to do with the setting up of school-based health centers, through two drafts has really been significantly improved. The focus is on counseling, on mentoring of students by adults at the schools. And there's a chance for peer support in a way that I don't believe the original bill really focused on.

"Also, I believe that there's the promise of providing the kind of support that will benefit all students, including many of those who are considered Felix students, in a much more effective way than they are presently being supported. I, too, want to commend the Chair of Human Services, who's not here this evening, the Chair of the Health Committee, the Chair of the Education Committee and all the Committee members for working on these drafts so successfully. Thank you."

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

"I have philosophical objections, but the comments that my colleague made were right on. There was a lot of give and take in the discussions. I just have a philosophical objection to this type of thing. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 264, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED HEALTH CARE FOR ADOLESCENTS," was referred to the Committee on Finance with Representative McDermott voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 623) recommending that H.B. No. 203, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 203, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DEVELOP A NEUROSCIENCE INDUSTRY IN THE STATE," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 624) recommending that H.B. No. 1338 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1338, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 625) recommending that H.B. No. 1681 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1681, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading

and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 626) recommending that H.B. No. 1566, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1566, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND A COMMUNITY MAPPING PROJECT FOR WAIALUA, O'AHU," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 627) recommending that H.B. No. 202, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 202, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 628) recommending that H.B. No. 359, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 359, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 629) recommending that H.B. No. 1041, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1041, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 630) recommending that H.B. No. 1048, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1048, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to

the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 631) recommending that H.B. No. 1060, H.D. 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1060, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 632) recommending that H.B. No. 1047, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1047, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAXIMUM RETIREMENT ALLOWANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 633) recommending that H.B. No. 146, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 146, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 634) recommending that H.B. No. 499, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 499, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 635) recommending that H.B. No. 1416, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1416, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives

Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 636) recommending that H.B. No. 1335, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1335, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES FULL-FLEX CAFETERIA PLAN," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 637) recommending that H.B. No. 1128, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1128, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN RESOURCES MANAGEMENT IN STATE GOVERNMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 638) recommending that H.B. No. 1162, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1162, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 639) recommending that H.B. No. 96, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 96, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 640) recommending that H.B. No. 1100, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1100, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN INCUMBENT WORKER JOB TRAINING PROGRAM FOR GROWTH INDUSTRIES," passed Second Reading and was referred to the Committee on Finance with Representatives

Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 641) recommending that H.B. No. 869, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 869, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 642) recommending that H.B. No. 297, H.D. 1, as amended in HD 2, be referred to the Committee on Judiciary and Hawai'ian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 297, H.D. 2, be referred to the Committee on Judiciary and Hawai'ian Affairs, seconded by Representative Garcia.

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

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

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

Representative Yamane continued, stating:

"House Draft 2 is a far cry from House Draft 1. I think the House Draft 2 overlooks several other issues that we had in the House Draft 1. I for one am deeply concerned. So I hope the Chair of Judiciary and Hawai'ian Affairs will take a look at it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 297, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN THE WORKPLACE," was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives McDermott and Rath voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 643) recommending that H.B. No. 102, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 102, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGE PAYMENTS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 644) recommending that H.B. No. 720, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 720, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs, seconded by Representative Garcia.

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

Representative Yamane continued, stating:

"We've discussed other special classes of people in the past, Judiciary Committee. We have ACO's now that have enhanced penalties. We have assaults against teachers with enhanced penalties. And now we're going to have government workers with enhanced penalties. Everybody wants to have enhanced penalties. Why don't we just change it for everyone? Instead of picking out different classes of people. One by one and having them be labeled as a felon. Or having a slap on the wrist or a slap on the head. Maybe some of us need more slaps on the head, but anyway, the concern here is why do we do it piecemeal? If there's such a large consent from the public, change the stupid rule. Thank you, Mr. Speaker."

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

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

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

"My good friend, the Representative from Kaimuki, asked a good question. We're talking about classes of people.

"Well, I'd like to start by mentioning that public employees are often more vulnerable to assault than other workers for two reasons. One is there's many cases where there's a lot of high visibility. The second reason is that the public's interaction is not voluntary, but mandatory. That's a key concept with this bill.

"In the private sector, for instance, if you don't like someone leave the premises, lock the door. But these people are forced to have prolonged contact, sometimes under rather dangerous circumstances. For instance, sometimes they must go to individual homes and these cases involve very sensitive medical questions, welfare questions, and family crisis questions. Employees in state work places often are involved with drugs, alcohol and other types of people of the public who are under great deals of stress. And they cannot decide in cases of personal danger that they cannot provide these services.

"And this has all happened in a time where budget cuts have forced a reduction in security and security personnel. I'd also like to point out that in regards to the question of a protected class again, the Representative brought up a very good point. We have a lot of these. We have the corrections, police and teachers. And that's one of the reasons for this bill. It's to take all of that out and say we're going to come up with this one standard for all state employees. Again, we already have classes because correctional workers and educational workers are in the law presently.

"I just wanted to add, at a time when we're all looking at things like the problems with the Health Fund, I know that my number one responsibility is for the taxpayers of this State and for providing the services that we need to for the people of this State. But beyond that, we also have to keep an attitude that we are sort of like a board of directors for a very large work force. And this work force, sometimes I think we forget to think of them as members of a team in trying to get the best product or the best service out there for the public.

"And when the people who are on the front line of our team are scared because of some very -- and this is not just me talking here -- there are reported incidents. I don't want to go on to individual names to protect some of the victims here, but there's a case of a desk being thrown, couple of cases, mail death threats, baseball bat and sticks. Even in a case, there was military a personnel, a person of the military involved in a social case that threatened to blow up the building.

"These employees have to deal with the public, front line, and trying to do a better job. And we need to be very cognizant of their concerns, especially when we have to look at some of the other necessary things that affect them as well. Such as the Health Fund, collective bargaining, civil service reform..."

Representative Pendleton then rose on a "point of order," stating:

"Mr. Speaker, is the distinguish gentleman addressing the contents of this bill?"

Representative Goodenow then responded:

"I certainly am. Because what we're talking about here is the problem that so often the attitude from our own workers out there is that we think of them in the same way that maybe some of the press has characterized some of the poor examples of public workers and not the important component of state government that they are. And for those reasons, I certainly urge your full support for this measure. Thank you."

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

"Thank you, Mr. Speaker. I'll speak to the contents of the bill. I have reservations with this bill, Mr. Speaker. One of the problems is, first of all, we're defining or trying to redefine and reclassify some of these people when we're talking about assault. It's already against the law. We're not doing anything different to these people. It's against the law. You can't assault anybody.

"But in this bill, it specifically removes educational workers and goes on to define them as 'any administrator, specialist, counselor, teacher or employee of the Department of Education.' I think those people have contact with the public too. So why are we excluding them? And why again are we making a law for assault when it's already against the law? Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 720, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 645) recommending that H.B. No. 848, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 848, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTING," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 646) recommending that H.B. No. 134, as amended in HD 1, pass Second Reading and be referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 134, H.D. 1, pass Second Reading and be referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, seconded by Representative Garcia.

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

Representative Catalani then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 134, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs with Representatives Catalani and Takai voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 647) recommending that H.B. No. 402, H.D. 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 402, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representatives Morihara and Ito, for the Committees on Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 648) recommending that H.B. No. 261, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 261, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND FAMILIES," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 649) recommending that H.B. No. 645 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 645, entitled: "A BILL FOR AN ACT RELATING TO VETERANS RIGHTS AND BENEFITS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 650) recommending that H.B. No. 1298 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1298, entitled: "A BILL FOR AN ACT RELATING TO BURIALS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 651) recommending that H.B. No. 905, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 905, H.D. 1, entitled: "A BILL FOR AN ACT DEPORTATION OF PRISONERS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representatives Arakaki and Yoshinaga, for the Committees on Human Services and Housing and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 652) recommending that H.B. No. 629, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 629, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WELFARE-TO-WORK TRANSITION ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say 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. 653) recommending that H.B. No. 1413 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 1413, entitled: "A BILL FOR AN ACT RELATING TO QUEST," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say 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. 654) recommending that H.B. No. 1726, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 1726, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY HEALTH SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 655) recommending that H.B. No. 543, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 543, H.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO FOSTER CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 656) recommending that H.B. No. 1437, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1437, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 657) recommending that H.B. No. 1484, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1484, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 658) recommending that H.B. No. 635, H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 635, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 659) recommending that H.B. No. 1008 pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1008 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Garcia.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1008, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO LIABILITY," passed Second Reading and was referred to the Committee on Finance with Representative McDermott voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 660) recommending that H.B. No. 1207 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1207, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 661) recommending that H.B. No. 1153 pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1153, entitled: "A BILL FOR AN ACT RELATING TO RETAIL LIQUOR SALES TO MINORS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representatives Menor and P. Oshiro, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 662) recommending that H.B. No. 1270, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 1270, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 663) recommending that H.B. No. 354, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 354, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A REVIEW OF THE CONDOMINIUM PROPERTY REGIMES LAW," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 664) recommending that H.B. No. 657, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 657, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 665) recommending that H.B. No. 1097, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee

was adopted and H.B. No. 1097, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REPEAL OF PROFESSIONAL AND VOCATIONAL LICENSING BOARDS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 666) recommending that H.B. No. 133 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 133, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND THE SMALL BUSINESS DEFENDER POSITION AND OTHER SUPPORT PERSONNEL ESTABLISHED UNDER ACT 168, SESSION LAWS OF HAWAII 1998," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 667) recommending that H.B. No. 1078, H.D. 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1078, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 668) recommending that H.B. No. 644, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 644, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 669) recommending that H.B. No. 646, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 646, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 670) recommending that H.B. No. 665, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 665, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 671) recommending that H.B. No. 1664, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1664, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 672) recommending that H.B. No. 522, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 522, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL-TO-WORK OPPORTUNITIES PILOT PROJECT," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 673) recommending that H.B. No. 1663, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1663, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representatives Santiago and Ito, for the Committees on Health and Education, presented a joint report (Stand. Com. Rep. No. 674) recommending that H.B. No. 269 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 269, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE ADDITIONAL STATEWIDE COMMUNITY-BASED GATEKEEPER TRAINING FOR TEEN SUICIDE PREVENTION AND INTERVENTION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 675) recommending that H.B. No. 976 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 976, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 676) recommending that H.B. No. 149, as amended in HD 1, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 149, H.D. 1, be referred to the Committee on Finance, seconded by Representative Garcia.

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

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

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

Representative Pendleton then rose and stated:

"Mr. Speaker, I need a ruling on a potential conflict, my wife is a member of the Board of Education, and the Chair ruled "no conflict."

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

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

Representative Moses continued, stating:

"I think a good bill that's very similar to this is the appointed school board for one year and then elected school board with the new century schools which I think came out of the governor's office. Thank you."

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

Representative Marumoto then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

Representative Thielen then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

Representative Leong then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

Representative Auwae then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 149, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD," was referred to the Committee on Finance with Representatives Auwae, Fox, Halford, Leong, Marumoto, McDermott, Moses, Pendleton, Rath, Thielen and Whalen voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

"DISSENT TO STAND. COM. REP. NO. 676
Honolulu, Hawai'i
February 19, 1999

RE: H.B. No. 149, H.D. 1

Honorable Calvin Say
Speaker, House of Representatives
Twentieth State Legislature
Regular Session of 1999
State of Hawai'i

Sir:

We the undersigned dissenting members of the Committee on Judiciary oppose changing the board of education from an elected body to an appointed body and beg leave to file this dissent to Standing Committee Report No. 676 in reference to H.B. 149, H.D. 1, PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD.

Education is of great importance to Hawai'i's people and we believe the people should have the utmost participation in its development and governance. The board of education should be representative of the populace whom they serve rather than appointed by the governor. The board should also be accountable to the public since it is the public that receives the services of the board. Education services are core services that have a tremendous impact on the lives of the average citizen. They also have an impact on the future of Hawai'i residents. It is therefore prudent to make the board of education accountable to the very people whose lives they touch so deeply.

Making the board directly accountable to the public rather than the governor would enhance the performance of the board since the people who know the everyday performance of the department of education will be able to choose whom they feel are most qualified to make the policy decisions the board has to make.

We also feel the legislature should take the additional step of creating regional elected boards rather than one board to make them that much more accountable and in touch with the residents of Hawai'i. We therefore oppose passage of H.B. 149, H.D. 1.

Respectfully submitted by the following members of your Committee on Judiciary and Hawaiian Affairs,

Cynthia Thielen, member
David A. Pendleton, member
Paul Whalen, member
Emily J. Auwae, member"

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 677) recommending that H.B. No. 1020, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 678) recommending that H.B. No. 139 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 139, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL CONSTRUCTION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 679) recommending

that H.B. No. 949, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 949, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Garcia.

Representative Abinsay 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:

"House Bill 949, House Draft 1 directs the Agribusiness Development Corporation or ADC to establish agricultural parks and developments in a fast, efficient and cost-effective manner as possible.

"Because of the closure of plantations, vast acres of land in Hawai'i were left idle and former plantation workers are left with no job opportunities elsewhere, but to enter into agricultural endeavors increasing the demands for more agricultural land leases. We recognize these needs, and we also recognize that these needs could be met through the reuse of former plantation lands along with its water delivery systems, existing roadways, and other necessary infrastructure.

"The State, through the Agribusiness Development Corporation is statutorily empowered to facilitate the development of these agricultural parks.

"Mr. Speaker, this measure is very important in order for farmers to acquire long-term leases from the Department of Land and Natural resources through the ADC in cooperation with and assistance from financial institutions.

"I fully support this measure. 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 H.B. No. 949, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 680) recommending that H.B. No. 1280, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1280, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Garcia.

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

"House Bill 1280, HD 1, in its amended form, would change the composition of the board of the Agribusiness Development Corporation (ADC). We have amended this bill to give more autonomy to ADC. At present, ADC cannot act or make decisions on its own without the approval of the Board of Agriculture. As evident in the past four and a half years, since ADC was established, because of this restriction, ADC has not been able to do and accomplish any of its goals and objectives.

"Mr. Speaker, ADC should continue because I am convinced that given flexibility and authoritative power, ADC is one entity that can act as a leader in developing and promoting the agricultural industry in Hawai'i.

"We changed its member composition by giving the Governor full authority to appoint the eight members and giving each county one-member representation requiring that they at least have some knowledge or background or expertise in either banking, real estate and marketing and promotion. This is in addition to the land, water and agricultural management expertise of the designated representative from the Department of Agriculture, Department of Land and Natural Resources, and the Department of Business and Economic Development.

"In my research and what I have seen so far in my meetings with various individuals and groups regarding ADC is that we have an agency that has so much promise of becoming a significant as well as an effective force in the redevelopment of Hawai'i's agricultural industry. And yet so fragmented to the degree that it can never succeed with the current set-up.

"We need to take a closer look at this agency that was empowered by the Legislature with the task to facilitate the transition from the plantation years to a new era of diversified agriculture. And that window of opportunity is now, Mr. Speaker.

"We can accomplish this by taking bold and creative steps in redefining ADC. Re-establishing its authority by giving it autonomy, making it a well-staffed, highly focused redevelopment agency. ADC deserves additional time to give it the chance to live up to its expectations. That is what this bill is hoping to accomplish. And I am fully convinced that it can be done. Colleagues, I trust that you will support me in this endeavor. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1280, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representatives Abinsay and Yoshinaga, for the Committees on Agriculture and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 681) recommending that H.B. No. 641, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 641, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE AGRICULTURAL BACK-TO-WORK PILOT PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representatives Abinsay, Herkes, and Takumi, for the Committees on Agriculture and Economic Development and Business Concerns and Ocean Recreation and Marine Resources, presented a joint report (Stand. Com. Rep. No. 682) recommending that H.B. No. 984, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the joint report of the Committees be adopted and H.B. No. 984, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Garcia.

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

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

"This was a difficult bill and an important bill. And we had to do a lot of work on it. We ended up with a compromise that made a lot of sense for the environmental community, for the business community, and for some industries. This is a really potentially strong industry for Hawai'i and it's clean. So I stand in strong support of this measure."

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

"Mr. Speaker, House Bill 984, HD 1, relating to ocean leasing, is a very important measure, as stated by my colleague, that could have a positive impact on Hawai'i's agricultural, economic and mariculture industries with great potential economic benefit for Hawai'i.

"This bill will facilitate and support research and development of open ocean aquaculture or mariculture in Hawai'ian waters. The three Committees to which this bill was referred to (AGR, EDB, OMR) agreed to amend this bill to create two pilot projects in open ocean aquaculture and identify two pilot ocean aquaculture project zones. These zones or locations are to be determined by detailed environmental and operational assessments upon consultation with appropriate and affected members of the community.

"Mr. Speaker, this amendment was made to accommodate everyone's concerns. During the hearing, we heard testimonies from both advocates and opponents of this bill. We realized that passage of this bill would attract investments and we would like to see that happen, of course. However, we also heard the concerns of the others who came to testify that the bill, the way it was written, would put them at a disadvantage, possibly putting their livelihoods at risk. All of these concerns came from the fishermen, divers, boaters, and many others who use our waters either to earn a living or for recreation.

"I have said this at the decision-making hearing this morning, and I will say it again. The beauty of our democratic process is our ability to put an issue on the table for discussion no matter how difficult or unpleasant. We listen, we argue, and then we gather our resolve to make a sound decision for the benefit of the community as a whole.

"I believe that House Bill 984, with its amendments, is a good measure as a start toward developing our ocean resources. The Committees on Agriculture, Economic Development and Business Concerns, and Ocean Recreation and Marine Resources are in support of this measure. I urge all of you to please support it. Thank you, Mr. Speaker."

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

"I would like the record to reflect that my remarks would concur with those of the Representative from Kalihi. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 984, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN LEASING," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 683) recommending that H.B. No. 235, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 235, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 684) recommending that H.B. No. 1193, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1193, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 685) recommending that H.B. No. 403, H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 403, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 686) recommending that H.B. No. 1698, H.D. 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1698, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII KAI PERFORMING ARTS AND TECHNOLOGY CENTER," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 687) recommending that H.B. No. 1171, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1171, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LIBRARIAN," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 688) recommending that H.B. No. 287 be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 287 be referred to the Committee on Finance, seconded by Representative Garcia.

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

"A well-intended measure, but there's 26 teachers employed in this Peer Education Program. As I said before, I think they should be concentrating on more academic curriculum -- mathematics, science, geography, foreign language, computer science -- instead of this 'fluff.' And it is 'fluff' because I know if I was a senior in high school, I wouldn't have walked to sign up for this course, I would have ran. So for that reason, I'm going to vote no."

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

"Mr. Speaker, I really did not want to have to defend this measure, but when it is referred to as 'fluff', I am forced to.

"This is a very important measure. And I am really actually astonished and shocked that a member of the Health Committee who sat through the testimony, I believe, could refer to this as 'fluff'. The students who participate in this program are excellent students. They participate in saving the lives of other students. This is an important measure. This is an important program. And I will challenge, at any time, the referral of this program as 'fluff'. It is anything but. Thank you, Mr. Speaker."

Representative Stegmaier then rose in support of the measure and asked that the remarks of Representative Santiago be entered into the Journal as his own, and the Chair "so ordered."

Representative McDermott then rose and stated:

"Mr. Speaker, I do think it's 'fluff'. And I didn't realize we were teaching CPR in there, but I guess we are. Sexual identity, counseling, these things can be handled by your parish priest, your pastor, your parents. That's what's going wrong with our education system. We're trying to be the parents to every kid. And we can't do that. We can't afford to do it. We should be teaching math, science, geography, academics. That's what they're in school for. That's why they're there, to learn. This doesn't help them on their SAT's. They're not saving lives talking to their buddy. That's baloney."

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

"I feel like this is dejavu all over again, or some recording that keeps going on and on. I don't like to repeat myself, but you know how I feel about this bill. And I also am shocked that our colleague across the aisle there thinks it's 'fluff'. Thank you, Mr. Speaker."

Representative Stegmaier then rose and stated:

"I think what we need to do is emphasize how important this is as the Health Committee Chair mentioned. What we're doing is establishing peer support. Where instead of peer pressure of a negative kind, we are replacing that with an opportunity for young people to support each other through the crises that they all inevitably face during that period of their development. Out of the peer education program come leaders who have a commitment to others. And I think it's something that we need to expand to every school. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 287, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PEER EDUCATION PROGRAM," was referred to the Committee on Finance with Representative McDermott voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 689) recommending that H.B. No. 1248 pass Second Reading and be referred to the Committee on Tourism.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1248, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AND CULTURAL RESOURCES," passed Second Reading and was referred to the Committee on Tourism with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 690) recommending that H.B. No. 900, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 900, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Garcia.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 900, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RECYCLING OF BATTERIES AND TIRES," passed Second Reading and was referred to the Committee on Finance with Representative McDermott voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 691) recommending that H.B. No. 1665, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1665, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE IMPLEMENTATION OF THE MAUI INVASIVE SPECIES COMMITTEE FY 2000 ACTION PLAN," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 692) recommending that H.B. No. 487, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 487, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNTS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 693) recommending that H.B. No. 1568, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1568, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PLACING ORGANIZATIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki,

Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 694) recommending that H.B. No. 1596, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1596, H.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 695) recommending that H.B. No. 544 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 544, entitled: "A BILL FOR AN ACT RELATING TO SAFETY NET HEALTH PLANS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say 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. 696) recommending that H.B. No. 1061, H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 1061, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS AND SUBSIDIES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representatives Ito and Yoshinaga, for the Committees on Education and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 697) recommending that H.B. No. 1110, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 1110, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY SCHOOLS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 698) recommending that H.B. No. 1080, H.D. 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1080, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NAMES OF CORPORATIONS, PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina,

Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 699) recommending that H.B. No. 326, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 326, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 700) recommending that H.B. No. 1029, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1029, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERMIT PROCESSING," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 701) recommending that H.B. No. 1079, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1079, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONVERSION OF BUSINESS ENTITIES," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 702) recommending that H.B. No. 117 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 117, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 703) recommending that H.B. No. 791, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 791, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 704) recommending that H.B. No. 1096, as amended

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

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1096, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF BUSINESS REGULATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 705) recommending that H.B. No. 1514, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1514, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE COMPANY TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representatives Menor and P. Oshiro, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 706) recommending that H.B. No. 1533, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 1533, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representatives Menor and P. Oshiro, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 707) recommending that H.B. No. 247, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.B. No. 247, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 708) recommending that H.B. No. 1126, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1126, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FLEXIBLE SPENDING ACCOUNTS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 709) recommending that H.B. No. 747, as amended in HD 1,

pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 747, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 710) recommending that H.B. No. 1049, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1049, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 711) recommending that H.B. No. 142, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and H.B. No. 142, H.D. 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Garcia.

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

"Thank you, Mr. Speaker. I'm proud to present this bill to this body. With this bill, your Committee on Labor and Public Employment, with the help of my Vice Chair and its members and the Speaker of the House, organized labor and the administration has been able to fashion a plan to modernize Hawai'i's now outdated civil service system. The language of this bill establishes a panel whose duty it will be to formulate an orderly and fair transition from Hawai'i's present antiquated civil service system to a modernized public work force.

"This panel will have specific guidelines and specific target dates within which to implement change. In this way, your Chair believes Hawai'i will enter the 21st Century with a modernized civil service system. But modernized in a manner that will not threaten those who must operate within it. The Governor's proposal is visionary, but such a vision cannot be implemented with a sweep of a hand. Instead this bill represents our best effort to provide our civil servants as well as the people of Hawai'i with a fresh start into the new millennium. And by doing so, remove the burden from our civil servants and allow them to perform their jobs with renewed dedication and efficiency. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 142, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 712) recommending that H.B. No. 143, as amended in HD 1,

pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 143, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATIZATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 713) recommending that H.B. No. 159, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs.

Representative Case moved that the report of the Committee be adopted and H.B. No. 159, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs, seconded by Representative Garcia.

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

"This is another anti-business bill. This is where an employee need just make an accusation and suddenly the company is straddled with unbelievable legal fees in defending themselves and the burden to prove themselves innocent when accused. I think the effects on a small business with disgruntled employees casting out blame far outweighs the good that this bill would do. Especially, considering that most of the items that could occur in whistleblowing are already covered by federal and other state labor laws. So in that aspect it actually becomes redundant. So I'd like you to register a no vote on this. Thank you, Mr. Speaker."

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

"I'm going to tell you the truth, Mr. Speaker, I haven't had time to thoroughly digest the change in the bill, but I did vote no for this in Committee. The reason is that it said that if an employee is about ready to make some kind of claim. Well first of all I don't know that anybody would know that. I don't know if that's provable. He's about ready to make a claim. And then it talks about what happens if he's not transferred or if he is transferred, if he's disciplined, if he's failed to be promoted, well all he has to do then is say well I was about ready to make a claim of fraud against this employer.

"I can see us being in court all day, all year, forever because you can't prove any of those allegations. He wasn't promoted because of that? Maybe he wasn't promoted because he wasn't doing his job. How do you prove it? Thank you, Mr. Speaker."

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

"We passed this measure out of the Labor Committee just for the protection of those employees who have tried to whistleblow in the past. What employers are doing are trying to get to these employees by retaliating against them by shifting their shifts so that they're all working night shifts or they work the graveyard shift or some other shift. What they're also doing is trying to deny people access to their vacation which is a wage and hours discrimination, but at the same time it makes the employee less willing to stand up and state what's wrong with the present system. So for that reason, I support this measure."

Representative Moses then rose and stated:

"Thank you, Mr. Speaker. It's funny. I attended that hearing. I didn't hear anybody testify that anything like that ever happened to them. Now maybe it's theoretically possible, but I didn't hear any of that. Nobody came forward to say they

need protection, but I suppose they could come forward and say they need protection because they're going to whistleblow and then they can claim tomorrow they weren't promoted. Thank you."

Representative Catalani then rose and stated:

"Mr. Speaker, I was also at that hearing. And if the former speaker will recall, when I questioned some of the opponents of this measure, they concurred that what I had stated previously does actually happen. And that is not an actual defense for employees and for this reason we need this protection for them. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 159, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WHISTLEBLOWER PROTECTION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Moses and Rath voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 714) recommending that H.B. No. 1075 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1075, entitled: "A BILL FOR AN ACT RELATING TO LENDER EXEMPTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 715) recommending that H.B. No. 1062, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1062, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 716) recommending that H.B. No. 352, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 352, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 717) recommending that H.B. No. 169, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 169, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," was referred to the Committee on Finance with Representatives Arakaki,

Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 718) recommending that H.B. No. 661, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 661, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED WIRELESS EMERGENCY 911 SERVICE," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 719) recommending that H.B. No. 743, H.D. 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 743, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 720) recommending that H.B. No. 1074, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1074, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF OSTEOPATHY," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 721) recommending that H.B. No. 1361, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1361, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER TOUR OPERATORS," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 722) recommending that H.B. No. 1683, as amended in HD 1, be recommended to the Committee on Economic Development and Business Concerns.

At 9:10 o'clock p.m., Representative Souki asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:12 o'clock p.m.

At 9:13 o'clock p.m., Representative Case asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:14 o'clock p.m.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1683, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," was recommitted to the Committee on Economic Development and Business Concerns with Representatives Arakaki, Cachola, Hiraki, Kahikina, Kaho'ohalahala, Menor, Meyer, Say, Takamine and Yamane being excused.

ANNOUNCEMENT

Representative Auwae: "We have a visitor, visiting with us from Michigan. Mr. George Kaleikani, and he's with my husband David Auwae."

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 723) recommending that H.B. No. 86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 86, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 724) recommending that H.B. No. 160 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 160, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY IMMUNITY FROM LIABILITY," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 725) recommending that H.B. No. 996 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 996, entitled: "A BILL FOR AN ACT RELATING TO MEETINGS OF STATE AND COUNTY BOARDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 726) recommending that H.B. No. 1431 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1431, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 727) recommending that H.B. No. 1469 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1469, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 728) recommending that H.B. No. 955, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 955, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 729) recommending that H.B. No. 1464, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1464, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRIMARY ELECTION DATE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 730) recommending that H.B. No. 83, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 83, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 731) recommending that H.B. No. 1496, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1496, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEADLY OR DANGEROUS WEAPONS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 732) recommending that H.B. No. 165, as amended in HD

I, pass Second Reading and be placed on the calendar for Third Reading.

Representative Case moved that the report of the Committee be adopted and H.B. No. 165, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Yonamine.

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

"I really oppose strangling political parties. If we weaken parties by limiting what they can give to candidates, we strengthen the hand of special interests, businesses and unions and other lobbies. We will be seeing a lot more of these obnoxious T.V. ads which blast candidate X for voting for chewing tobacco or whatever and telling us that candidate Y feels the opposite way regarding chewing tobacco. We will have pictures that one candidate X posed with Newt Gingrich or somebody like that. We will see more people employing people to phone up candidate Y and thank him for hating chewing tobacco and hating Newt to boot.

"As political beings, we should support our parties for they carry the principles in which we strongly believe -- the economic, social, philosophical and governmental underpinnings of why we run for office. The people that belong to the parties contribute to parties and candidates, work for us as candidates, and vote for certain candidates who share these common values with their parties.

"I think we should nurture these entities. They're broad entities, Mr. Speaker, broad umbrella organizations. They are not the narrow special interest with their very narrow agendas. I urge all to oppose this measure. Thank you."

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

"Mr. Speaker, I sat through the hearing and listened very attentively to all of the testimony. And the interesting thing I found was that when you look at our Stand. Com. Report 732, it just states that testimony was received from the Campaign Spending Commission, Democratic Party of Hawai'i, Republican Party of Hawai'i, etc. and it sounds innocuous.

"That's certainly true, it was received, but the testimony from both parties, if my memory serves me, was in opposition. And the very reasons they stated had to do with the language on Page 2. It says, 'no person, political party or other entity shall make contributions to' and it limits again, as the Minority Leader has said, it limits the political party to be able to contribute the same amount and no more than any other person would. This again weakens political parties vis a vis all other special interests. And for these reasons, I think this is a bad bill, an unwise bill, and that's why I oppose it.

"Also for efficiency sake, if the Clerk would register a 'no' vote for all Republican members present. Thank you, Mr. Speaker," and the Chair "so ordered."

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

"As we all know, there is a flow of money from the national political parties to local political parties. As I walked door-to-door, and many of us walked door-to-door in our campaigns, I talked to people. And part of the reason that they're losing faith in the political process is that there is this unstoping flow of money to political candidates and therefore, the politicians. We need to adhere to the Hawai'i Clean Elections motto which is 'one person, one vote.' This bill will not solve all of the problems, but it is an incremental step towards campaign finance reform and I'm in full support of that. Thank you, Mr. Speaker."

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

"If the previous speaker knows about an unlimited flow of money, I wish they would redirect some my way. But I will just say for your own protection, as a party, I think you should be opposed to this. Someday you may find yourselves in the minority and you wish you never did this. Thank you."

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

"Mr. Speaker, I think we should keep in mind that all of the parties' monies, the majority of them, particularly in the Minority party, the majority of the monies have come from out of state and they are special interest monies. Thank you."

Representative Marumoto in rebuttal stated:

"I commend some of our Republican candidates in the past because they have raised so much of their funds from local people and from small individual donors. I think I commend Orson Swindle, who's run in the past, and Linda Lingle, her recent gubernatorial campaign raised an amazing percentage, large percentage of their money from local small donors. As I recall in the past, Representative Abercrombie in Congress has been allotted for receiving a very large amount of PAC money from the mainland. I think he really takes the cake for this distinction.

"I would urge all of you to encourage people to contribute to their parties because they must all have their donations recorded. But if you limit the parties, others will be giving money. And there will be a large flow of money through special interest who are not restricted like the parties are because under the constitutional right of free speech are not impeded as much as parties in terms of disclosing their contributions. And for that reason, this is a very bad measure. Thank you, Mr. Speaker."

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

"As one who very recently found himself running against a party rather than a candidate, I'm very much in support of this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 165, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Auwae, Fox, Halford, Leong, Marumoto, McDermott, Moses, Pendleton, Rath, Thielen and Whalen voting no and Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 733) recommending that H.B. No. 177, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 177, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 734) recommending that H.B. No. 997, as amended in HD

1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 997, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY LAUNDERING," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 735) recommending that H.B. No. 1497, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1497, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 736) recommending that H.B. No. 300, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 300, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 737) recommending that H.B. No. 605, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 605, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 738) recommending that H.B. No. 999, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 999, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 739) recommending that H.B. No. 1114, as amended in HD

1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1114, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine being excused.

ADJOURNMENT

At 9:23 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 11:30 o'clock a.m. on Monday, February 22, 1999. (Representatives Arakaki, Hiraki, Kahikina, Kaho'ohalahala, Meyer, Morita, Say and Takamine were excused.)

TWENTY-SECOND DAY

Monday, February 22, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:37 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Jan Youth of the Honpa Hongwanji Hawaii Betsuin, after which the Roll was called showing all members present with the exception of Representatives Cachola, Kawakami, Menor, Okamura, Souki, Stegmaier, Takai, Takamine, Takumi and Yonamine, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 177 and 178) were announced by the Clerk and were placed on file:

Gov. Msg. No. 177, transmitting copies of the 1998 Annual Report prepared by the Department of Labor and Industrial Relations, pursuant to Section 371-7, Hawaii Revised Statutes, as amended.

Gov. Msg. No. 178, transmitting copies of the Report on the Hawaii Youth Correctional Facility, A Status Report in Response to Act 292, SLH 1998.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 14 and 15) were announced by the Clerk and were placed on file:

Sen. Com. No. 14, transmitting Senate Bill No. 1139, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," which passed Third Reading in the Senate on February 19, 1999.

Sen. Com. No. 15, transmitting Senate Bill No. 1143, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," which passed Third Reading in the Senate on February 19, 1999.

On motion by Representative Case, seconded by Representative Pendleton and carried, S.B. Nos. 1139, SD 1, and 1143 passed First Reading by title and further action was deferred, with Representatives Cachola, Menor, Okamura, Souki, Stegmaier, Takai, Takamine, Takumi and Yonamine being excused.

INTRODUCTION

Representative Ito, on behalf of Representative Catalani and himself, introduced 44 ninth grade students from Castle High School. They were accompanied by their teachers, Ms. Terry O'Melley and Ms. Kathy Hise.

At 11:43 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 37 and 38) and concurrent resolutions (H.C.R. No. 53) were referred to committee by the Speaker:

<u>H.R.</u> <u>No.</u>	<u>Referred to:</u>
37	Committee on Health, then to the Committee on Finance
38	Committee on Education, then to the Committee on Finance
<u>H.C.R.</u> <u>No.</u>	
53	Committee on Education, then to the Committee on Finance

UNFINISHED BUSINESS

H.B. No. 1492:

By unanimous consent, action was deferred one day.

STANDING COMMITTEE REPORTS

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 740) recommending that H.R. No. 9, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.R. No. 9, entitled: "HOUSE RESOLUTION ENCOURAGING ALTERNATIVE ACCESS ROUTES TO MAJOR COMMUNITIES CURRENTLY SERVED BY A SINGLE ACCESS ROADWAY," was referred to the Committee on Finance, with Representatives Ahu Isa, Kanoho, Menor, Okamura, Souki, Suzuki, Takai, Takamine and Yonamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 741) recommending that H.C.R. No. 6 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.C.R. No. 6, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING ALTERNATIVE ACCESS ROUTES TO MAJOR COMMUNITIES CURRENTLY SERVED BY A SINGLE ACCESS ROADWAY," was referred to the Committee on Finance, with Representatives Ahu Isa, Kanoho, Menor, Okamura, Souki, Suzuki, Takai, Takamine and Yonamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 742) recommending that H.R. No. 19 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.R. No. 19, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT AND ENCOURAGEMENT FOR THE DEPARTMENT OF TRANSPORTATION'S INITIATIVE TO IDENTIFY, PROTECT, AND ENHANCE HAWAII'S HERITAGE ROADS," was referred to the Committee on Finance, with Representatives Ahu Isa, Kanoho, Menor, Okamura, Souki, Suzuki, Takai, Takamine and Yonamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 743) recommending that H.C.R. No. 17 be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT AND ENCOURAGEMENT FOR THE DEPARTMENT OF TRANSPORTATION'S INITIATIVE TO IDENTIFY, PROTECT, AND ENHANCE HAWAII'S HERITAGE ROADS," was referred to the Committee on Finance, with Representatives Ahu Isa, Kanoho, Menor, Okamura, Souki, Suzuki, Takai, Takamine and Yonamine being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 744) recommending that H.C.R. No. 40, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.C.R. No. 40, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR A TASK FORCE AND REQUESTING A STUDY TO REVIEW THE FISCAL NEEDS OF THE STATE HIGHWAY FUND AND REPORT ON DEVELOPING A REVENUE PLAN FOR THE HIGHWAYS DIVISION," was referred to the Committee on Finance, with Representatives Ahu Isa, Kanoho, Menor, Okamura, Souki, Suzuki, Takai, Takamine and Yonamine being excused.

THIRD READING

H.B. No. 86:

By unanimous consent, action was deferred one day.

H.B. No. 160:

By unanimous consent, action was deferred one day.

H.B. No. 996:

By unanimous consent, action was deferred one day.

H.B. No. 1431:

By unanimous consent, action was deferred one day.

H.B. No. 1469:

By unanimous consent, action was deferred one day.

H.B. No. 955, HD 1:

By unanimous consent, action was deferred one day.

H.B. No. 1464, HD 1:

By unanimous consent, action was deferred one day.

H.B. No. 83, HD 1:

By unanimous consent, action was deferred one day.

H.B. No. 1496, HD 1:

By unanimous consent, action was deferred one day.

H.B. No. 165, HD 1:

By unanimous consent, action was deferred one day.

H.B. No. 177, HD 1:

By unanimous consent, action was deferred one day.

H.B. No. 997, HD 1:

By unanimous consent, action was deferred one day.

H.B. No. 1497, HD 1:

By unanimous consent, action was deferred one day.

H.B. No. 300, HD 1:

By unanimous consent, action was deferred one day.

H.B. No. 605, HD 1:

By unanimous consent, action was deferred one day.

H.B. No. 999, HD 1:

By unanimous consent, action was deferred one day.

H.B. No. 1114, HD 1:

By unanimous consent, action was deferred one day.

INTRODUCTION OF RESOLUTION

By unanimous consent, the following concurrent resolution (H.C.R. No. 54) was offered and further action was deferred:

H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A HAWAII STATE LAW ON EMPLOYMENT OF SEVERELY HANDICAPPED PERSONS," was jointly offered by Representatives Okamura and Yoshinaga.

ANNOUNCEMENT

Representative Case: "All members, both Majority and Minority, are reminded of our mandatory meeting immediately after session in Room 325."

ADJOURNMENT

At 12:12 o'clock p.m., on motion by Representative Case, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, February 23, 1999. (Representatives Ahu Isa, Kanoho, Menor, Okamura, Souki, Suzuki, Takamine and Yonamine were excused.)

TWENTY-THIRD DAY

Tuesday, February 23, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 1999, convened at 11:40 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Pastor John Kinyon of Second City Fellowship, after which the Roll was called showing all members present with the exception of Representatives Cachola, Goodenow, Ito, Kawakami, McDermott, Menor, Morita, M. Oshiro, Saiki, Takamine and Whalen, who were excused.

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

GOVERNOR'S MESSAGE

Gov. Msg. No. 179, transmitting copies of a report required by Act 170, SLH, 1998, was received and announced by the Clerk and was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 16 through 20) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 16, transmitting S.B. No. 27, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION, which passed Third Reading in the Senate on February 22, 1999.

Sen. Com. No. 17, transmitting S.B. No. 461, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS, which passed Third Reading in the Senate on February 22, 1999.

Sen. Com. No. 18, transmitting S.B. No. 1098, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE, which passed Third Reading in the Senate on February 22, 1999.

Sen. Com. No. 19, transmitting S.B. No. 1125, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS, which passed Third Reading in the Senate on February 22, 1999.

Sen. Com. No. 20, transmitting S.B. No. 1403, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE, which passed Third Reading in the Senate on February 22, 1999.

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, S.B. Nos. 27, 461, 1098, 1125 and 1403 passed First Reading by title and further action was deferred. (Representatives Cachola, Goodenow, Ito, Kawakami, McDermott, Menor, Morita, M. Oshiro, Saiki, Takamine and Whalen were excused.)

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 21 and 22) were received by the Clerk and were placed on file:

Misc. Com. No. 21 from Ms. Sandra H. Ebesu, Director of Personnel, Department of Human Resources, City and County of Honolulu, transmitting a Report of Positions Assigned to SC Salary Ranges, City and County of Honolulu.

Misc. Com. No. 22 from Mr. Paul T. Kawaguchi, Clerk of the Senate, informing the House that in accordance with the provisions of Article XVII, Section 3 of the Hawai'i State Constitution, written notice was hereby given to the Governor of the final form to the following Senate Bill:

S.B. No. 539, SD 1: "PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION, TO PROVIDE THE UNIVERSITY OF HAWAII WITH AUTONOMY IN ALL MATTERS RELATED TO THE UNIVERSITY."

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Takumi, on behalf of Representatives Yonamine, Takai and himself, introduced 17 student council members from Pearl City Elementary School and their advisors, Ms. Laura Kwok, Ms. Robin Andrade, Ms. Karen Mary Witson, the PTO Vice President; along with President Dean Bysa from the sixth grade.

Representative Yonamine introduced fifth grade students from Momilani Elementary School, the 1997 National Blue Ribbon School recipient, and their teachers Ms. Galene Fujiwara, Mr. Bob Fujikawa and student teacher Mr. Rob Paglinawan; and parents, Mrs. Irene Taguchi and Mr. Russell Gaza.

Representative Halford introduced newly elected state Senator Steve French and his wife Betsy from Alabama.

ORDER OF THE DAY

DEFERRED RESOLUTION

The following concurrent resolution (H.C.R. No. 54) was referred to committee by the Speaker, as follows:

H.C.R.No.Referred to:

- 54 Committee on Labor and Public Employment, then to the Committee on Human Services and Housing, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 43 and 44) were announced by the Clerk and were disposed of as follows:

H.R. No. 43, entitled: "HOUSE RESOLUTION HONORING AND COMMENDING JAMES 'JIMMY' TAKUSHI FOR THIRTY YEARS OF DEDICATED SERVICE TO THE STATE OF HAWAII," was offered by Representative Yoshinaga.

Representative Yoshinaga introduced Mr. James "Jimmy" Takushi and his wife Mrs. Violet Takushi.

On motion by Representative Yoshinaga, seconded by Representative Yonamine and carried, H.R. No. 43 was adopted with Representatives Ahu Isa, Cachola, Hiraki, Menor, Morita, M. Oshiro and Saiki being excused.

H.R. No. 44, entitled: "HOUSE RESOLUTION CONGRATULATING KENNETH F. BROWN UPON HIS RETIREMENT AS CHAIRMAN OF THE QUEEN'S

HEALTH SYSTEMS AND AS TRUSTEE FOR THE QUEEN EMMA FOUNDATION, MOLOKA'I GENERAL HOSPITAL, QUEEN'S INTERNATIONAL CORPORATION, AND THE QUEEN EMMA COMMUNITY HEALTH," was jointly offered by Representatives Okamura, Yamane, Souki, Ahu Isa, Arakaki, Auwae, Case, Fox, Hamakawa, Herkes, Kahikina, Kaho'ohalahala, Kanoho, Kawakami, Lee, Leong, Marumoto, Morihara and Santiago.

Representative Okamura introduced Mr. Kenneth Brown and his guests Mrs. Connie Black, Trustee of Queen's Health Systems and the Queen's Medical Center; and Mr. Richard L. Griffith, President and CEO of the Queen's Health Systems.

On motion by Representative Okamura, seconded by Representative Yamane and carried, H.R. No. 44 was adopted with Representatives Ahu Isa, Cachola, Hiraki, Morita, M. Oshiro and Saiki being excused.

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 12:36 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki, Suzuki and Takamine were excused.)

UNFINISHED BUSINESS

H.B. No. 1492:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 1492, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 86:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 86, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 160:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 160, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY IMMUNITY FROM LIABILITY," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 996:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 996, entitled: "A BILL FOR AN ACT RELATING TO MEETINGS OF STATE AND COUNTY BOARDS," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 1431:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 1431, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 1469:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 1469, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 955, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 955, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 1464, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 1464, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRIMARY ELECTION DATE," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 83, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 83, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 1496, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 1496, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEADLY OR DANGEROUS WEAPONS," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 165, HD 1:

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

H.B. No. 177, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 177, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 997, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 997, H.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO MONEY LAUNDERING," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 1497, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 1497, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 300, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 300, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 605, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 605, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 999, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 999, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

H.B. No. 1114, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, H.B. No. 1114, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Third Reading by a vote of 42 ayes, with Representatives Ahu Isa, Arakaki, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1492, 86, 160, 996, 1431, 1469, 955, 1464, 83, 1496, 177, 997, 1497, 300, 605, 999 and 1114 had passed Third Reading at 12:38 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 745) recommending that H.B. No. 983 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 983, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE AGRIBUSINESS DEVELOPMENT CORPORATION," passed Third Reading by a vote of 43 ayes, with Representatives Ahu Isa, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 746) recommending that H.B. No. 1013 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1013, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TOURISM AUTHORITY," passed Third Reading by a vote of 42 ayes to 1 no, with Representative Schatz voting no and Representatives Ahu Isa, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 747) recommending that H.B. No. 1145 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1145, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Third Reading by a vote of 43 ayes, with Representatives Ahu Isa, Cachola, Hiraki, Morihara, Morita, M. Oshiro, Saiki and Suzuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 983, 1013 and 1145 had passed Third Reading at 12:39 o'clock p.m.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 748) recommending that H.B. No. 254, H.D. 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 254, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Cachola, Hiraki, Morihara, Morita, M. Oshiro and Saiki being excused.

**MATTER DEFERRED TO THE
END OF THE CALENDAR**

H.B. No. 165, HD 1:

Representative Case moved that H.B. No. 165, HD 1, pass Third Reading, seconded by Representative Yonamine.

Representative Fox offered the following amendment to H.B. No. 165, HD 1:

SECTION 1. House Bill 165 H.D. 1 is amended by deleting the content of the bill in its entirety and replacing it with the following language:

"SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

"§11- Late contributions; reports. (a) Each candidate committee or committee that makes or receives a contribution of more than \$500 within fifteen days of a primary, special primary, general, or special general election shall report the late contribution to the commission.

(b) The report shall include:

(1) The name, address, occupation, and employer of the contributor;

(2) The name of the candidate or noncandidate committee receiving the contribution;

(3) The amount of the contribution;

(4) The contributors aggregate contributions to the candidate or noncandidate committee; and

(5) The purpose, if any, to which the contribution will be applied.

(c) A late contribution shall be reported by facsimile transmission, guaranteed overnight mail, or personal delivery within twenty-four hours of the time it is made or received. A late contribution shall be reported on subsequent required reports without regard to reports filed pursuant to this section.

(d) A late contribution need not be reported pursuant to this section if it is returned to the contributor within twenty-four hours of its receipt.

(e) A report filed pursuant to this section shall be in addition to any other campaign report required to be filed by this subpart.

§11- Limitations on contributions; during legislative sessions. During any session of the state legislature, no candidate, candidate committee, elected official, or political party shall solicit or accept any contribution, or promise to make a contribution, from a registered lobbyist, or employer, or sponsor of a registered lobbyist.

§11- Limitations on contributions; by corporations, trade organizations, or labor organizations. (a) No corporation, trade organization, or labor organization may make a contribution or expenditure in connection with any election.

(b) For the purposes of this section, the term "contribution" or "expenditure" shall not include:

(1) Communications by a corporation or trade association to its stockholders, members, partners, and executive or administrative personnel;

(2) Communications by a labor organization to its employees, members, and their families;

(3) Nonpartisan registration campaigns, get-out-the-vote campaigns, and the provision of meeting places to any political committee, party, or candidate on a non-discriminatory and non-preferential basis; or

(4) The establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, commercial partnership, trade organization, or labor organization; provided that:

(A) No corporation, trade organization, or separate segregated fund established by any such organization, may solicit contributions to such a fund from any person other than its stockholders, partners, association members, and its executive and administrative personnel, and their families; and

(B) No labor organization or separate segregated fund established by any such organization, may solicit contributions to such a fund from any person other than its employees, members, and their families.

(c) For the purposes of this section, the term "executive" or "administrative personnel" means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibility."

SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended by adding the following new section to be appropriately designated and to read as follows:

"§11- Campaign contribution; restrictions as to surplus. (a) " For the purposes of this section, "surplus contributions" means contributions held by a candidate or candidate committee after all expenses have been paid, and loans repaid, for the candidate's election period.

(b) A candidate committee shall dispose of all surplus contributions within ninety days after an election period in which the candidate's name last appeared on the ballot.

(c) Surplus contributions shall be disposed of as follows:

(1) As return contributions to donors;

(2) For expenses associated with closing down the campaign, for fundraising expenses, and any other politically-related activity sponsored by the candidate;

(3) For any contribution to any community service, educational, youth, recreational, charitable, scientific, or literary organization within the district in which the candidate sought election;

(4) To establish a fund to pay for any ordinary and necessary expenses incurred in connection with the candidate's duties as a holder of an elected state or county office; provided that the amount transferred to any such fund shall not exceed:

(A) \$20,000 for the offices of governor and lieutenant governor;

(B) \$10,000 for the office of mayor;

(C) \$4,000 for the office of state senator or county office other than mayor;

(D) \$2,000 for the office of state representative; or

(E) \$1,000 for any other office.

Any such fund shall be registered with the commission and expenditures from any such fund shall be limited to expenditures permitted for funds appropriated pursuant to section 24-1; or

(5) To the candidate's new or continuing political committee; provided that the amount transferred to any such committee shall not exceed:

(A) \$50,000 if the candidacy is for the office of governor, lieutenant governor, or mayor;

(B) \$10,000 if the candidacy is for the office of state senator or county office other than mayor;

(C) \$5,000 if the candidacy is for the office of state representative; or

(D) \$1,000 if the candidacy is for any other office.

(d) All surplus contributions, other than those retained pursuant to this section, remaining in a candidate's account ninety days after the conclusion of an election period shall escheat to the Hawaii election campaign fund."

SECTION 3. Section 11-195, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) For purposes of this subpart, whenever a report is required to be filed with the commission, "filed" means received in the office of the commission or county clerk, whichever is applicable, and filed by electronic means in a manner prescribed by the commission, by the date and time specified for the filing of the report; except that a candidate or the committee of a candidate who is seeking election to the office of:

(1) Governor;

(2) Lieutenant governor;

(3) Mayor;

(4) Prosecuting attorney; or

(5) County council;

shall file by electronic means in the manner prescribed by the commission. Candidates for the offices named in this subsection; provided that candidate committees and committees with contributions [or] and expenditures of less than \$5,000 for the election period need not file by electronic means."

SECTION 4. Section 11-204, Hawaii Revised Statutes, is amended to read as follows:

"§11-204 Campaign contributions; limits as to persons.

(a) No person or any other entity shall make contributions to:

(1) A candidate seeking nomination or election to [a two-year office] the house of representatives, or to the candidate's committee in an aggregate amount greater than [\$2,000] \$1,000 during an election period; [and]

(2) A candidate seeking nomination or election to [a four-year statewide office] the office of governor or lieutenant governor, or to the candidate's committee in an aggregate amount greater than [\$6,000] \$3,000 during an election period; [and]; provided that contributions made in a general election to a candidate for lieutenant governor shall for the purposes of this section be treated as a contribution to the candidate's co-candidate for governor;

(3) A candidate seeking nomination or election to [a four-year nonstatewide office the]:

(A) The senate;

(B) The county council for a four-year term;

(C) The office of mayor;

(D) The office of county prosecutor; or the candidate's committee, in an aggregate amount greater than [\$4,000] \$2,000 during an election period; [; and

(4) A candidate seeking nomination or election to any other office or to the candidate's committee in an aggregate amount greater than \$1,000 for the election period.

These limits shall not apply to a loan made to a candidate by a financial institution in the ordinary course of business.

(b) No person or any other entity shall make contributions to a noncandidate committee, in an aggregate amount greater than \$1,000 in an election; except that in the case of a corporation or company using funds from its own treasury, there shall be no limit on contributions or expenditures to the corporation or company noncandidate committee.

(c) A candidate in making a contribution to the candidate's campaign shall be exempt from the above limitation, but shall be limited in the aggregate to \$50,000 in any election period. The aggregate amount of \$50,000 shall include any loans made for campaign purposes to the candidate from the candidate's immediate family.

(d) Contributions by a candidate's immediate family shall be limited in the aggregate to \$50,000 that shall include any loans made for campaign purposes to the candidate by the candidate's immediate family.

(e) A contribution by a dependent minor shall be reported in the name of the minor but shall be counted against the contribution of the minor's parent or guardian.

(f) Any candidate or candidate's committee who receives in the aggregate more than the applicable limits set forth in this section in any primary, initial special, special, or general election from a person, shall be required to transfer an amount equal to any excess over the limits established in this section to the Hawaii election campaign fund within thirty days of receipt by a candidate or candidate's committee, and in any event, no later than thirty days upon receipt by a candidate or candidate's committee of notification from the commission. A candidate or candidate's committee who complies with this subsection prior to the initiation of prosecution shall not be subject to any penalty under section 11-228.

(g) All payments made by a person whose contributions or expenditure activity is financed, maintained, or controlled by any corporation, labor organization, association, political party, or any other person or committee, including any parent, subsidiary, branch, division, department, or local unit of the corporation, labor organization, association, political party, or any other person, or by any group of those persons shall be considered to be made by a single person.

(h) A contribution made by two or more corporations separate segregated funds shall be treated as one person when the separate segregated funds' sponsoring organizations:

- (1) Share [the majority of] two or more members of their boards of directors;
- (2) Share two or more corporate officers;
- (3) Are owned or controlled by the same majority shareholder or shareholders; or
- (4) Are in a parent-subsidiary relationship.

(i) An individual and any general partnership in which the individual is a partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

(j) No committee which supports or opposes a candidate for public office shall have as officers, individuals who serve as officers on any other committee [which] that supports or opposes the same candidate. No such committee shall act in concert with, or solicit, or make contributions on behalf of, any other committee.

(k) No contributions may be made to a noncandidate committee from a corporation or other organization unless the noncandidate committee has been in existence continuously, as shown on the records of the campaign spending commission, for at least twelve months prior to the next primary election.

(l) No contributions or expenditures shall be made to or on behalf of a candidate or committee by a foreign national or a foreign corporation, including a domestic subsidiary of a foreign corporation, a domestic corporation that is owned by a foreign national, or a local subsidiary where administrative control is retained by the foreign corporation, and in the same manner prohibited under 2 United States Code section 441e and 11 Code of Federal Regulations 110.4(a) and 110.9(a), as amended. No foreign-owned domestic corporation shall make contributions where:

(1) Foreign national individuals participate in election-related activities such as decisions concerning the making of contributions or the administration of a political committee; or

(2) The contribution funds are not domestically-derived.

(m) No person or any other entity shall make contributions to a political party in an aggregate amount greater than [\$50,000] \$10,000 in any two-year election period."

SECTION 5. Section 11-205.5, Hawaii Revised Statutes, is amended to read as follows:

"§11-205.5 Campaign contributions by state contractors.

(a) Any person making a contribution to any candidate, committee, or political party, and who has received, in any calendar year, \$50,000 or more through contracts from the State, or county shall register and report that fact to the commission within thirty days of the date of the contribution or within thirty days of the date of the contract, whichever occurs later; provided that this section shall not apply to a person who has received \$50,000 or more through a grant, subsidy, or purchase of service agreement under chapter 42D.

(b) The commission shall prescribe forms and procedures for the reporting required in subsection (a) which, at a minimum, shall require the following information:

(1) The name and address of the person making the contribution;

(2) The name of the candidate, committee, or political party receiving the contribution;

(3) The amount of money received from the State or county, the dates, and information identifying each contract and describing the service performed or goods provided; and

(4) If an entity is making the contribution, the names and business addresses of the principals, including officers and directors.

(c) The commission shall maintain a list of such reports for public inspection both at the commission's office and through the state FYI electronic bulletin board.

(d) It shall be unlawful for any person:

(1) Who enters into a contract with the State or any department or political subdivision, at any time between the commencement of negotiations for that contract, and the termination of those negotiations or completion of performance of such contract, to directly or indirectly make any contribution, or to promise expressly or impliedly to make any contribution, to any candidate, candidate committee, or committee, or to any person for any political purpose or use; and

(2) To knowingly solicit during the aforementioned period, from any person who enters into a contract or negotiations for a contract with the State, or any department or political subdivision, any contribution to any candidate, candidate committee, or committee, or to any person for any political purpose.

For purposes of this section, "contract" includes those for the provision of personal services, or to furnish any material, supplies, or equipment to the State or any department or political subdivision, or sell land or any building to the State or any department or political subdivision, where payment for the performance of such contract, material, supplies, equipment, land, or building, is to be made in whole or in part from funds appropriated by the State or any political subdivision.

(e) This section shall not prohibit or make unlawful the establishment or administration of any separate segregated fund by any corporation, partnership, or labor organization."

SECTION 6. Section 11-206, Hawaii Revised Statutes, is amended to read as follows:

"§11-206 Campaign contributions; restrictions as to [surplus.] use. (a) Every candidate in a primary, special primary, special, or general election who has voluntarily agreed to abide by spending limits and who subsequently receives campaign contributions in an amount greater than the expenditure limit set for the candidate's respective office shall reserve use of these contributions until after a general or special election.

(b) Campaign contributions shall not be used for personal expenses or to qualify for public funding in any subsequent election, and shall not be transferred to another candidate as prohibited in section 11-200.

Where such contributions are used for the purchase or lease of consumer goods, vehicles, equipment, and services that provide a mixed benefit to the candidate, they shall be reported to the commission pursuant to sections 11-212 and 11-213.

[(c) Such contributions may be used after a general or special election for any fundraising activity, for any other politically related activity sponsored by the candidate, for any ordinary and necessary expenses incurred in connection with the candidate's duties as a holder of an elected state or county office, or for any contribution to any community service, educational, youth, recreational, charitable, scientific, or literary organization, or any other organization which the commission, by rules adopted pursuant to chapter 91, deems appropriate.

(d) All contributions collected pursuant to this section shall be reportable under section 11-213.]"

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval; provided that section 2 of this Act shall take effect on the day after the general election of 2002; and provided further that section 3 of this Act shall take effect upon its approval only with regard to those candidates who will appear on the ballot in the year 2002 and then to all candidates and committees in subsequent election periods."

Representative Fox moved that the amendment be adopted, seconded by Representative Pendleton.

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

"Mr. Speaker, at the beginning of this legislative session, we were challenged by the Majority Leader to be a Legislature of change. In the area of campaign finance, the main change that we've observed over the 1990s was an action taken by the Honolulu City Council which restricted the ability of contractors to contribute to political campaigns. The ordinance went into effect at City Council and it affected one or two elections and was subsequently declared null and void by Circuit Court Judge Kevin Chang. Circuit Court Judge Chang ruled that the law is invalid because it conflicts with controlling State campaign spending law that allows for such contributions.

"The Advertiser, in commenting on Judge Chang's ruling, in February 1998, said 'the next step should be obvious. The Legislature, now in session, has authority over the campaign spending law.' The Advertiser went on to call for a change in the campaign spending law that would keep contractors out of the business of financing campaigns when they are the beneficiaries directly of those contract awards.

"I found out that there is a bill before us, introduced by the Campaign Spending Commission, that would make this fix. It would also make several other fixes. That bill is House Bill 54. It did not receive a hearing before the House Judiciary Committee. And I am here this afternoon reminding the Legislature that we have a procedure to bring H.B. 54 before us and to pass it out today. And that is by making a floor amendment that would substitute H.B. 54 for the contents of the bill that is currently before us.

"Mr. Speaker, ladies and gentlemen of the House, we have an opportunity to enact real campaign reform today. I urge all the members to get behind the genuine campaign reform proposed by the Campaign Spending Commission. A campaign reform that embodies the restriction on campaign contributors that the Campaign Spending Commission is confident will survive any court challenge. Thank you, Mr. Speaker."

Representative Pendleton then rose to speak in favor of the amendment, stating:

"Mr. Speaker, before I describe and discuss the contents of the proposed floor amendment, I'd just like to let the Speaker know that our Caucus will be asking for a roll call vote at the appropriate time, after a full and fair debate has been held.

"Mr. Speaker, as my distinguished colleague from Waikiki has stated, the proposed HD 2 to House Bill No. 165 basically takes what was introduced by the Campaign Spending Commission in House Bill 54 and places it into House Bill No. 165. It is a comprehensive way to address campaign spending reform. It was put forth, not by any special interest or particular party, but by the Campaign Spending Commission. So every provision we're going to discuss this afternoon is to be found in that original bill. It was discussed in a briefing by Mr. Bob Watada before the Judiciary Committee early on this year.

"Mr. Speaker, this amendment will strike an appropriate balance between the powers of the various entities which seek to make contributions to influence this deliberative chamber.

"The proposed amended bill would do the following: (And if the members would like to follow along, I'm going to be referring to page numbers in the HD 2 proposal.) On page 1, Mr. Speaker, you see that this amendment provides for the immediate last minute disclosure on contributions made within the final 15 days before an election within 24-hours of receipt, in person or by fax or 24-hour mail.

"Mr. Speaker, on page 2 of this HD 2 proposal, this bill, as amended, would establish limits on contributions by anyone during the legislative session. Also on that same page, Mr. Speaker, this bill, or this floor amendment, would limit contributions by corporations, trade organizations and labor organizations. It would further provide for the separate, segregated funds of these organizations expressly for political purposes and limit contributions to those from members.

"On page 4, Mr. Speaker, this floor amendment would propose bold changes to the disposition of surplus funds after an election. It would allow a reasonable amount to be kept by incumbents and severely, but appropriately, limit the amount which may be transferred to a new account for a different office.

"Mr. Speaker, on page 6, this floor amendment would require electronic filing except for candidates with contributions and expenditures of less than \$5,000. If you refer briefly to the final section of this bill, this particular provision would take place after the year 2000 to ensure that any computer problems which may arise because of the year 2000 would be handled.

"This bill, on page 7, would reduce, by half, the amount an individual can contribute to a candidate. It would also reduce the amount an individual or entity can make to a political party from \$50,000 to \$10,000 per two year election period.

"Finally, Mr. Speaker, on page 12, this amendment outlines how it would prohibit State contractors from making contributions from the commencement of any negotiations to completion of performance. This provision would address all of the concerns which were alluded to by our distinguished colleague from Waikiki in reference to the Honolulu Advertiser's article on this subject, Mr. Speaker.

"This floor amendment brings forth the best provisions from that Campaign Spending Commission bill. And it does so to make sure that the process here is one where campaigns are run fairly, properly, appropriately and where the Legislature can do its business without any kind of shadow of a doubt or question about our motivations when we vote in favor of or against certain proposals. The reason why prohibiting state contractors is important is not just that the general public and contractors support it or that the Advertiser supports it, but because we want to avoid even the appearance of impropriety.

"There may be a few concerns, Mr. Speaker, regarding this floor amendment. I imagine that there may be a procedural concern because the floor amendment is an extraordinary and unusual one. But if I can refresh the recollection of this distinguished body, last session we were faced with a situation

where we rightly used this as a tool to make legislation better. It had to do with the Bishop Estate Trustee situation. I strongly supported that. I think in a bi-partisan way we supported that whole effort and were able to use a floor amendment and subsequent deliberations and referrals to bring forth a bill, which addressed that situation to our distinguished body.

"The reason why I'm alluding to that, Mr. Speaker, is because however important that issue was, it didn't quite impact all the people of Hawai'i as do our campaign spending laws."

At this point, Representative Whalen rose and yielded his time to Representative Pendleton.

Representative Pendleton thanked the Chair and continued, stating:

"Mr. Speaker, this bill would be even more important and is more important than a bill relating to the Bishop Trustees. So if we were willing to use this, granted unusual and extraordinary method which is provided in our House Rules, to fix a bill and make it as good as it can be in that situation, surely we would be willing to use that proper and procedural rule in this kind of situation.

"One other concern I can imagine people raising, Mr. Speaker, is that we have had no public hearing. Some people may say, well, we've only had a chance to read this measure. Sure, it was introduced by the Campaign Spending Commission, but there's no one from the public to testify about this measure. Mr. Speaker, this discussion has been an ongoing one. Campaign reform is not something that was introduced just last year or just this year. It's been an ongoing process.

"The Campaign Spending Commission took into account all the various concerns from the public. That's why they put this bill together. This bill was seen to be important enough to merit a special briefing by the Judiciary Committee where we were given an opportunity to read the language of the proposals as well as to ask questions of Mr. Bob Watada. And I think those kinds of discussions would alleviate the concerns we may have about a public hearing.

"But finally we do have a re-referral process and could re-refer the bill for Judiciary Committee consideration with a full hearing, deliberation and public vote if that were appropriate or amenable to all the members here. So for those reasons, Mr. Speaker, I stand in strong support of this floor amendment."

Representative P. Oshiro then rose to speak in opposition to the amendment, stating:

"Mr. Speaker, first off, as was mentioned by the prior speaker, your Judiciary Committee, in recognizing the importance of our campaign spending laws and our election process, along with the Senate Judiciary Committee, had a public informational briefing on various campaign spending topics as well as Office of Election topics prior to our session this year.

"At that briefing, this bill was one of several items that we discussed. It was put on the table and we asked the Campaign Spending Commission to come in and to break down different portions of this bill. It's an omnibus bill. We asked them to come in and break down portions of the bill to explain impacts, rationale, and the like to our Committee members. We had a very good discussion. We've had opportunity for all of the members on the Judiciary Committee and we did not turn any other member who's not on the Judiciary Committee away. We had very good discussion. We had the opportunity for members to question and to get into the substance and, I guess, ultimately what the possible impacts would be of these changes.

"From that briefing, it is my opinion, Mr. Speaker, speaking just purely for myself, that the provisions that were included in

what is now a floor amendment proposed for House Bill 165, were very broad, sweeping and would perhaps change the face of much of what we know as campaign spending in Hawai'i as well as our electoral process here in Hawai'i.

"It's my feeling that while some of these may appear on its face to be desirable, I think it's very, very important for all of us, for myself anyway, speaking for myself, to fully evaluate, to have a real good grasp of the potential impacts that some of these proposals would have. At this point, Mr. Speaker, in our discussions from the informational briefing, in discussing this issue with many of my colleagues and others in our community, it's unclear to me, Mr. Speaker, what impacts some of these provisions would have.

"Depletion of campaign accounts by candidates, what impact would that have in how a candidate, in doing various community service activities during the interim, assists some of our groups? Working with them is part of our job, I think, as legislators and representatives of the community, what impact would that have? Lowering the contribution amounts, lowering them by half I think is what this proposal does, what would that do, Mr. Speaker? What is the magic threshold that our campaign spending limitation, as far as contributions, should be? Is that known? What is that? I think those things need to be discussed, formulated, thoroughly known before we can move forward with a bill such as this.

"Your Judiciary Committee, in lieu of this bill, has put forth a number of other measures that are moving toward a process in regards to campaign spending and elections. We've dealt with late campaign reporting requirements. We've also touched on revamping our public matching fund program for our campaign matching contributions. And also in this measure, should the original House Bill come up, we also deal with closing a major loop hole in our campaign spending laws in regards to contributions of soft money through a political party to a candidate. So we have taken action on those. We also have numerous election bills that we're also dealing with.

"So in essence, Mr. Speaker, that's where your Judiciary Committee is. My opinion, Mr. Speaker, is that the impacts of the provisions of this bill are unknown. And I do not believe that it is prudent for us, or prudent for myself at this time, to vote for a floor amendment such as this.

"Also, Mr. Speaker, let me just say that it's an honor to chair this Committee and I thank you and the members for allowing me this opportunity. In evaluating all the bills, the multitude of bills, the hundreds of bills that come to our Committee, I try in the best way that I know how, along with the Vice Chair, to be as deliberate and meticulous as we can in reviewing the multitude of bills. And I guess if we had all the time in the world, we could hear every single bill, surely we would do that in considering that matter. But unfortunately, the scope of our legislative timetable prohibits that or precludes that for the most part.

"So we try our best to meticulously look at every single bill, to anticipate what the impacts would be, to thoroughly evaluate them and to discuss them in a very impartial, non-partisan manner with all of our colleagues. I also include colleagues across the aisle. We try our best to do that and to select those bills that are worthy, that are right for passage and to place those on agendas for hearing, to hear those and to bring them to the floor for consideration for everyone.

"And I ask you, Mr. Speaker, and all my colleagues to provide us with that opportunity so we can do our job in the best way that we can. I oppose this floor amendment and ask for your support in opposing it. Thank you."

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

"First of all, Mr. Speaker, if I could please incorporate the comments of the prior speaker by reference," and the Chair "so ordered." (By reference only.)

Representative Case continued, stating:

"I have three reasons for objecting to this floor amendment. The first, as the Minority Floor Leader has already anticipated, is procedural. It is not that there is never a situation in which a floor amendment is not appropriate. And I think the Minority Floor Leader has acknowledged that. But it is also, as he has stated, that this is a very unusual tack to take, to be taken only in unusual circumstances where, in essence, the committee system is operating to block the collective will of the majority of colleagues on both sides of the aisle.

"I do not believe this is one of those situations. I do believe, and I do state again, that we have both informal and formal mechanisms for handling the very delicate and difficult balance between committee integrity and committee work on the one hand, and the operation of the floor on the other. On the informal side, it simply takes a walk up to my office or a request that I come to somebody else's office to ask whether the Chair of the Judiciary Committee or any other committee might consider hearing the bill. I never received a visit from the Minority Leader or from anybody on the minority side asking for any intercession in terms of that if there was a concern.

"In addition, our rules specifically provide mechanisms short of a floor amendment for addressing this exact situation. And I refer members to Rule 11.3 which provides a mechanism under which members on a committee can, if they believe that their Chair is obstructing hearing on a bill, basically overrule him or her. That mechanism to my understanding was never advanced or even considered in this situation. So I do believe that from a procedural standpoint this amendment should be defeated.

"The second reason for my opposition is that I regard the amendment as primarily a diversion, a diversion from the issue which is on the floor today which is to close the soft money loophole. And we will very quickly, I hope, get to that subject. And we will debate it fully and freely. But I would ask Minority members, if any more are going to speak in favor of this amendment, to show me where in their amendment we close the soft money loophole. Because I believe that what's going on here is that the Minority members do not want to close the soft money loophole and are substituting this amendment in its place and I..."

Representative Whalen then rose on a point of order, stating:

"I believe the Majority Leader's comments regarding the Minority's intention do not go to the merits or demerits of the bill and should be stricken or at least corrected as to his speech he's making right now."

The Chair stated:

"I believe I'm going to overrule you and let the Majority Leader continue on."

Representative Whalen responded:

"So in our speeches, we're allowed to interject what we suppose the thoughts and opinions of others are and as a rule now that is okay and we can do that."

Representative Case then responded:

"Mr. Speaker, I will simply ask the Minority to respond to my request. Please identify in your speeches where in this bill the soft money loophole is closed.

"The third reason that I regard this amendment as something that we should not support is essentially that I do not believe this amendment is a direct and straightforward amendment in

terms of its intent in reflecting the true position of the Minority on this point. First of all, one of the things I did, since the Minority is now championing campaign finance reform through this particular amendment, is to research bills introduced by the Minority in this session that go to the subject of campaign finance reform and there's just one. There's one bill introduced by the Representative..."

Representative Whalen then rose again on a point of order, stating:

"The speaker is not talking about this bill. He is attacking the Minority Caucus as a whole. And again going back to implying motivation or whatever else his intent is. He is not addressing the amendment, but is attacking the introducers of the amendment. And I do not feel that is appropriate and if your Leadership is going to allow that, then I hope it is allowed across the board not only when the Majority members do it. So Mr. Speaker, could I have a ruling on that please. Is that going to be the general trend that we're going to allow this, this session, or is the Speaker going to correct the Majority Leader as to being inappropriate as was done in the past?"

At 1:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:07 o'clock p.m., the Chair stated:

"Representative Case, on the third portion of your speech on the floor amendment, could you confine your remarks."

Representative Case then continued, stating:

"Yes, Mr. Speaker, I'll conclude in this sense. I want to give an example in this amendment of why I question its intent. There is a provision in this amendment which calls for all members to withhold any fund-raising during session, a position that I've advocated in the past. And if that is to be the position of the House, then I believe that all members, both members of the Majority and the Minority, should therefore commit to not holding fundraisers during sessions. So for those three reasons, Mr. Speaker, I do believe that this is an amendment that today should be defeated. Thank you."

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

"The Honorable Representative from Manoa asked us if the Minority members would speak to soft money. I'm not sure if the millions of dollars in union educational advertising is considered soft money. It was certainly hard on me. However, I will talk to this bill and if the Honorable member from Manoa remembers, I came to his office with a similar campaign spending bill when I first got here. I sat across the desk from him and asked him if he would sign on to that. It took a zero off all the numbers. It reduced \$2,000 to \$200; \$4,000 to \$400; and \$50,000 to \$5,000.

"And the reason I did this is because when I first ran for the County Council in Hawai'i, and the second time I ran for the County Council, I voluntarily reduced the amount I would take from any one person or corporation to \$200 for both primary and general combined. Now you might think, well, I went into my own pocket and spent a lot of money. In my first race, I spent under \$3,500 and it wasn't much after that. I am rather cheap I guess. But nonetheless, I did it to prove a point that you didn't have to sell out to the special interest. You didn't have to kowtow to those people who were looking for zoning or a bill or both or this or that. You could stand up on your own merits, get your community to back you and you could win office. You could win office by being right, not by having your hand out.

"Now the people in Hawai'i have looked for a long time and they see \$2,000. I have to tell you the average person does not give \$2,000 and expect nothing back. Sure, you have an

ideologue here and there, a person who firmly believes in the passion of Democrat ideology or Republican ideology or Green ideology or whatever it is. But by and large people, when they pay the piper, they expect to call the tune. Personally, if I gave somebody \$2,000, I'd expect them not only to jump, but ask how high on the way up.

"What we have is a system not of campaign contributions, we have a system of legalized bribery. You don't need a public hearing for this. You can see it time and time again in the papers and on talk radio. Here before us today is a chance for us, even if this goes down in flames, even if this bill is defeated, it's a chance, if we have a roll call vote, to at least get on the record and say, look, I am for campaign spending reforms that is rational, that puts the power of the electorate back into the people's hands and not just special interest.

"Think how much easier our job would be here in this House, and probably in the Senate too, if we weren't beholden to special interest. Think how neat that would be if we didn't have to worry about who you're going to tick off and who may or may not support you. It would make our job a lot more fun. It would make the lives of our citizens a lot easier. It would make our economy a lot better. It would make our taxes a lot lower. And it would certainly stem the social and economic collapse we're facing.

"This is an integral part of the political process we're talking about. We're talking about winning elections on merit, not money. I think that's important. I think if we're not going to do it now, are we going to put it off or are we going to 'fudge' the public again? We have a chance today to do it. Yes, it's unusual. Many things are unusual. When those men a couple hundred years ago said we're not going to take England's rule anymore..."

Representative Goodenow then rose on a point of order, stating:

"Mr. Speaker, I'd like to question whether this speaker is speaking on the merits or demerits of the bill."

Representative Rath responded:

"Sure, I am."

The Chair then responded:

"Representative Rath is speaking on the merits of the proposed floor amendment, Representative Goodenow."

Representative Goodenow responded:

"I question whether he's addressing the proposed floor amendment."

The Chair responded:

"Please proceed. Representative-Rath, look at the Speaker's rostrum sir, and please continue on with your speech."

Representative Rath continued, stating:

"The floor amendment does what the campaign spending -- this isn't a Republican bill or a Democrat bill. This is a good bill to change our campaign system. We didn't dream this up. It came from the Campaign Spending Commission, the entity that has to deal with campaign spending rules and regulations year in and year out, election in, election out. This is the time to change it. The time is today. And if we have to recommit it back and hear it through Judiciary and massage it a bit, then let's do it. Let's do it. Let's make it happen. Mr. Speaker, I thank you for your time and patience."

Representative Schatz then rose to speak in support of the amendment with reservations, stating:

"My first concern regarding the floor amendment is procedural. Again, like the Majority Leader said, I do have concerns about overstepping the bounds of the committee structure and basically doing an end run on the process. That's my first concern.

"The second concern is that this bill does not address the soft money issue, and I do believe that it is an important step in closing the loopholes and improving the campaign finance situation."

Representative Case then rose on a point of information,' stating:

"Is the speaker speaking in support or in opposition to the floor amendment?"

The Chair responded: "In support of the floor amendment with grave reservations."

Representative Schatz continued, stating:

"That is correct. Thank you, Mr. Speaker. This is not an overhaul of the campaign finance system. This is not enough. That is one of my problems with the proposed floor amendment. I have a few statistics I'd like to share with you. Eighty-four percent of the time in the 1996 legislative races in Hawai'i, the candidate who spent the most money won. Winners outspent losers \$2.90 to a dollar on average. In a 1997 national survey by Princeton Research Associates, 60 percent of the respondents said that the President and Congress should make campaign finance reform a top priority. In the same survey, 50 percent of respondents said that they were dissatisfied with the way the country's political system is working. According to a CNN U.S.A Today poll, 91 percent of respondents thought the way that campaigns are financed should be changed.

"Mr. Speaker, neither the original bill nor the floor amendment is a panacea for this system of financing campaigns. It is clearly not working to represent our constituents fairly. But it is an important step and with reservations I will support the amendment. Thank you, Mr. Speaker."

Representative Fox then rose to speak in rebuttal, stating:

"The distinguished Chair of the Judiciary Committee says that this bill would change the face of what we know. As I said earlier, this Legislature is supposed to be about change. But I would suggest that we're not talking about a remarkable change that we do not know. This is something that was passed by the City Council and functioned at the city level until a State judge said the appropriate place to handle this is with State law, not at city ordinance law.

"What we are really talking about here is change. We're talking about changing the way campaigns are run from one in which it is primarily driven by money to one in which there are significant controls on how money controls elections. The Campaign Spending Commission is very concerned about the influence over elections. And the Campaign Spending Commission chair is absolutely sincere in proposing a bill like House Bill 54 that we would embody in the amendment to House Bill 165.

"So I think we're not talking about a change that's earth shaking or scary, but a change that's already been tried and a change that people of thought, people of reason, have thought is just the right change to make in the way we conduct our elections.

"The second point of rebuttal, briefly, that I'd like to speak to, is the argument about diversion. We had about seven items in our platform at the beginning of this legislative session. One

was to do serious campaign reform and the serious campaign reform that we focused on was the nexus between contractor contributions and decision making by elected officials. We picked that campaign reform because it was tried at the city level and because people were crying out already in the public for that change. The reason we discovered House Bill 54 was because we started to look for bills that also embodied that change. So we're consistent. This is the reform we want. This is the reform the people of Hawai'i want. They're not interested in shooting one party or another. They're interested in real campaign reform that changes the way elections are financed. And so I urge passage of this floor amendment. Thank you, Mr. Speaker."

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

"Though the former speaker did say we should be consistent, it is very refreshing that our colleagues on the other side of the aisle are finally hopping on the band wagon for campaign finance reform. But I'd like to remind colleagues, last session the floor amendment that was here died, number one. Number two, the floor amendment that was on last session had a hearing. This amendment has not had a hearing. There has not been an opportunity to debate both sides, have pros and cons presented at a hearing on a particular bill. There was a briefing on an issue. There was not a hearing on the bill.

"Members, this is not right. Defeat it. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I want to point out to the members an example of a bill that hasn't been thoroughly thought out. Page 9 says that 'contributions by a candidate's immediate family shall be limited in the aggregate to \$50,000.' I'm sorry but that gives a distinct advantage to those who can raise that kind of money from their immediate family. And it certainly puts candidates' family members who cannot contribute that kind of money in a very difficult position.

"I don't think that this measure has been well thought out. I find it very credible that the proposals did come from the Campaign Spending Commission. I do believe, as time goes on, we will be addressing various proposals within this campaign spending reform bill. And I'd hope that the members who are supporting it today will be with us as we collaborate to improve our campaign spending law. But to approach it this way, I find disingenuous and an attempt to embarrass those of us who haven't had a chance to thoroughly reflect on the various proposals in this bill. Thank you."

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

"Money over and above the legal limit to circumvent spending contribution limits is already illegal. The Republican Party does not condone soft money. The Republican Party of Hawai'i received no soft money from the national party or its affiliate in the 1998 election and received only the \$50,000 legal contribution. Also, this bill does not limit the amount anyone, including the national party, can give the local party. There is no soft money. It's a big improvement.

"Large, over the limit contributions are often funneled through other committees, not under the auspices of the Federal Election Commission or Campaign Spending Commission, which is from business, unions, organizations, and PACs. I'm against soft money as we all should be.

"If you are interested in seeing campaign reform, then vote for this amendment put forth by the Campaign Spending Commission. It's well thought out from a long-time veteran of the Commission, Mr. Robert Watada. The Judiciary

Committee did have a briefing on this bill and it was discussed and debated last year also. We believe this is a fair bill, Mr. Speaker, restricting all parties alike.

"If you are against it, vote no, but it's up to you -- the Majority -- to pass this. The Minority does not have enough votes. Thank you."

Representative Takai rose in opposition to the floor amendment and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Takai's remarks are as follows:

"Thank you, Mr. Speaker, for this opportunity to speak against the proposed floor amendment. I wholeheartedly agree with the arguments put forth by the Chair of the Committee on Judiciary and Hawai'ian Affairs and the Majority Leader.

"In addition, I would like to specifically address a couple of points. First, I want to make it perfectly clear that I am in general support of campaign finance reform. With this in mind, I would like to point out some of the flaws in the proposed amendment.

"Current state law allows a candidate to make a contribution to the candidate's campaign of no more than \$50,000 in any election period. Although I feel that this amount is quite excessive, especially for a State House or State Senate race, the proposed amendment deletes the \$50,000 limit. Therefore, a millionaire, for example, could possibly fund his/her entire campaign. The proposed floor amendment should limit this amount to \$2,000 for House races and \$4,000 for Senate races, which are the current limits on campaign contributions by any non-political party entity.

"There is another flaw in the proposed floor amendment. If this floor amendment should pass, the amount that a non-political party entity could donate would be \$1,000 for a House race. Remember that this is in addition to the removal of the \$50,000 cap for personal campaign contributions. Therefore, it would make it that much easier for someone, who is presumably independently wealthy to win an election using only his/her own money. This would possibly create a situation in which the Legislature would be comprised of only very wealthy individuals.

"Additionally, the original motion (HB 165, HD 1) closes a loophole in the State law, which now permits a political party to donate up to \$50,000 to a candidate for governor. The current law allows a political party to donate up to \$15,000 to a candidate for State House. These limits are limits for a calendar year, so presumably, a political party could donate \$30,000 to my campaign. This is not right! HB 165, HD 1 will limit campaign contributions by political parties to the same amount that is currently permitted by any person or corporation. In other words, HB 165, HD 1 will only allow a political party to donate up to \$2,000 for a two-year period for a candidate for State House. The proposed floor amendment does not even address the issue on contribution by political parties!

"Finally, we need to treat every bill that leaves the House as if the contents of the bill will be adopted into state law. We cannot assume that the Senate will correct the shortcomings of any legislative proposal. Passing this floor amendment, in light of many of the concerns that I have raised, would leave this House in a difficult situation. We must not pass out this flawed floor amendment. However, we should, as we move through this legislative session, consider some of the other points that this floor amendment proposes. Thank you, Mr. Speaker."

At this time, Representative Pendleton requested a roll call vote.

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, Ayes and Excused:

Noes, 31: Representatives Abinsay, Arakaki, Case, Catalani, Chang, Garcia, Goodenow, Hamakawa, Herkes, Ito, Kahikina, Kaho'ohalahala, Kanoho, Kawakami, Lee, Luke, Menor, Nakasone, Okamura, P. Oshiro, Santiago, Souki, Stegmaier, Suzuki, Takai, Takamine, Takumi, Yamane, Yonamine, Yoshinaga and Say.

Ayes, 13: Representatives Auwae, Fox, Halford, Leong, Marumoto, McDermott, Meyer, Moses, Pendleton, Rath, Schatz, Thielen and Whalen.

Excused, 7: Representatives Ahu Isa, Cachola, Hiraki, Morihara, Morita, M. Oshiro and Saiki.

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

"The purpose of this bill is to shut down, once and for all, the Minority Party in this State. I don't plan to mince words in my remarks, Mr. Speaker, but none of it will be personal, and I would most assuredly stick to the merits of the measure or lack of same.

"As amended, this bill proposes to limit political parties to the same contribution per candidate as a single individual. The arguments against this proposal fall into roughly three categories -- philosophical, practical, and based on the real political world today in Hawai'i.

"Across our country, and indeed here until now, political parties have been recognizing campaign law as representative of the broadest base of any entity contributing to a candidate. In support of the balance of a two-party system, these laws make it more desirable that candidates be supported and funded by their respective parties than by individuals with special interest. This bill will change all that.

"What this bill proposes to do is completely realign the balance of power by reducing the contribution power of broad-based organizations like the Democrat and Republican party to that of one person. We will now legally shift the power at the top of the contribution heap to anonymous PACs, unions, professional groups, big business, and other special interest. This is real soft money.

"Those new groups in the marketplace operating under the thinly veiled guise of educational efforts don't have to report anything and can spend as much as they want to influence an election. This bill increases the strength of special interest. We all agree that these groups generally have one ax to grind, theirs, and one issue to advocate. That's why they're called special interest. Is this what the Legislature wants?

"Political parties on the contrary represent a broad range of people. They're organized from the grass roots up with precinct, district, county and state organizations. They have clubs and auxiliaries, youth groups and college activists. Because there are only two major parties, and a handful of struggling would be third parties, each party within itself is diverse, ranging from liberal to conservative, from rich to poor, embracing all backgrounds.

"Many would have you believe that only the Democrat party is so diverse, but that characterization is simply false, perpetuated by those who either have an ulterior motive or haven't looked closely at political parties in Hawai'i lately. I can find no sound philosophical argument for weakening broad-based political parties when they are the most likely to represent a good cross section of Hawai'i's people bound together by shared values and ideals.

"So what are the practical problems with this bill and what will be its impact in real life Hawai'i? A good clue came from Walter Heen, the Chair of the Democratic Party of Hawai'i. Simply put, he doesn't like this bill, but he can live with it. And why is that? While this bill applies equally to both the Democrat and Republican Parties, the impact it will have is anything but equal. Democrats have no need to strengthen their party and every interest in weakening ours.

"For many years now, Democrats' strength has come from outside the party structure. A few facts from the last General Election. The Democrat candidate for Governor spent \$4.2 million. Other entities spent \$6.5 million to support the Democrat candidate for Governor. Much of it not subject to disclosure. The Republican candidate for Governor spent \$3.2 million. Other entities in her race only spent \$225,000 to support the Republican candidate for Governor. Both gubernatorial candidates received a mere \$50,000 from their respective political parties.

"There is a huge imbalance here. And it's clear political parties are not the culprits. Both sides in the same-sex marriage debate spent \$3.5 million. A great deal of it unreported and undisclosed. The court ruling on a doctrine of free speech enable these groups to influence elections without having to report where their donations came from. Political parties on the other hand have to disclose everything. Every contribution over a certain amount, addresses, even occupations. Between the Federal Election Commission in Washington and our Hawai'i Campaign Spending Commission, the watch dogs are everywhere."

At this point, Representative Whalen yielded his time to Representative Marumoto.

Representative Marumoto continued, stating:

"Thank you. Tell me, if each party gave its gubernatorial candidate the legally allowed \$50,000, how will lowering contribution amounts create an imbalance? It won't. There already is an imbalance. And why now? Because there's more than a Governor's race at stake.

"Here's an interesting fact from the campaign spending annals of 1998. The Democrat party gave virtually no assistance to legislative candidates while the Republican party spent a substantial amount, well into six figures, helping candidates run for the local House and Senate. All of it legal. All within the limits allowed by law. All of it disclosed, every penny raised, every penny spent. Since the Democrat party doesn't support this bill, one is forced to question the motives of the legislators pushing it. Their party doesn't help legislative candidates, our party does. If you shut both parties' contributions down, the only party getting hurt is the one that helped its candidate.

"There are some technical problems with the bill that derive from its absence of drafting art. By just dropping political parties into a section that was originally drafted to apply to individual contributors, some strange things happen or maybe those are also on purpose. Parties paid staff assistants to candidates would have to be prorated and charged against the candidates' meager contribution limit from the party. If a candidate used party headquarters, under the provisions of this bill, one could even make an argument that the rent would have to be prorated and charged.

"An earmarked contribution, already illegal as a way of avoiding the individual expenditure ceiling, now counts twice against the individual and against the party. If the party and the contributor have the same limit, why on earth would anyone earmark funds? There's only one entity that will continue to do so and they're found almost exclusively in the donor list of the Republican Party from individuals and lobbyists who can justify giving money to both sides or give money to the

Republican party to get it to legislative candidates they're afraid to openly support.

"Proponents talk about preventing money from outside flowing into Hawai'i. The facts indicate they should be looking someplace besides Hawai'i's political parties. The outside money that flowed through the Republican party for Linda Lingle, the legal limit of \$50,000, came from the Republican Governor's Association and the Republican National Committee. Local Republicans made up the balance of the total \$50,000 we were allowed to give her by law. Campaign spending reports prove that scare tactics about right wing mainland money coming into the Republican party were just that -- tactics -- to divide Hawai'i's people with no basis in truth.

"Small states like Hawai'i get short shrifted from the national parties. We're not where the electoral votes are and we have a minimal congressional delegation. The Democrat party gave Governor Cayetano \$50,000, presumably from the Democrat National Committee. All party entities, in another section of our law, are viewed as one and are, thus, counted against the limit. The \$50,000 contribution currently allowed seems reasonable. It's not even conservative in the light of the millions spent on a Governor's race.

"In closing, I'd like to emphasize the practical effect arguments. The Democrat sponsors of this measure and the Democrats who will support it are sacrificing their own party to shut down ours. They don't care. They have the unions. They have the contractors who are forced to show loyalty in order to do business with the State. They have the banks and other big business and they have the special interest. In the absence of any real help from those sources, the Minority finds its only support from our party and our members. And now you will take that away. That doesn't just make the playing field uneven, it's a legislative equivalent of nuking the playing field.

"The Minority party in this State raised its voice in the last election..."

At this point, Representative Leong yielded her time to Representative Marumoto.

Representative Marumoto continued, stating:

"Thank you. And you know the people heard it and followed it. This bill attempts to silence that voice and let it overtake you. It's just not right and it certainly is not fair. I doubt if the people will sit still for it; 196,000 of them put aside their fears to vote for a Republican Governor candidate. Many of them were galvanized by the unfairness of this bill when it was before us last year. It was labeled the 'stop Lingle bill.'

"Who knows what those people who despise unfairness would do this time? Evidence indicates that this bill may backfire. People will not believe the rhetoric of stopping dangerous outside money. They will see this bill for what it is, a last desperate act by a government dominated in three branches by one party to close down a dissenting voice. An attempt to close down the encouraging signs for a viable two-party system in Hawai'i such as the fact that in 1998, 153,898 voters cast ballots for a Republican House candidate. That's nearly double the number from 1992 and up 30 percent from the immediate preceding election in 1996. Now that's a real threat. It's a threat to the current power structure and the most logical reasons for shutting down the Minority voice.

"This bill constitutes an unconscionable act dishonestly supported by rhetoric about clean elections and pandering to unjustified years of outsiders. It deserves to be soundly defeated."

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

"Mr. Speaker, at present, we have a generic campaign spending law which establishes maximum amounts that any person or entity may contribute to a candidate for elected office.

"Mr. Speaker, this law specifies a \$2,000 maximum contribution limit per candidate for House members with two year offices; \$4,000 limit for a four year non-statewide office which is essentially the Senate and city council; and a \$6,000 limit per candidate for statewide office. Aside from the candidate and the candidates family, all persons and all entities, which includes, Mr. Speaker, all business, labor unions, political action committees, all of these entities and persons are subject to this maximum campaign spending contribution limitation amount. That is, Mr. Speaker, all persons and entities except for political parties. That is the only one that is excluded in the present law.

"A political party today, Mr. Speaker, can contribute up to \$50,000 to a gubernatorial candidate; \$40,000 to a candidate for Lieutenant Governor; \$20,000 to a State Senate candidate; and \$15,000 to a candidate for the House. These contribution limits for political parties are considerably higher, as can be seen, than the basic contribution limit for all other persons and all other entities. This distinct differential, Mr. Speaker, consequently provides an opportunity for the circumvention of our generic campaign spending limitation laws for all other persons and all other entities.

"As an example, Mr. Speaker, in a State House election, it is conceivable and certainly very possible that a person or entity interested in contributing more than the \$2,000 limit for a particular candidate, that that person may give, for example, Mr. Speaker, \$2,000 directly to the candidate. And Mr. Speaker, at the same time, that individual could contribute up to \$15,000 to the candidates political party accompanied by a request that the party forward this \$15,000 directly to that candidate.

"The candidate could, Mr. Speaker, under this scenario, which is allowable under present law receive \$17,000 from this one individual, this one business, this one labor union or this one entity, \$17,000, \$15,000 more than what the present limit is for everyone else. This bill, Mr. Speaker, will eliminate that loop hole in our present law.

"And for the record, Mr. Speaker, let me emphatically state, for the record again, that this is not a partisan or politically motivated measure. It is not. As was mentioned on the floor of this House on Friday night, both the Democratic and Republican parties oppose this measure. And to be honest, Mr. Speaker, with all do respect to the parties, I can understand their reasons for their opposition. Because to be honest, if I were in their shoes, I would probably feel the same way. Nevertheless, Mr. Speaker, the mutual opposition by both political parties has, with all certainty, convinced me that this bill is not, nor was it ever intended to be, partisan in any way, shape or form.

"What it does, Mr. Speaker, is that it will have essentially broad based impact on all candidates. And broad based impact on all political parties. The bottom line, Mr. Speaker, is that this bill will eliminate a loop hole in our campaign spending law. Regardless of whether one is a rich individual, a resourceful labor union, an important corporation, or an influential political action committee, regardless, Mr. Speaker, this bill will ensure that everyone abides by and is subject to our campaign contribution limitation law. It is a fair and equitable bill, Mr. Speaker, that represents a significant step toward enhancement of our campaign system and in the end our electoral process here in Hawai'i. I urge your support. Thank you."

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

"It is a dubious distinction that I'm speaking as a member of the smallest Minority that exists in any state in the United

States of America. This distinction is dubious not for me, but dubious for the State of Hawai'i. The rest of our Nation regards Hawai'i as 'the People's Republic of Hawai'i.'

"Mr. Speaker, it is the nature of any one party system to be oligarchical, that is, ruled by a select few. In contrast, democracy naturally empowers the citizenry and naturally provides a government that puts people and community first.

"This bill, House Bill 165, HD 1, is about further suppressing American style two party democracy in Hawai'i. I'll vote no. Thank you."

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

"Mr. Speaker, I'm not going to speak to intent or anything like that. I'm going to look at the language of the bill and look at the consequence of this bill. What it does is it weakens political parties and has a disproportionate, adverse affect on one particular party.

"I don't think that is the appropriate way to go. I'm not going to say whether that was the intent or motivation behind the bill, but what I'm concerned about is the actual affect, the consequence, what actually happens and that's what we are discussing today.

"As a point in rebuttal to the distinguished Chair of the Judiciary, Mr. Speaker, I believe he stated that it would be legal to give up to \$17,000 to a particular candidate by earmarking it through a political party. My understanding of the present law, Mr. Speaker, is that it would be legal to give \$2,000, but you cannot then earmark it through a political party. Because whatever you earmark through the political party would be specifically counted towards your individual contribution limit. So my understanding of the law is that the \$17,000 earmarked contribution to a specific candidate would not occur.

"Mr. Speaker, this bill may have intended to try to reform the system, but it really does limit the ability of further political parties in this State and keeps in place just basically one particular political party. That's the effect and for those reasons, I oppose this measure."

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

"I'd also like again to incorporate, by reference, the remarks of your Judiciary Chair with which I fully concur and add some further thoughts," and the Chair "so ordered." (By reference only.)

Representative Case continued, stating:

"Mr. Speaker, we should all know by now (and we're heavily debating the fact) that money and good government are too often mutually inconsistent. I believe that ultimately the only answer is public financing of elections. But until we reach a community consensus on that point, which I believe will come, we have addressed this dangerous mix through: (a) limitations on contributions; and (b) full public disclosure. And I think we all agree on that.

"Here's where we start disagreeing. The largest and most widespread circumvention of our campaign finance laws today, at all levels of government, federal, state and local, is soft money. Let me define soft money very directly. It is money contributed to a candidate indirectly which cannot by law be contributed directly. That's what soft money is. The New York Times calls it 'sewer money.' It's money laundering. It's used by all persons and entities to all candidates regardless of political affiliation. It is rampant. It is destructive. It is corrupting.

"This bill closes, as a matter of state law, a major part of the soft money loophole. It says that political parties must comply with the same limitations on direct contributions to candidates as apply to all other individuals, corporations, political action committees, et cetera, with the sole exception of candidates and their immediate families whose rights to contribute over and above limits applicable to others is constitutionally guaranteed.

"So let's be clear here. We're talking about an exemption that exists only for political parties and which many, myself included, believe is manipulated to pass soft money through from contributors to candidates over and above legal limits.

"Let me say here what this bill would not and does not do. This bill does not similarly limit contributions to parties. I agree with the Minority Leader. There is a need for a strong party system. All persons that testified on this bill stated that we should not limit contributions to political parties as the bill originally called for. And we have not done that.

"They can still collect money. They can still run their organizations. They can still enhance their election registration efforts. They can still go out and look for candidates. They can do that as a matter of party administration. This bill does not limit independent expenditures by political parties, non-coordinated expenditures by a party itself, which may have a benefit to a candidate or a group of candidates. This bill does not change that. What it says is you can't indirectly contribute to candidates what you cannot directly contribute. This bill does not limit the expenditure by political parties building up their organizations. This bill is not retroactive. Last year, we passed House Bill 1160. You all remember House Bill 1160. The primary objection of the Minority party was the effective date of that bill. Many Minority members got up and said, hey, maybe this will work, but the timing is all wrong. Majority members did the same thing. Okay, well fine, we're past that election cycle. Let's go back to the merits of it now. This applies to the campaigns that are two and four years away. What's the objection now?

"This bill does not hurt issues advocacy. This was a primary concern of the Minority party in the hearing that issues advocacy proceed. Advocacy of issues which may indirectly benefit specific candidates, you can still spend your money on that.

"I think it's important for us to review the testimony because I think that's where we'll find the consensus on this particular issue and the way that this bill was crafted by your Judiciary Committee. Let me take the testimony of Robert Watada, Executive Director of the Campaign Spending Commission, and on this bill he says, just a couple of weeks ago: 'This bill would reduce the amounts which may be contributed by political parties to those applicable to all other non-candidate committees. The proposed reductions may have the impact of limiting potential loopholes in our campaign spending laws. Specifically our existing party contribution limits may: (1) permit contributors to circumvent candidate contribution limits by contributing large amounts to a party with explicit or implicit direction that the party subsequently contribute the money to a candidate or spend it on a candidates behalf; or (2) permit national parties to collect and redistribute to the states contributions which are not permitted under federal law (soft money). Consequently, the Commission in its menu of potential reforms included a proposal reducing party contribution limits.'

"The Minority Party Chair testified similarly, and I've already summarized their testimony. The Democratic Party testified it had reservations on this bill, but not the limitation of contributions to candidates. They felt that was a good reform."

At this point, Representative Hamakawa yielded his time to Representative Case.

Representative Case continued, stating:

"Thank you. The Hawai'i Green Party testified in favor of this bill. Hawai'i Clean Elections testified in favor of this bill. Common Cause testified in favor of this bill.

"So we know we have a problem. We suggest a fix to it. It's the second year in a row. It's not retroactive. There's no procedural issue. There's no issue other than the merits of this bill on the floor at this time. We're either going to do it or we're not going to do it.

"So I say to members as they decide how they're going to vote on this bill, if you're for campaign finance reform, prove it, vote for the bill."

At 1:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:51 o'clock p.m.

At this time, Representative Okamura called for the question, seconded by Representative Goodenow and carried. (Representative Ahu Isa, Cachola, Morita, M. Oshiro, Rath and Saiki were excused.)

The motion was put to vote by the Chair and carried, and H.B. No. 165, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 32 ayes to 10 noes, with Representatives Auwae, Fox, Halford, Leong, Marumoto, McDermott, Meyer, Moses, Pendleton and Whalen voting no and Representatives Ahu Isa, Cachola, Chang, Goodenow, Ito, Morita, M. Oshiro, Rath and Saiki being excused.

The Chair directed the Clerk to note that H.B. No. 165 had passed Third Reading at 1:52 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 41 and 42) and concurrent resolution (H.C.R. No. 55) were referred to Printing and further action was deferred:

H.R. No. 41, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO REFRAIN FROM SPECIFIC MANDATES REGARDING THE USE OF SPECIFIC ALTERNATIVE FUELS," was offered by Representative McDermott.

H.R. No. 42, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES GOVERNMENT TO RESTORE REDRESS FUNDS TO COMPENSATE INDIVIDUALS OF JAPANESE ANCESTRY WHO WERE UNJUSTLY INTERNED DURING WORLD WAR II," was jointly offered by Representatives Okamura, Catalani, Marumoto, Takumi, Saiki and Luke.

H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO RESTORE REDRESS FUNDS TO COMPENSATE INDIVIDUALS OF JAPANESE ANCESTRY WHO WERE UNJUSTLY INTERNED DURING WORLD WAR II," was jointly offered by Representatives Okamura, Catalani, Marumoto, Takumi, Saiki and Luke.

ANNOUNCEMENTS

Representative Abinsay: "Aloha, Mr. Speaker, today is Aloha AG Day and just a reminder to our friends here, colleagues, that there is an invitation given to all of you. And if you can stop by at the second and fourth floor walkways and enjoy, talk story with the people who are involved in

agriculture and maybe enjoy the fleaworld of Hawai'i grown products. Thank you, Mr. Speaker."

Representative Takamine: "I just wanted to call the members attention, and for the record, note a correction to Agenda 7 for public hearing by your Committee on Finance for Wednesday, February 24, 1999 at 5 p.m. Item 6 on the agenda makes reference to House Bill 87 and omitted the reference to House Draft 1. However, because the House Standing Committee Report 550 is not in, we feel that there shouldn't be any confusion. Thank you."

Representative Arakaki: "For those who are interested in the issues and problems of child support enforcement, we have a guest from the National Child Support Enforcement Administration, Judge Ross. And they'll be hosting breakfast tomorrow morning at 8:30 in Room 329. Everyone's invited. Thank you."

ADJOURNMENT

At 1:55 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 11:30 o'clock a.m. Wednesday, March 3, 1999. (Representatives Ahu Isa, Cachola, Chang, Goodenow, Ito, Morita, M. Oshiro, Rath and Saiki were excused.)

TWENTY-FOURTH DAY

Wednesday, March 3, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:39 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Hermina M. Morita, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Menor, Okamura and Takumi, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 180 through 188) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 180, transmitting copies of the 1998 Barbers Point Naval Air Station Redevelopment Commission Annual Report, pursuant to Act 359 of the Session Laws of Hawaii.

Gov. Msg. No. 181, transmitting copies of the "Tax Credits Claimed by Hawaii Residents - 1996" prepared by the Department of Taxation.

Gov. Msg. No. 182, transmitting copies of the report of the Permit Process Task Force on Act 127, SLH 1997, prepared by the Office of Planning of the Department of Business, Economic Development, and Tourism.

Gov. Msg. No. 183, transmitting copies of the 1998 Annual Reports for the Housing Finance and Development Corporation (HFDC) and the Hawaii Housing Authority (HHA), pursuant to Chapter 201E, Hawaii Revised Statutes, as amended. The consolidated reports were compiled by the Housing and Community Development Corporation of Hawaii (formerly HFDC and HHA).

Gov. Msg. No. 184, transmitting copies of the 1997-1998 Annual Report prepared by the State Foundation on Culture and the Arts, pursuant to Chapter 9, Hawaii'i Revised Statutes, as amended.

Gov. Msg. No. 185, transmitting copies of the Report to the 1999 Legislature on Act 328, SLH, 1997, Section 64, prepared by the Department of Human Services.

Gov. Msg. No. 186, transmitting copies of the Report to the 1999 Legislature on the First-to-Work Program, prepared by the Department of Human Services.

Gov. Msg. No. 187, transmitting copies of the following: Report to the Twentieth Legislature, State of Hawaii, 1999, in Compliance with Hawaii Revised Statutes, Chapters 128D and 128E, on the Activities of the Department of Health, Environmental Health Administration, Office of Hazard Evaluation and Emergency Response and Use of the Environmental Response Revolving Fund.

Gov. Msg. No. 188, transmitting copies of a report which summarizes recent achievements in implementing the Hawaii Ocean Resources Management Plan. The report also provides recommendations to foster sustainable development in Hawaii through improved ocean and coastal resources management.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 21 and 22) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 21, transmitting Senate Bill No. 1021, entitled: "A BILL FOR AN ACT RELATING TO CLINICAL LABORATORY PERSONNEL," which passed Third Reading in the Senate on February 23, 1999.

Sen. Com. No. 22, transmitting Senate Bill No. 1026, entitled: "A BILL FOR AN ACT RELATING TO THE TRAINING OF EMERGENCY MEDICAL SERVICES PERSONNEL," which passed Third Reading in the Senate on February 23, 1999.

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, S.B. Nos. 1021 and 1026 passed First Reading by title and further action was deferred. (Representatives Arakaki, Menor and Okamura were excused.)

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Kahikina introduced a group of students from Nanakuli Intermediate School. They were accompanied by their teachers: Ms. Merrie Aipoalani, Ms. June Bell, Ms. Wanda Iokia, Mr. Rodney Oshiro and Mr. Asoula To'o To'o.

Representative Catalani, on behalf of Representative Ito and herself, introduced 10 seventh and eighth grade students from King Intermediate School. They were accompanied by Mr. Dave Del Rosario, Program Manager; and teachers: Ms. Carol Kauhane, Mr. Roy Miyahira and Ms. Barbara Kuljis.

Representative Goodenow, on behalf of Representative Ito and himself, introduced a group of students from Waimanalo Elementary and Intermediate School. They were accompanied by Mr. Kawaikapu Hewitt, Cultural/Health Education Director; Ms. Helen Mattos, Education Specialist; Ms. Kawawahine Kamakea, Director of the Waimanalo Health Center; Mr. Spencer Solomon, Park Director; Aunty Alice Hewitt, Ms. Maggie Kamakea and Mr. Hoku Zuttermeister.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills (S.B. Nos. 1139 and 1143) were referred to committee by the Speaker:

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
1139	Committee on Consumer Protection and Commerce, then to the Committee on Finance
1143	Committee on Consumer Protection and Commerce

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 41 and 42) and concurrent resolution (H.C.R. No. 55) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
41	Committee on Energy and Environmental Protection, then to the Committee on Finance

42 Committee on Judiciary and Hawaiian Affairs

H.C.R.
No.

55 Committee on Judiciary and Hawaiian Affairs

COMMITTEE REASSIGNMENTS

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

H.B.
Nos.

995 Committee on Judiciary and Hawaiian Affairs

1471 Committee on Judiciary and Hawaiian Affairs

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 749) recommending that H.B. No. 180, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 749 and H.B. No. 180, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 180, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 750) recommending that H.B. No. 1144, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 750 and H.B. No. 1144, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1144, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 751) recommending that H.B. No. 1454, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 751 and H.B. No. 1454, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1454, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 752) recommending that H.B. No. 992, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 752 and H.B. No. 992, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 992, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 753) recommending that H.B. No. 1660, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 753 and H.B. No. 1660, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1660, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 754) recommending that H.B. No. 139, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 754 and H.B. No. 139, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 139, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 755) recommending that H.B. No. 461, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 755 and H.B. No. 461, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 461, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 756) recommending that H.B. No. 1061, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 756 and H.B. No. 1061, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1061, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 757) recommending that H.B. No. 152, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 757 and H.B. No. 152, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 152, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 758) recommending that H.B. No. 1274, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 758 and H.B. No. 1274, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1274, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 759) recommending that H.B. No. 532, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 759 and H.B. No. 532, HD 3, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 532, HD 3, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 760) recommending that H.B. No. 988, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 760 and H.B. No. 988, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 988, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 775) recommending that H.B. No. 1012, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 775 and H.B. No. 1012, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1012, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 776) recommending that H.B. No. 550, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 776 and H.B. No. 550, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 550, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 777) recommending that H.B. No. 1338, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 777 and H.B. No. 1338, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1338, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 778) recommending that H.B. No. 842, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 778 and H.B. No. 842, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 842, HD 2, were made available to the members of the House.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 779) recommending that H.B. No. 1081, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1081, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cachola, Menor and Okamura being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 780) recommending that H.B. No. 1541, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1541, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cachola, Menor and Okamura being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 781) recommending that H.B. No. 985, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and H.B. No. 985, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cachola, Menor and Okamura being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 782) recommending that H.B. No. 1197, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1197, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cachola, Menor and Okamura being excused.

SUSPENSION OF RULES

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Cachola, Menor and Okamura were excused.)

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 783) recommending that H.B. No. 1095, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1095, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REVIEW OF THE SALARIES OF THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 784) recommending that H.B. No. 196, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 196, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 785) recommending that H.B. No. 939, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 939, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT HILO," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 786) recommending that H.B. No. 1146 pass Third Reading.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1146 pass Third Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, when we first passed this out it was supposed to be a temporary measure to try and help the programs get on their feet. I realize part of it is the desire to increase government spending while, at the same time, not increasing taxes.

"Once again it's a real problem I have, and it's probably the genesis of much of my no votes that we fund programs through these 'hidden' fees that people aren't aware of. They assume it's the cost of getting something printed or duplicated or whatever else, while in actuality we're using these funds to pay for other sometimes related, sometimes almost completely unrelated, programs.

"So, Mr. Speaker, for those reasons I will be casting a no vote for this bill, not because I don't support the programs, but if we want to have government handouts in these areas where we have government support programs, then we should pay for it and be up front with the people of Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1146, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORD FEES," passed Third Reading by a vote of 44 ayes to 3 noes with Representatives McDermott, Rath and Whalen voting no, and Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 787) recommending that H.B. No. 161, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 161, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH AND RESCUE COSTS," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 788) recommending that H.B. No. 1124 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1124, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ADVISORY COUNCIL ON REHABILITATION," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 789) recommending that H.B. No. 1008 pass Third Reading.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1008 pass Third Reading, seconded by Representative Yonamine.

Representative McDermott rose to speak against the bill, stating:

"I'm not a smoker and I think smoking is nasty. Cigarette breath is a nasty thing -- no offense to my two colleagues sitting right next to me. But I don't kiss them so I don't have a problem. But this raises two concerns, and I will be very quick.

"Manufacturers who do not participate in the Master Settlement Agreement have not admitted liability. The requirement to place funds into an escrow and penalties may be in violation of due process and unfair taxation. Mr. Speaker, you know, I'm against unfair taxation or a violation of the

interstate commerce. It may also constitute an unlawful taking without just compensation as to the companies who do not participate in the settlement, particularly since the bill does not address what funds will be used for this.

"Mr. Speaker, I'm not a lawyer and I've said that a hundred times. I don't mean to be bragging about that but I just state the fact. But when I looked at this, I knew -- boy, is there something wrong with this? It's not right, so I'm going to vote no for those reasons.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1008, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO LIABILITY," passed Third Reading by a vote of 44 ayes to 3 noes with Representatives McDermott, Rath and Whalen voting no, and Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 790) recommending that H.B. No. 1548, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1548, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER REUSE," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 791) recommending that H.B. No. 261, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 261, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND FAMILIES," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 792) recommending that H.B. No. 1179 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1179, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL MARINE LICENSES," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 793) recommending that H.B. No. 172, HD 1, pass Third Reading.

Representative Case moved that the report of the Committee be adopted and H.B. No. 172, HD 1, pass Third Reading, seconded by Representative Yonamine.

Representative Leong rose and stated:

"Mr. Speaker, I would like to address Stand. Com. 793, House Bill 172. This is the hospice bill. . .

The Chair asked:

"Representative Leong, are you in support or against the measure?"

Representative Leong answered:

"I am not in support of the bill. I'm sorry. And the reason for that is, I support the hospice itself. My family has been a hospice supporter all along.

"What we don't support is that, now they're coming into the residential areas. And because, as you know, I chaired the Neighborhood Board, and when it came into our area it took 700 votes -- 700 people -- to sign the petition. They were opposed to the hospice not because it was a hospice home, but because of the impact on the community and what would happen to it.

"And therefore, at this point, I think that we need to have an area, or we need to be able to address the community boards so that communities will be allowed to have a say in it. And that's why I would vote no against it.

"Thank you, Mr. Speaker."

Representative Meyer then rose in support of the measure with some reservations, stating:

"The nature of my reservation is, I think, this is a county matter, and I am not in favor of the State sort of putting an overlay in telling them what they can and cannot do. I think citizens, like the people in Aina Haina that Representative Leong mentioned, would have more opportunity to testify and have an input on matters of having business-type activities in residential areas.

"Thank you, Mr. Speaker."

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

"I would like to have the previous speakers' remarks entered as my own (the Chair 'so ordered'). And in addition, I would just like to add that I believe we should not override county zoning powers. And we do so in other measures also when we consider uses of historic properties.

"Thank you very much."

Representative Moses then rose in favor of the measure with reservations, stating:

"I believe the hospices are needed. I don't know where to tell them to go if we don't allow them in residential areas. But I still think they ought to at least have to come before the Neighborhood Boards and not circumvent the county in totality like they're doing with this measure.

"For that reason, Mr. Speaker, I do support the measure, but I have to raise those reservations."

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

"Mr. Speaker, the hospice service is a very important and needed one. The concerns I have received from constituents and members of the Neighborhood Board have not to do with opposition to the hospice, but has to do with procedural concerns.

"I'd like the remarks of Representative Marumoto, as well as Representative Bertha Leong, incorporated into the record as though they were my own (the Chair 'so ordered').

"But again, I would like to say that the concern is that the Neighborhood Board needs to be able to have an opportunity to look at this, to be able to think about it, and speak, and to see testimony. It looks as if this particular bill would undercut their ability to do that. In fact, many of the Neighborhood Board members would be very much in favor of hospices in

residential neighborhoods. But they still want an opportunity to speak to it and be part of the process.

"This bill would seem to eliminate that opportunity, and so for those procedural reasons I stand in opposition to this measure, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 172, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPICE SERVICES," passed Third Reading by a vote of 43 ayes to 4 noes with Representatives Leong, Marumoto, Pendleton and Rath voting no, and Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 794) recommending that H.B. No. 1037 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1037, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 795) recommending that H.B. No. 990, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 990, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 796) recommending that H.B. No. 1444 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1444, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF NOTARY RECORDS," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 797) recommending that H.B. No. 1120 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1120, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES PAYMENT," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 798) recommending that H.B. No. 1277, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER TREATMENT FACILITIES," passed Third Reading by a vote

of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 799) recommending that H.B. No. 1203, HD 1, pass Third Reading.

Representative Case moved that the report of the Committee be adopted and H.B. No. 1203, HD 1, pass Third Reading, seconded by Representative Yonamine.

Representative Meyer rose to register a no vote, stating:

"This bill would make an exemption for the Tax Office as far as collections. Hawaii law generally prohibits collection agencies from collecting a fee or commission from debtors. But this bill would allow them to collect money from the debtor and bill them rather than having the entity that is owed the money pay the collection fee out of the fees that they collect. And while I understand why we want to do that, I think it's a dangerous precedent.

"I think if the Tax Office does not have the ability to collect the debt when they have the power of the State behind them and they must go to a collection agency, then they should pay the collection fee out of the receipts rather than allowing the collection company to bill the person separately. It brings up a really awkward situation where the person may pay what they owe in taxes and maybe not pay the collection company who was contracted by the Tax Office.

"Now, when they don't pay the collection fee, do they owe the State? It's just a very awkward situation and it would be so much cleaner and more reasonable if the Tax Office were to absorb the cost of the collection.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1203, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," passed Third Reading by a vote of 45 ayes to 2 noes with Representatives McDermott and Meyer voting no, and Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 800) recommending that H.B. No. 677, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 677, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN OCEAN FLOATING, ALL-NATURAL CLEAN ENERGY POWER STATION," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 801) recommending that H.B. No. 1207 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1207, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE TAX," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 802) recommending that H.B. No. 294, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and H.B. No. 294, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRIBUTION OF SAMPLE TOBACCO PRODUCTS AND TOBACCO PROMOTIONAL MATERIALS," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 803) recommending that H.B. No. 1641, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1641, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICALLY UNDERSERVED," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 804) recommending that H.B. No. 7 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 7, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 805) recommending that H.B. No. 10 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 10, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 806) recommending that H.B. No. 715 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 715, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 807) recommending that H.B. No. 1186 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1186, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE PENALTIES," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 808) recommending that H.B. No. 1188 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1188, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 809) recommending that H.B. No. 1350, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1350, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF RECYCLED OIL," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Menor, Okamura and Souki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1095, 196, 939, 1146, 161, 1124, 1008, 1548, 261, 1179, 172, 1037, 990, 1444, 1120, 1277, 1203, 677, 1207, 294, 1641, 7, 10, 715, 1186, 1188 and 1350 had passed Third Reading at 12:29 o'clock p.m.

Representative P. Oshiro, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 810) recommending that H.B. No. 1153, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 810 and H.B. No. 1153, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1153, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 811) recommending that H.B. No. 374, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 811 and H.B. No. 374, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 374, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 812) recommending that H.B. No. 248, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 812 and H.B. No. 248, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 248, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 813) recommending that H.B. No. 1043, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 813 and H.B. No. 1043, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1043, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 814) recommending that H.B. No. 1632, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 814 and H.B. No. 1632, HD 3, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1632, HD 3, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 815) recommending

that H.B. No. 522, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 815 and H.B. No. 522, HD 3, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 522, HD 3, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 816) recommending that H.B. No. 1165, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 816 and H.B. No. 1165, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1165, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 817) recommending that H.B. No. 1035, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 817 and H.B. No. 1035, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1035, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 818) recommending that H.B. No. 1136, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 818 and H.B. No. 1136, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1136, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 819) recommending that H.B. No. 460, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 819 and H.B. No. 460, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 460, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 820) recommending that H.B. No. 1036, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 820 and H.B. No. 1036, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1036, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 821) recommending that H.B. No. 557, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 821 and H.B. No. 557, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 557, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 836) recommending that H.B. No. 622, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 836 and H.B. No. 622, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 622, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 837) recommending that H.B. No. 1367, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 837 and H.B. No. 1367, HD 2, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1367, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 838) recommending that H.B. No. 1352, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 838 and H.B. No. 1352, HD 1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1352, HD 1, were made available to the members of the House.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 839) recommending that H.C.R. No. 48, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 48, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING VOYAGER SUBMARINES' PROPOSAL TO PLACE TWO DERELICT VESSELS AT ITS OPERATIONS SITE TO CREATE AN ARTIFICIAL REEF," was referred to the Committee on Finance, with Representatives Cachola, Chang, Menor, Okamura and Souki being excused.

THIRD READING

H.B. No. 254, HD 2:

Representative Case moved that H.B. No. 254, HD 2, pass Third Reading, seconded by Representative Yonamine.

At 12:30 o'clock p.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 12:31 o'clock p.m.

The motion was put to vote by the Chair and carried, and H.B. No. 254, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 46 ayes, with Representatives Cachola, Chang, Menor, Okamura and Souki being excused.

The Chair directed the Clerk to note that H.B. No. 254 had passed Third Reading at 12:31 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 45 through 52) and concurrent resolutions (H.C.R. Nos. 56

through 63) were referred to Printing and further action was deferred:

H.R. No. 45, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES ARMY TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR MILITARY TRAINING AND RELATED ACTIVITIES AT THE MAKUA MILITARY RESERVATION ON O'AHU," was jointly offered by Representatives Auwae, McDermott, Kahikina, Arakaki, Garcia, Marumoto and Okamura.

H.R. No. 46, entitled: "HOUSE RESOLUTION PROVIDING AN APOLOGY TO THE WAIANAË COMMUNITY," was offered by Representative Auwae.

H.R. No. 47, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO INCREASE EFFORTS TO ENFORCE THE PREVAILING WAGE LAW," was offered by Representative Yoshinaga.

H.R. No. 48, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO USE ALL AVAILABLE INFORMATION TO PROCEED WITH THE SYSTEMATIC IDENTIFICATION OF INMATES CURRENTLY INCARCERATED WHO HAVE DUAL OCCURRING DIAGNOSES OF MENTAL DISORDERS AND ALCOHOL OR SUBSTANCE ABUSE," was offered by Representative Garcia.

H.R. No. 49, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER ALONG WITH ITS SUPPORT GROUP AT PEARL HARBOR, HAWAII," was offered by Representative Garcia.

H.R. No. 50, entitled: "HOUSE RESOLUTION SUPPORTING A MISSILE DEFENSE SYSTEM FOR HAWAII," was offered by Representative Garcia.

H.R. No. 51, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A TASK FORCE ON THE CREATION OF A UNIFORM EXPORT LOGO FOR HAWAII COMMODITIES," was jointly offered by Representatives Abinsay, Morihara, Suzuki, Saiki, Ahu Isa, Whalen, Rath, Chang, Ito and Halford.

H.R. No. 52, entitled: "HOUSE RESOLUTION URGING THE U.S. CONGRESS TO ENACT LEGISLATION THAT AMENDS THE SOCIAL SECURITY ACT TO PROHIBIT THE FEDERAL GOVERNMENT FROM RECEIVING ANY SHARE OF THE FUNDS AWARDED IN THE TOBACCO SETTLEMENT THAT WAS REACHED IN 1998 BETWEEN THE STATES AND THE TOBACCO INDUSTRY," was jointly offered by Representatives Ahu Isa, Chang, Goodenow, Hamakawa, Hiraki, Ito, Kahikina, Kawakami, Luke, Say, Souki, Takai, Takamine and Yamane.

H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES ARMY TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR MILITARY TRAINING AND RELATED ACTIVITIES AT THE MAKUA MILITARY RESERVATION ON O'AHU," was jointly offered by Representatives Auwae, McDermott, Kahikina, Arakaki, Garcia, Marumoto and Okamura.

H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION PROVIDING AN APOLOGY TO THE WAIANAË COMMUNITY," was offered by Representative Auwae.

H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO INCREASE EFFORTS

TO ENFORCE THE PREVAILING WAGE LAW," was offered by Representative Yoshinaga.

a.m. tomorrow, Thursday, March 4, 1999. (Representatives Cachola, Chang, Menor, Okamura and Souki were excused.)

H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A BLUE RIBBON COMMISSION TO REVIEW AND EVALUATE PENSION AND RETIREMENT BENEFITS FOR ALL MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM," was offered by Representative Yoshinaga.

H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO USE ALL AVAILABLE INFORMATION TO PROCEED WITH THE SYSTEMATIC IDENTIFICATION OF INMATES CURRENTLY INCARCERATED WHO HAVE DUAL OCCURRING DIAGNOSES OF MENTAL DISORDERS AND ALCOHOL OR SUBSTANCE ABUSE," was offered by Representative Garcia.

H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A TASK FORCE ON THE CREATION OF A UNIFORM EXPORT LOGO FOR HAWAII COMMODITIES," was jointly offered by Representatives Abinsay, Morihara, Suzuki, Saiki, Ahu Isa, Whalen, Rath, Chang, Ito and Halford.

H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS TO ENACT LEGISLATION THAT AMENDS THE SOCIAL SECURITY ACT TO PROHIBIT THE FEDERAL GOVERNMENT FROM RECEIVING ANY SHARE OF THE FUNDS AWARDED IN THE TOBACCO SETTLEMENT THAT WAS REACHED IN 1998 BETWEEN THE STATES AND THE TOBACCO INDUSTRY," was jointly offered by Representatives Ahu Isa, Chang, Goodenow, Hamakawa, Hiraki, Ito, Kahikina, Kawakami, Luke, Say, Souki, Takai, Takamine and Yamane.

H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE WITHIN THE GOVERNOR'S OFFICE TO DEVELOP A MASTER PLAN FOR THE OFFICE OF YOUTH SERVICES AND REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND PROGRAM AUDIT OF THE OPERATIONS OF THE OFFICE OF YOUTH SERVICES," was jointly offered by Representatives Arakaki, Yonamine, Stegmaier, Ito, M. Oshiro, Ahu Isa, Catalani, Garcia, Kahikina, Kanoho, Lee, Nakasone, Santiago, Takumi and Yamane.

ANNOUNCEMENTS

Representative P. Oshiro rose and requested waiver of the 48-hour hearing notice requirement for the purpose of holding a public hearing and decision making on House Bill 746, relating to hula, on Thursday at 2:55 p.m. in Room 325, and the Chair "so ordered."

Representative Kawakami rose and requested waiver of the 48-hour hearing notice requirement for the Finance Committee to have decision making on House Bills 1039, 1040 and 199 for this afternoon, and the Chair "so ordered."

Representative Kawakami then requested waiver of the 48-hour hearing notice requirement for House Bills 806, 827 HD 2, and 657, which will be scheduled after today's agenda, and the Chair "so ordered."

ADJOURNMENT

At 12:32 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 11:30 o'clock

TWENTY-FIFTH DAY

Thursday, March 4, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 1999, convened at 11:35 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Heather Mueller-Fitch from St. John's Episcopal Church, Keokea, Maui, after which the Roll was called showing all members present with the exception of Representatives McDermott, Menor, Meyer, Okamura, Suzuki, Takai, Takamine and Takumi, who were excused.

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, reading of the Journals was dispensed with and the Journals of the House of Representatives of the Eighteenth, Nineteenth and Twentieth Days were subsequently approved. (Representatives McDermott, Menor, Meyer, Okamura, Takai, Takamine and Takumi were excused.)

GOVERNOR'S MESSAGE

Gov. Msg. No. 189, transmitting copies of the Rental Housing Trust Fund Annual Report, was received and announced by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 7 from Mr. Kazu Hayashida, Director of Transportation, Department of Transportation, transmitting the Summary Report of the First Hawai'i International Air Cargo Symposium conducted on September 15 and 16, 1998, containing a synopsis of the Symposium's presentations, workshop sessions and status reports of the working committees which resulted from the Symposium, was received by the Clerk and was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 23 through 27) were received and announced by the Clerk and were placed on file.

Sen. Com. No. 23, transmitting S.B. No. 680, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS, which passed Third Reading in the Senate on March 3, 1999.

Sen. Com. No. 24, transmitting S.B. No. 1018, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRUG FORMULARY, which passed Third Reading in the Senate on March 3, 1999.

Sen. Com. No. 25, transmitting S.C.R. No. 3, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING APPROVAL OF THE FORD ISLAND DEVELOPMENT PROJECT BY THE U.S. CONGRESS," which was adopted by the Senate on March 3, 1999.

Sen. Com. No. 26, transmitting S.C.R. No. 20, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO EXPAND AND MAKE PERMANENT THE TEMPORARY VISA WAIVER PROGRAM ESTABLISHED UNDER THE IMMIGRATION CONTROL AND REFORM ACT OF 1986," which was adopted by the Senate on March 3, 1999.

Sen. Com. No. 27, transmitting S.C.R. No. 33, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING URGENT ATTENTION TO AN EXPEDITIOUS PLAN OF ACTION TO RESTORE

KAUMALAPAU HARBOR," which was adopted by the Senate on March 3, 1999.

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, S.B. Nos. 680, SD 1; and 1018, SD 1, passed First Reading by title and further action was deferred. (Representatives McDermott, Menor, Meyer, Okamura, Takai, Takamine and Takumi were excused.)

INTRODUCTION

Representative Morihara introduced Reverend Mueller-Fitch's family: daughter Annie with granddaughter Alexandria; husband, Mr. Rick Fitch; mother-in-law, Mrs. Jean Fitch; uncle, Mr. David Corlis; and cousin, Ms. Shirley Sullivan.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were referred to committee by the Speaker, as follows:

S.B.
Nos. Referred to:

- 1021 Committee on Consumer Protection and Commerce, then to the Committee on Finance
1026 Committee on Health, then to the Committee on Finance

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 45 through 47) and concurrent resolutions (H.C.R. Nos. 56 through 60) were referred to committee by the Speaker, as follows:

H.R.
Nos. Referred to:

- 45 Jointly to the Committee on Public Safety and Military Affairs and the Committee on Energy and Environmental Protection
46 Committee on Judiciary and Hawai'ian Affairs
47 Committee on Labor and Public Employment, then to the Committee on Finance

H.C.R.
Nos.

- 56 Jointly to the Committee on Public Safety and Military Affairs and the Committee on Energy and Environmental Protection
57 Committee on Judiciary and Hawai'ian Affairs
58 Committee on Labor and Public Employment, then to the Committee on Finance
59 Committee on Labor and Public Employment, then to the Committee on Finance
60 Jointly to the Committee on Public Safety and Military Affairs and the Committee on Health, then to the Committee on Finance

SUSPENSION OF RULES

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives McDermott, Menor, Meyer, Okamura, Takai, Takamine and Takumi were excused.)

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 840) recommending that H.B. No. 519 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 519, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 841) recommending that H.B. No. 389 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 389, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 842) recommending that H.B. No. 104, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 104, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 843) recommending that H.B. No. 1048, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1048, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 844) recommending that H.B. No. 1044, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1044, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS FOR PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL EMPLOYEES," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 845) recommending that H.B. No. 314 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and H.B. No. 314, entitled: "A BILL FOR AN ACT RELATING TO THE STATE AQUARIUM," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 846) recommending that H.B. No. 801, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 801, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 847) recommending that H.B. No. 1026, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1026, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 848) recommending that H.B. No. 549, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 549, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH A LONG-TERM CARE VOLUNTEER OMBUDSMAN PROGRAM," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 849) recommending that H.B. No. 1071, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1071, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 850) recommending that H.B. No. 50 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 50, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 851) recommending that H.B. No. 1139, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLINICAL

LABORATORY PERSONNEL," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 852) recommending that H.B. No. 747, H.D. 1, pass Third Reading.

Representative Case moved that the report of the Committee be adopted and H.B. No. 747, H.D. 1, pass Third Reading, seconded by Representative Yonamine.

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

"This is a bill to move the State of Hawai'i in the direction we should be moving, which is toward performance-based budgeting. One of the major reform measures recommended last year by the Economic Revitalization Task Force was to go to performance-based budgeting. I think we all understood the urgency of this movement. It helps us rationalize the State budget based on what is working -- we fund that; what is not working -- we don't fund that. The department should come to us and tell us what they will use as their measurements and then the Legislature can look at those measurements and see if they're doing the job. Unfortunately, this bill only continues for two more years, an experiment that's already begun to deal with three departments, trying to get performance-based budgeting out of them.

"It in no way speeds up the timetable. At an earlier effort, they tried to delay the bill. At least this keeps us to the original timetable for the first three departments to report back by December 31, 1999. But we should be moving beyond three departments. If we're going to deal with the year 2000 and the year 2001, we shouldn't just be hearing about these same three departments. The whole government should be brought under performance-based budgeting. It's a system that works in many other places in the United States.

"The Oregon Benchmark Model has been before the people of Hawai'i for five, six, seven years now. It's time that we move faster in the direction of performance-based budgeting. That's why I support this with grave reservations. Thank you, Mr. Speaker."

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

"This is one of the measures for accountability, and I think this Legislature and previous legislators have all said that we need accountability measures because we cannot tell what we're funding, how good it is, whether it has accomplished its purposes, et cetera.

"I agree with Representative Fox. We would like to have moved it faster. However, the departments did say that they would like to do it by divisions, and there were many instances in the divisions that show that this process is good. However, before we move into the bigger departments, we thought we'd start with the smaller departments, and these three departments are on their way.

"And so we'd like to move the measure, and we think it will help us in our accountability of the various departments in our system. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 747, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 853) recommending that H.B. No. 978 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 978, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 854) recommending that H.B. No. 1628 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1628, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 855) recommending that H.B. No. 87, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 87, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 44 ayes to 1 no, with Representative McDermott voting no and Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 856) recommending that H.B. No. 560 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 560, entitled: "A BILL FOR AN ACT RELATING TO HILO COMMUNITY SCHOOL FOR ADULTS," passed Third Reading by a vote of 44 ayes to 1 no, with Representative Rath voting no and Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 857) recommending that H.B. No. 1168, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1168, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIBRARY ENHANCED SERVICES PROGRAM," passed Third Reading by a vote of 43 ayes to 2 noes, with Representatives McDermott and Moses voting no and Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs presented a report (Stand. Com. Rep. No. 858) recommending that H.B. No. 15 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 15, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE REVOCATION OF A DRIVER'S LICENSE," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs presented a report (Stand. Com. Rep.

No. 859) recommending that H.B. No. 1485 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1485, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs presented a report (Stand. Com. Rep. No. 860) recommending that H.B. No. 1160, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1160, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY APPEALS," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 861) recommending that H.B. No. 1138, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1138, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 862) recommending that H.B. No. 328, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 328, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 863) recommending that H.B. No. 562 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 562, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 864) recommending that H.B. No. 851 pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 851, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep.

No. 865) recommending that H.B. No. 11, H.D. 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 11, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 45 ayes, with Representatives Menor, Meyer, Okamura, Takai, Takamine and Takumi being excused.

The Chair directed the Clerk to note that H.B. Nos. 519, 389, 104, 1048, 1044, 314, 801, 1026, 549, 1071, 50, 1139, 747, 978, 1628, 87, 560, 1168, 15, 1485, 1160, 1138, 328, 562, 851 and 11 had passed Third Reading at 11:48 o'clock a.m.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 866) recommending that H.B. No. 854 pass Second Reading and be placed on the calendar for Third Reading.

Representative Case moved that the report of the Committee be adopted and H.B. No. 854, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Yonamine.

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

"This bill reduces the State Educational Facilities Improvement Special Fund from the current \$90 million a year to \$45 million a year. And I think, at this time, there are pockets of growth in the State and we need to continue to build schools.

"Thank you, Mr. Speaker."

Representative McDermott then rose and requested that the remarks of Representative Moses be inserted into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Stegmaier then rose to cast an aye with reservations, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 854, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives McDermott and Moses voting no and Representatives Menor, Meyer, Okamura, Takamine and Takumi being excused.

Representatives Menor and P. Oshiro, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 867) recommending that H.B. No. 19 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 19, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Menor, Meyer, Okamura, Takamine and Takumi being excused.

Representatives Menor and P. Oshiro, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 868) recommending that H.B. No. 1073, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1073, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TELEMARKETING FRAUD," passed Second Reading and was placed on the calendar for Third Reading with Representatives Menor, Meyer, Okamura, Takamine and Takumi being excused.

Representatives Menor and P. Oshiro, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 869) recommending that H.B. No. 1491, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and H.B. No. 1491, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBPOENAS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Menor, Meyer, Okamura, Takamine and Takumi being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 870) recommending that H.B. No. 766, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 766, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Menor, Meyer, Okamura, Takamine and Takumi being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 871) recommending that H.B. No. 792, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 792, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL BONDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Menor, Meyer, Okamura, Takamine and Takumi being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 872) recommending that H.B. No. 1063, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1063, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Menor, Meyer, Okamura, Takamine and Takumi being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 873) recommending that H.B. No. 1070, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1070, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Menor, Meyer, Okamura, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 874) recommending that H.B. No. 1198, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1198, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Menor, Meyer, Okamura, Takamine and Takumi being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 875) recommending that H.B. No. 1401, H.D. 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 875 on H.B. No. 1401, H.D. 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of H.B. No. 1401, H.D. 2, were made available to the members of the House.

Representative P. Oshiro, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 876) recommending that H.B. No. 159, H.D. 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 876 on H.B. No. 159, H.D. 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of H.B. No. 159, H.D. 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 877) recommending that H.B. No. 1460, H.D. 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 877 on H.B. No. 1460, H.D. 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of H.B. No. 1460, H.D. 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 878) recommending that H.B. No. 753, H.D. 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 878 on H.B. No. 753, H.D. 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of H.B. No. 753, H.D. 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 879) recommending that H.B. No. 1706, H.D. 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 879 on H.B. No. 1706, H.D. 3, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of H.B. No. 1706, H.D. 3, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 880) recommending that H.B. No. 250, H.D. 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 880 on H.B. No. 250, H.D. 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of H.B. No. 250, H.D. 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 881) recommending that H.B. No. 1125, H.D. 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 881 on H.B. No. 1125, H.D. 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of H.B. No. 1125, H.D. 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 882) recommending that H.B. No. 1162, H.D. 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 882 on H.B. No. 1162, H.D. 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of H.B. No. 1162, H.D. 2, were made available to the members of the House.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 883) recommending that H.R. No. 12, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 12, H.D. 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO VIGOROUSLY PURSUE CIVIL LITIGATION OF THE GASOLINE CASE, AND TO EXPRESS HOUSE MEMBERS' SUPPORT FOR THIS EFFORT," was referred to the Committee on Consumer Protection and Commerce with Representatives Menor, Meyer, Okamura, Takamine and Takumi being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 884) recommending that H.C.R. No. 9, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 9, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO VIGOROUSLY PURSUE CIVIL LITIGATION OF THE GASOLINE CASE, AND TO EXPRESS HOUSE MEMBERS' SUPPORT FOR THIS EFFORT," was referred to the Committee on Consumer Protection and Commerce with Representatives Menor, Meyer, Okamura, Takamine and Takumi being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 885) recommending that H.C.R. No. 29 be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO PARTICIPATE IN THE FEDERAL MILLION SOLAR ROOFS INITIATIVE," was referred to the Committee on Consumer Protection and Commerce with Representatives

Menor, Meyer, Okamura, Takamine and Takumi being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 53 through 55) and concurrent resolutions (H.C.R. Nos. 64 through 66) were referred to Printing and further action was deferred:

H.R. No. 53, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION'S SUPPORT FOR THE DESIGNATION AND ESTABLISHMENT OF A NATIONAL GUARD RAPID ASSESSMENT AND INITIAL DETECTION TEAM IN HAWAII TO ASSIST THE STATE IN RESPONDING TO NUCLEAR, BIOLOGICAL, OR CHEMICAL THREATS.," was offered by Representative Garcia.

H.R. No. 54, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONVENE A WORKING GROUP TO LOOK AT DOMESTIC VIOLENCE POLICIES AND PROCEDURES OF THE CRIMINAL JUSTICE SYSTEM ON OAHU AND IDENTIFY GAPS," was jointly offered by Representatives Lee, Morita, Leong, Meyer, Marumoto, Catalani, Yoshinaga, Kawakami, Luke, Thielen, Ahu Isa, Auwae and P. Oshiro.

H.R. No. 55, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONDUCT A STUDY AND TO TAKE ACTION TO PROHIBIT DISCRIMINATORY PRICING PRACTICES IN THE PROVISION OF SERVICES," was jointly offered by Representatives Lee, Morita, Leong, Meyer, Marumoto, Ahu Isa, Auwae, Luke, Catalani, Thielen, Yoshinaga and Kawakami.

H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION'S SUPPORT FOR THE DESIGNATION AND ESTABLISHMENT OF A NATIONAL GUARD RAPID ASSESSMENT AND INITIAL DETECTION TEAM IN HAWAII TO ASSIST THE STATE IN RESPONDING TO NUCLEAR, BIOLOGICAL, OR CHEMICAL THREATS.," was offered by Representative Garcia.

H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONVENE A WORKING GROUP TO LOOK AT DOMESTIC VIOLENCE POLICIES AND PROCEDURES OF THE CRIMINAL JUSTICE SYSTEM ON OAHU AND IDENTIFY GAPS," was jointly offered by Representatives Lee, Morita, Leong, Meyer, Luke, Yoshinaga, Kawakami, Marumoto, Catalani, Thielen, Ahu Isa, Auwae and P. Oshiro.

H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONDUCT A STUDY AND TO TAKE ACTION TO PROHIBIT DISCRIMINATORY PRICING PRACTICES IN THE PROVISION OF SERVICES," was jointly offered by Representatives Lee, Morita, Leong, Meyer, Marumoto, Ahu Isa, Auwae, Luke, Catalani, Thielen, Yoshinaga and Kawakami.

ANNOUNCEMENT

Representative Lee: "Your Committee on Consumer Protection and Commerce would like to request a waiver of the 48-hour hearing notice requirement for the purpose of hearing House Bill 134, HD 1. It will be heard tomorrow morning at 10:00 a.m., and the Chair "so ordered."

ADJOURNMENT

At 11:50 o'clock a.m., on motion by Representative Yonamine, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 3:00 o'clock p.m. tomorrow, Friday, March 5, 1999. (Representatives Cachola, Menor, Meyer, Okamura, Takamine and Takumi were excused.)