

## THIRTIETH DAY

Monday, March 13, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 12:08 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Alan Urasaki of the Aiea Hongwanji, after which the Roll was called showing all members present with the exception of Representatives Garcia, Herkes, Kahikina, Menor and Okamura, who were excused.

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

## GOVERNORS MESSAGE

The following message from the Governor (Gov. Msg. No. 169) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 169, transmitting copies of the Annual Report to the Twentieth Legislature, State of Hawai'i, 2000, in compliance with Act 41, Session Laws of Hawai'i, 1992, Establishing the Primary Health Care Incentive Program and the Primary Care Roundtable.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following bills were re-referred to committee by the Speaker, as follows:

**S.B.**  
**Nos.****Re-referral**

- 2165 Committee on Health, then to the Committee on Consumer Protection and Commerce
- 2245 Jointly to the Committee on Labor and Public Employment and the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 2247 Jointly to the Committee on Health and the Committee on Energy and Environmental Protection, then to the Committee on Finance
- 2672 Committee on Labor and Public Employment, then to the Committee on Judiciary and Hawai'ian Affairs
- 2686 Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance
- 2993 Committee on Energy and Environmental Protection, then jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance
- 3104 Committee on Finance

INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)

The following resolution (H.R. No. 66) was received and announced by the Clerk and the following action taken:

H.R. No. 66, entitled: "HOUSE RESOLUTION CONGRATULATING RANDOLPH T.S. CHANG ON HIS

EXEMPLARY SERVICE AS GRAND MASTER OF MASONS AND POTENTATE OF ALOHA SHRINE TEMPLE," was jointly offered by Representatives Rath, Moses, Auwae, Marumoto, Thielen, Herkes, Halford, Pendleton, Goodenow, Garcia, Hiraki, Takumi, Chang, Kaho'ohalahala, Leong, Catalani, Fox, Cachola, Kawakami, Morihara, McDermott, Stegmaier, Souki, Case, Espero, Whalen, Suzuki, Ahu Isa, Abinsay, Ito, Kahikina, Luke and Yonamine.

On motion by Representative Rath, seconded by Representative Halford and carried, H.R. No. 66 was adopted, with Representatives Catalani, Chang, Garcia, Hamakawa, Herkes, Ito, Luke, Nakasone, Okamura, Takai, Takamine, Saiki and Yoshinaga being excused.

Representative Halford introduced the following honorees who were seated on the House floor: Mr. Randy Chang, Past Grand Master of the Masons and Potentate of the Aloha Shrine Temple and his wife Mrs. Harriett Chang; and Mr. Mason Teter, Current Grand Master of the Masons and Potentate of the Aloha Shrine Temple.

## INTRODUCTIONS

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

Representative Kahikina introduced the following visitors in the gallery from Sua and Vaifanua, Eastern District of Tutuila, American Samoa:

High Chief Lefao So'otaga Keleise from Fagaitua.

Talking Chief Lavea Aiilesene Mose from Aoa.

Talking Chief Talauega Letumi and Mrs. Talauega Letumu from Sailele.

Talking Chief Tuamanupepe Mose from Vatia.

High Talking Chief, Mr. Va'a Atisanoe Lautoa from Tula and his granddaughters Ms. Tala Atisanoe and Ms. Christine Atisanoe of Nanakuli.

Representative Rath introduced Mr. Tom Clark, Officer of the Grand Lodge of Hawai'i and Past President of the Shriners of Hawai'i.

INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)

The following resolution (H.R. No. 67) was received and announced by the Clerk and the following action taken:

H.R. No. 67, entitled: "HOUSE RESOLUTION RELATING TO THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS SESQUICENTENNIAL ANNIVERSARY IN HAWAII," was offered by Representative Meyer.

On motion by Representative Meyer, seconded by Representative Leong and carried, H.R. No. 67 was adopted, with Representatives Cachola, Catalani, Chang, Garcia, Hamakawa, Herkes, Ito, Luke, Nakasone, Okamura, Saiki, Takai, Takamine, Takumi, Yamane and Yoshinaga being excused.

Representative Leong introduced the following honorees who were seated on the House floor: Judge Boyd P. Mossman; Mr. John "Jack" Hoag; Mr. Lester Moore, President and Chief Executive Officer of the Polynesian Cultural Center; Kumu

Hula Olana A'i; Coach Tommy Ka'ulukukui; and seated in the gallery Ms. Lacey Chong, Miss Keiki Hula 2000.

Representative Meyer rose to introduce Mrs. Felice Ka'ulukukui, wife of honoree Tommy Ka'ulukukui.

At 12:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:42 o'clock p.m.

### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 57 through 65) and concurrent resolutions (H.C.R. Nos. 57 through 76) were referred to Printing and further action was deferred:

H.R. No. 57, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES AND EACH COUNTY TO ENTER INTO LONG-TERM LEASES AND DEVELOPMENT AGREEMENTS WITH HAWAIIAN CANOE CLUBS THAT DESIRE TO MAKE IMPROVEMENTS TO THEIR EXISTING TENANCIES," was jointly offered by Representatives Takumi, Thielen, Goodenow, Morita, Ahu Isa, Moses, Meyer, Kanoho, Arakaki, Auwae, Cachola, Catalani, Espero, Fox, Garcia, Hamakawa, Hiraki, Kaho'ohalahala, Leong, Luke, Marumoto, McDermott, Menor, Morihara and Schatz.

H.R. No. 58, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO STUDY THE NEED FOR REGULATING THE ALARM INDUSTRY," was jointly offered by Representatives Cachola, Yoshinaga and Menor.

H.R. No. 59, entitled: "HOUSE RESOLUTION URGING THE HAWAII STATE HOUSE OF REPRESENTATIVES TO COMMEMORATE "2000, THE YEAR OF THE ALOHA SHIRT" BY ALLOWING LEGISLATORS TO WEAR ALOHA ATTIRE FOR FLOOR SESSIONS," was jointly offered by Representatives Morihara, Takai, Ahu Isa, Espero, Kahikina, Auwae, Rath, Morita, Kaho'ohalahala, Thielen, Whalen, Hiraki, Cachola, Catalani, Halford, Hamakawa, Ito, Kanoho, Luke, Menor, Oshiro, Say, Schatz and Takumi.

H.R. No. 60, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND EDUCATION TO REINSTATE THE HEARING AND VISION PROGRAM FOR CHILDREN PRIOR TO THEIR ENTRY INTO KINDERGARTEN OR THE FIRST GRADE," was jointly offered by Representatives Arakaki, Ito, McDermott, Catalani, Takai, Morihara, Ahu Isa, Chang, Stegmaier, Souki, Lee, Hamakawa, Kanoho and Morita.

H.R. No. 61, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO STUDY HOW HAWAII WOULD RESPOND TO AND SUPPORT FEDERAL ACTION TO AMEND MEDICARE BENEFITS TO INCLUDE PRESCRIPTION DRUG ASSISTANCE TO THE ELDERLY AND DISABLED," was jointly offered by Representatives Arakaki, Kahikina, McDermott, Catalani, Ito, Morihara, Takai, Ahu Isa, Stegmaier, Chang, Hamakawa, Herkes, Kanoho, Kawakami, Lee, Luke, Morita, Souki and Takamine.

H.R. No. 62, entitled: "HOUSE RESOLUTION ADOPTING AND ACHIEVING A POLICY GOAL THAT BY THE YEAR 2004 NINETY PERCENT OF STUDENTS IN PUBLIC ELEMENTARY SCHOOLS READ AT OR ABOVE GRADE LEVEL BY THE END OF THE THIRD GRADE," was jointly offered by Representatives Arakaki, Say, Morihara, Stegmaier, Ito, Santiago, Abinsay, Cachola, McDermott, Espero, Chang, Ahu Isa, Takai, Leong, Kanoho, Kahikina,

Goodenow, Herkes, Hiraki, Kawakami, Lee, Luke, Menor, Morita, Nakasone, Souki, Takamine and Yamane.

H.R. No. 63, entitled: "HOUSE RESOLUTION EXPEDITING THE FINAL PLANNING AND IMPLEMENTATION OF ACT 367, SESSION LAWS OF HAWAII, 1989," was jointly offered by Representatives Arakaki, Ito, McDermott, Catalani, Morihara, Takai, Ahu Isa, Chang, Souki, Hamakawa, Herkes, Kanoho, Kawakami, Lee, Luke, Morita and Takamine.

H.R. No. 64, entitled: "HOUSE RESOLUTION URGING COMMUNITY AND CHILDREN'S ATHLETIC ORGANIZATIONS TO REFRAIN FROM SCHEDULING SPORTS-RELATED ACTIVITIES ON SUNDAYS," was jointly offered by Representatives Arakaki, Kahikina, McDermott, Ito, Stegmaier, Hamakawa, Kanoho, Kawakami, Luke, Morihara, Souki and Takamine.

H.R. No. 65, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF THE ATTORNEY GENERAL AND THE DEPARTMENT OF JUSTICE TO CONDUCT AN INVESTIGATION INTO THE "PETER BOY" KEMA CASE," was jointly offered by Representatives Arakaki, Santiago, McDermott, Ito, Takai, Chang, Kawakami, Kahikina, Leong, Morihara, Ahu Isa, Stegmaier, Souki, Morita, Lee, Hamakawa, Kanoho, Luke and Takamine.

H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY CONCERNING CRIMINAL HISTORY RECORD CHECKS," was offered by Representative Saiki.

H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATIVE REFERENCE BUREAU ANALYZE, DEVELOP, AND IMPLEMENT A SYSTEM OF COLLECTION, COMPILING, AND DISTRIBUTION OF REQUIRED ANNUAL REPORTS FOR THE LEGISLATURE OF THE STATE OF HAWAII," was jointly offered by Representatives Kanoho, Herkes and Kawakami.

H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HURRICANE RELIEF FUND TO ESTABLISH A LOW COST LOAN FUND AND TO ESTABLISH A GRANT PROGRAM TO HELP HOMEOWNERS," was jointly offered by Representatives Herkes, Kanoho, Kawakami and Morita.

H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES AND EACH COUNTY TO ENTER INTO LONG-TERM LEASES AND DEVELOPMENT AGREEMENTS WITH HAWAIIAN CANOE CLUBS THAT DESIRE TO MAKE IMPROVEMENTS TO THEIR EXISTING TENANCIES," was jointly offered by Representatives Takumi, Thielen, Meyer, Goodenow, Morita, Ahu Isa, Moses, Kanoho, Arakaki, Auwae, Cachola, Catalani, Espero, Fox, Garcia, Hamakawa, Hiraki, Kaho'ohalahala, Leong, Luke, Marumoto, McDermott, Menor, Morihara and Schatz.

H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING LEGISLATIVE INITIATIVES TO MITIGATE ECONOMIC COMPETITION AMONG STATES THAT HAS RESULTED FROM THE ADOPTION OF TARGETED BUSINESS INCENTIVE PROGRAMS," was jointly offered by Representatives Takumi, Case, Takai, Morita, Lee, Arakaki, Catalani, Hamakawa, Hiraki, Luke, Saiki, Santiago, Schatz and Takamine.

H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE ECONOMIC IMPACT OF INSTITUTING A LIVING WAGE

FOR ALL PERSONS EMPLOYED BY A PRIVATE COMPANY UNDER A STATE CONTRACT," was jointly offered by Representatives Takumi, Morita, Lee, Takai, Arakaki, Oshiro, Catalani, Abinsay, Case, Espero, Garcia, Hamakawa, Ito, Kahikina, Kaho'ohalahala, Kanoho, Kawakami, Luke, Saiki, Santiago, Schatz and Suzuki.

H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE APPROPRIATE MEASURES IN THE UNITED STATES CONGRESS CALLING FOR AN APOLOGY TO THE PEOPLE OF THE REPUBLIC OF THE MARSHALL ISLANDS FOR INJURIES SUSTAINED BY MARSHALL ISLANDERS AS A RESULT OF UNITED STATES NUCLEAR TESTING, AND INCREASED FUNDING IN THE RENEGOTIATED COMPACT OF FREE ASSOCIATION AS JUST COMPENSATION FOR NUCLEAR-RELATED INJURIES AND DEATHS AND EXPANDED MEDICAL CARE FOR AFFECTED MARSHALL ISLANDERS," was jointly offered by Representatives Takumi, Morita, Lee, Arakaki, Takai, Catalani, Abinsay, Case, Espero, Garcia, Hamakawa, Hiraki, Kahikina, Kaho'ohalahala, Kanoho, Luke, Oshiro, Saiki, Santiago, Schatz, Suzuki and Thielen.

H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES NAVY TO RELOCATE FROM THE ISLAND OF VIEQUES, PUERTO RICO AND RETURN THE LAND TO THE MUNICIPALITY OF VIEQUES FOR CIVILIAN USES," was jointly offered by Representatives Takumi, Morita, Lee, Takai, Santiago, Abinsay, Arakaki, Catalani, Espero, Garcia, Hamakawa, Hiraki, Kahikina, Kaho'ohalahala, Kanoho, Luke, Oshiro, Saiki, Schatz, Suzuki and Thielen.

H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE NEED FOR REGULATING THE ALARM INDUSTRY," was jointly offered by Representatives Cachola, Yoshinaga and Menor.

H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A PUBLIC-PRIVATE INTERAGENCY GROUP TO EXAMINE WAYS TO ADVOCATE THE CAPTURE AND MAXIMIZATION OF FEDERAL FUNDS TO SUPPORT HAWAII'S HEALTH AND HUMAN SERVICES PROGRAMS," was jointly offered by Representatives Kanoho and Arakaki.

H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO ADMINISTER THE LOW INCOME HOUSING TAX CREDIT PROGRAM IN A MANNER THAT IS NOT UNDULY RESTRICTIVE FOR BOND FINANCED PROJECTS AND TO CONSIDER THE HOUSING NEEDS OF MILITARY PERSONNEL AND THEIR DEPENDENTS," was offered by Representative Say.

H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO COMMEMORATE "2000, THE YEAR OF THE ALOHA SHIRT" BY ALLOWING LEGISLATORS TO WEAR ALOHA ATTIRE FOR FLOOR SESSIONS," was jointly offered by Representatives Morihara, Takai, Ahu Isa, Espero, Kahikina, Auwae, Rath, Morita, Kaho'ohalahala, Thielen, Whalen, Hiraki, Cachola, Catalani, Halford, Hamakawa, Ito, Kanoho, Luke, Menor, Oshiro, Say, Schatz and Takumi.

H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND EDUCATION TO REINSTATE THE HEARING AND VISION PROGRAM FOR CHILDREN

PRIOR TO THEIR ENTRY INTO KINDERGARTEN OR THE FIRST GRADE," was jointly offered by Representatives Arakaki, Ito, McDermott, Leong, Catalani, Lee, Morihara, Takai, Ahu Isa, Chang, Stegmaier, Hamakawa, Kanoho, Morita and Souki.

H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO STUDY HOW HAWAII WOULD RESPOND TO AND SUPPORT FEDERAL ACTION TO AMEND MEDICARE BENEFITS TO INCLUDE PRESCRIPTION DRUG ASSISTANCE TO THE ELDERLY AND DISABLED," was jointly offered by Representatives Arakaki, Kahikina, McDermott, Catalani, Ito, Morihara, Takai, Ahu Isa, Stegmaier, Chang, Hamakawa, Herkes, Kanoho, Kawakami, Lee, Luke, Morita, Souki and Takamine.

H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION ADOPTING AND ACHIEVING A POLICY GOAL THAT BY THE YEAR 2004 NINETY PERCENT OF STUDENTS IN PUBLIC ELEMENTARY SCHOOLS READ AT OR ABOVE GRADE LEVEL BY THE END OF THE THIRD GRADE," was jointly offered by Representatives Arakaki, Say, Morihara, Stegmaier, Ito, Cachola, McDermott, Leong, Santiago, Abinsay, Espero, Kanoho, Goodenow, Chang, Ahu Isa, Takai, Kahikina, Herkes, Hiraki, Kawakami, Lee, Luke, Menor, Morita, Nakasone, Souki, Takamine and Yamane.

H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION EXPEDITING THE FINAL PLANNING AND IMPLEMENTATION OF ACT 367, SESSION LAWS OF HAWAII, 1989," was jointly offered by Representatives Arakaki, Ito, McDermott, Leong, Catalani, Morihara, Takai, Ahu Isa, Chang, Hamakawa, Herkes, Kanoho, Kawakami, Lee, Luke, Morita, Souki and Takamine.

H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION URGING COMMUNITY AND CHILDREN'S ATHLETIC ORGANIZATIONS TO REFRAIN FROM SCHEDULING SPORTS-RELATED ACTIVITIES ON SUNDAYS," was jointly offered by Representatives Arakaki, Kahikina, McDermott, Ito, Stegmaier, Hamakawa, Kanoho, Kawakami, Luke, Morihara, Souki and Takamine.

H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF THE ATTORNEY GENERAL AND THE DEPARTMENT OF JUSTICE TO CONDUCT AN INVESTIGATION INTO THE "PETER BOY" KEMA CASE," was jointly offered by Representatives Arakaki, Santiago, McDermott, Ito, Takai, Chang, Kawakami, Kahikina, Leong, Morihara, Ahu Isa, Stegmaier, Morita, Souki, Lee, Hamakawa, Kanoho, Luke and Takamine.

H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO INCORPORATE INTO THE COUNTY BUILDING CODES PROVISIONS FOR DISABILITY ACCESSIBILITY," was jointly offered by Representatives Arakaki, Kahikina, McDermott, Leong, Catalani, Ito, Morihara, Takai, Ahu Isa, Chang, Hamakawa, Kahikina, Kanoho, Kawakami, Lee, Luke, Morita, Souki, Stegmaier and Takamine.

H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DISABILITY AND COMMUNICATION ACCESS BOARD TO CONDUCT A STUDY FOR A COMPREHENSIVE REVIEW TO ASSESS SERVICES FOR DEAF, HARD-OF-HEARING, AND DEAF-BLIND POPULATIONS," was jointly offered by Representatives Arakaki, Kahikina, Santiago, Ito, Leong, McDermott, Takai, Lee, Kawakami, Morihara, Pendleton and Stegmaier.

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**ADJOURNMENT**

At 12:44 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, Tuesday, March 14, 2000. (Representatives Ahu Isa, Catalani, Chang, Garcia, Goodenow, Hamakawa, Herkes, Hiraki, Leong, Luke, Menor, Meyer, Nakasone, Okamura, Saiki, Schatz, Takamine, Yamane and Yoshinaga were excused.)

## THIRTY-FIRST DAY

**Tuesday, March 14, 2000**

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 12:09 o'clock p.m., with the Vice Speaker presiding.

The invocation was delivered by Representative Chris Halford, after which the Roll was called showing all members present with the exception of Representatives Chang, Goodenow, Hiraki, Meyer, Okamura, Say, Takai, Takamine and Whalen, who were excused.

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

## INTRODUCTIONS

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

Representative Pendleton introduced students from St. John Vianney School and their teacher, Mrs. Julie Watson; and chaperone, Mrs. Leilani Roth.

Representative Ahu Isa introduced a group of young men and women from the Winners at Work Program; Ms. Pam Huch Kekumano, President of Winners at Work; and Mrs. Higa, mother of honoree.

Representative Takumi introduced an intern that worked in his office last session from the Winners at Work Program, Ms. Susan Sheely.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 43 through 55; 57 through 65; and 69 and 70) and concurrent resolutions (H.C.R. Nos. 35 through 76) were referred to committee by the Speaker, as follows:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
43	Committee on Public Safety and Military Affairs
44	Committee on Agriculture
45	Committee on Public Safety and Military Affairs
46	Committee on Judiciary and Hawai'ian Affairs
47	Committee on Human Services and Housing, then to the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance
48	Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management, then to the Committee on Finance
49	Committee on Judiciary and Hawai'ian Affairs
50	Committee on Judiciary and Hawai'ian Affairs
51	Jointly to the Committee on Higher Education and the Committee on Energy and Environmental Protection and the Committee on Agriculture, then to the Committee on Judiciary and Hawai'ian Affairs

52	Committee on Judiciary and Hawai'ian Affairs
53	Committee on Economic Development and Business Concerns, then to the Committee on Finance
54	Committee on Ocean Recreation and Marine Resources, then to the Committee on Water and Land Use, then to the Committee on Finance
55	Committee on Energy and Environmental Protection
57	Jointly to the Committee on Ocean Recreation and Marine Resources and the Committee on Water and Land Use, then to the Committee on Finance
58	Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management, then to the Committee on Finance
59	Committee on Legislative Management
60	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance
61	Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Finance
62	Committee on Education, then to the Committee on Finance
63	Jointly to the Committee on Human Services and Housing and the Committee on Education, then to the Committee on Finance
64	Committee on Judiciary and Hawai'ian Affairs
65	Committee on Judiciary and Hawai'ian Affairs
69	Committee on Judiciary and Hawai'ian Affairs
70	Committee on Public Safety and Military Affairs, then to the Committee on Judiciary and Hawai'ian Affairs

H.C.R.Nos.      Referred to:

35	Committee on Public Safety and Military Affairs
36	Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
37	Committee on Agriculture
38	Committee on Health, then to the Committee on Consumer Protection and Commerce
39	Committee on Water and Land Use, then to the Committee on Finance
40	Committee on Public Safety and Military Affairs
41	Committee on Judiciary and Hawai'ian Affairs
42	Committee on Human Services and Housing, then to the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance
43	Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance

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| <p>44 Committee on Health</p> <p>45 Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>46 Committee on Judiciary and Hawai'ian Affairs</p> <p>47 Committee on Judiciary and Hawai'ian Affairs</p> <p>48 Jointly to the Committee on Higher Education and the Committee on Energy and Environmental Protection and the Committee on Agriculture, then to the Committee on Judiciary and Hawai'ian Affairs</p> <p>49 Committee on Judiciary and Hawai'ian Affairs</p> <p>50 Committee on Economic Development and Business Concerns, then to the Committee on Finance</p> <p>51 Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance</p> <p>52 Committee on Education, then to the Committee on Finance</p> <p>53 Committee on Ocean Recreation and Marine Resources, then to the Committee on Water and Land Use, then to the Committee on Finance</p> <p>54 Committee on Energy and Environmental Protection</p> <p>55 Jointly to the Committee on Water and Land Use and the Committee on Transportation</p> <p>56 Jointly to the Committee on Public Safety and Military Affairs and the Committee on Economic Development and Business Concerns, then to the Committee on Finance</p> <p>57 Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>58 Committee on Legislative Management, then to the Committee on Finance</p> <p>59 Committee on Consumer Protection and Commerce, then to the Committee on Finance</p> <p>60 Jointly to the Committee on Ocean Recreation and Marine Resources and the Committee on Water and Land Use, then to the Committee on Finance</p> <p>61 Committee on Economic Development and Business Concerns, then to the Committee on Finance</p> <p>62 Committee on Labor and Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>63 Committee on Judiciary and Hawai'ian Affairs</p> <p>64 Committee on Public Safety and Military Affairs, then to the Committee on Judiciary and Hawai'ian Affairs</p> <p>65 Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>66 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Finance</p> | <p>67 Jointly to the Committee on Human Services and Housing and the Committee on Public Safety and Military Affairs, then to the Committee on Finance</p> <p>68 Committee on Legislative Management</p> <p>69 Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance</p> <p>70 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Finance</p> <p>71 Committee on Education, then to the Committee on Finance</p> <p>72 Jointly to the Committee on Human Services and Housing and the Committee on Education, then to the Committee on Finance</p> <p>73 Committee on Judiciary and Hawai'ian Affairs</p> <p>74 Committee on Judiciary and Hawai'ian Affairs</p> <p>75 Committee on Human Services and Housing, then to the Committee on Consumer Protection and Commerce</p> <p>76 Jointly to the Committee on Human Services and Housing and the Committee on Health, then jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance</p> |
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#### COMMITTEE REASSIGNMENTS

The following bills were re-referred to committee by the Speaker, as follows:

**S.B.**  
**Nos.**

**Re-referred to:**

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| <p>445</p> <p>2062</p> <p>2108</p> <p>2166</p> <p>2221</p> <p>2830</p> | <p>Committee on Water and Land Use, then to the Committee on Higher Education, then to the Committee on Education, then to the Committee on Economic Development and Business Concerns, then to the Committee on Finance</p> <p>Jointly to the Committee on Human Services and Housing and the Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Water and Land Use, then to the Committee on Finance</p> <p>Jointly to the Committee on Energy and Environmental Protection and the Committee on Economic Development and Business Concerns, then to the Committee on Finance</p> <p>Jointly to the Committee on Energy and Environmental Protection and the Committee on Agriculture and the Committee on Economic Development and Business Concerns, then to the Committee on Finance</p> <p>Jointly to the Committee on Education and the Committee on Labor and Public Employment</p> |
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#### INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 76 and 77) were received and announced by the Clerk and the following actions taken:

H.R. No. 76, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMEMORATING THE 100TH ANNIVERSARY OF THE OKINAWAN IMMIGRATION TO HAWAII," was offered by Representative Arakaki.

On motion by Representative Arakaki, seconded by Representative Yonamine and carried, H.R. No. 76 was adopted, with Representatives Case, Chang, Goodenow, Halford, Kanoho, Meyer, Okamura, Rath, Takai and Whalen being excused.

Representative Arakaki introduced the honorees from the Hawai'i United Okinawa Association and the Okinawan Centennial Celebration Commission: Mr. Dwight Ikehara, President, Kin-Cho Zen Kai; Mr. Kosei Nakama, Issei representative; Mr. Albert Miyasato, President, Hawai'i United Okinawa Association; Mr. James Iha, President-elect, Hawai'i United Okinawa Association; and Mr. Ed Kubo, Chair, Okinawan Centennial Celebration Committee; and their guests seated in the gallery, Mrs. Rene Nakama, Executive Director of Foster Grandparents Program, and Mrs. Helen Shinsato, daughter of Mr. Nakama; and Ms. Carleen Chinen, Hawai'i United Okinawa Association.

Representative Arakaki also introduced guests from the Okinawan Prefectural Government's Board of Education: Mr. Seisho Tamaki, English Section Teacher's Consultant; Mr. Hitoshi Miyasato, English teacher at Shuri High School; Ms. Takako Takaesu, English teacher at Higashi Shuri High School; and Ms. Lana Mito, Hawai'i State Department of Education.

H.R. No. 77, entitled: "HOUSE RESOLUTION CONGRATULATING PETER H. SCHALL, RECIPIENT OF THE 2000 PALAKA AWARD," was jointly offered by Representatives Ahu Isa, Cachola, Yonamine, Goodenow, Catalani, Espero, Fox, Herkes, Hiraki, Kahikina, Kanoho, Kawakami, Menor, Morihara, Oshiro, Rath, Say, Schatz, Suzuki and Thielen.

On motion by Representative Ahu Isa, seconded by Representative Arakaki and carried, H.R. No. 77 was adopted, with Representatives Case, Chang, Goodenow, Halford, Kanoho, Meyer, Nakasone, Okamura, Rath, Takai and Whalen being excused.

Representative Ahu Isa introduced the honorees: Mr. Peter Schall, Vice-President and General Manager of Hilton Resorts Hawai'i and recipient of the 2000 Winners at Work Palaka Award; and Winners at Work program participants, Ms. Victoria Lum of Hilton Hawai'ian Village; and Mr. Russell Higa, Legislative Assistant to Senator Suzanne Chun Oakland.

#### LATE INTRODUCTION

The following introduction was made to the members of the House:

Representative Stegmaier introduced Mr. Brian Yonezaki, his staff member and participant of Winners at Work Program.

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

Upon reconvening at 12:47 o'clock p.m., the Speaker assumed the rostrum.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 68 through 75) and concurrent resolutions (H.C.R. Nos. 77 through 83) were referred to Printing and further action was deferred:

H.R. No. 68, entitled: "HOUSE RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO REQUIRE A SOCIAL IMPACT STATEMENT TO BE SUBMITTED FOR ANY PROPOSED USE INVOLVING MENTAL HEALTH OR PUBLIC SAFETY IN A COMMUNITY," was jointly offered by Representatives Yamane, Takai, Takumi, Garcia, Santiago, Ito, Abinsay, Espero, Ahu Isa, Arakaki, Cachola, Catalani, Goodenow, Hamakawa, Hiraki, Kaho'ohalahala, Kanoho, Lee, Luke, Oshiro, Souki, Stegmaier, Yonamine and Yoshinaga.

H.R. No. 69, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE APPROPRIATE MEASURES IN THE UNITED STATES CONGRESS CALLING FOR AN APOLOGY TO THE PEOPLE OF THE REPUBLIC OF THE MARSHALL ISLANDS FOR INJURIES SUSTAINED BY MARSHALL ISLANDERS AS A RESULT OF UNITED STATES NUCLEAR TESTING, AND INCREASED FUNDING IN THE RENEGOTIATED COMPACT OF FREE ASSOCIATION AS JUST COMPENSATION FOR NUCLEAR-RELATED INJURIES AND DEATHS AND EXPANDED MEDICAL CARE FOR AFFECTED MARSHALL ISLANDERS," was offered by Representative Takumi.

H.R. No. 70, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES NAVY TO RELOCATE FROM THE ISLAND OF VIEQUES, PUERTO RICO AND RETURN THE LAND TO THE MUNICIPALITY OF VIEQUES FOR CIVILIAN USES," was offered by Representative Takumi.

H.R. No. 71, entitled: "HOUSE RESOLUTION COMMEMORATING THE CENTENNIAL OF THE ORGANIC ACT," was jointly offered by Representatives Kahikina, Auwae, Fox, Thielen, Marumoto, Goodenow, Oshiro, Say, Abinsay, Takai, Ito, Espero, Ahu Isa, Kanoho, Moses, Meyer, Luke, Souki, Saiki, Hamakawa, Lee, Menor, Pendleton, Yonamine, Rath, Takamine, Santiago, Kaho'ohalahala, Suzuki, Yoshinaga, Catalani, Leong, Halford, Schatz, Takumi, Arakaki, Morita, Morihara, Case, Cachola, Chang, Herkes, Hiraki, Kawakami, Nakasone, Stegmaier and Yamane.

H.R. No. 72, entitled: "HOUSE RESOLUTION RELATING TO ORGAN DONATION," was offered by Representative Leong.

H.R. No. 73, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ACQUIRE KAWAEWAE HEIAU IN KANEOHE, OAHU," was jointly offered by Representatives Ito, Thielen, Morita, Kaho'ohalahala, Catalani, Auwae, Cachola, Chang, Garcia, Hamakawa, Hiraki and Takumi.

H.R. No. 74, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY FOR A MILITARY CHARTER SCHOOL," was jointly offered by Representatives Ito, Takai, McDermott, Arakaki, Auwae, Cachola, Catalani, Chang, Garcia, Hiraki, Kaho'ohalahala, Morihara, Morita, Pendleton, Santiago and Takumi.

H.R. No. 75, entitled: "HOUSE RESOLUTION REQUESTING THAT THE LEGISLATIVE REFERENCE BUREAU CONDUCT A STUDY TO ASSESS THE AVAILABILITY AND POSSIBLE BARRIERS OF NATIVE HAWAIIAN PLANTS IN LOCAL NURSERIES FOR USE IN PUBLIC LANDSCAPING PROJECTS AND/OR OTHER COMMERCIAL PROJECTS," was jointly offered by Representatives Morita, Kaho'ohalahala, Schatz, Garcia, Thielen, Meyer, Abinsay, Cachola, Kanoho and Takumi.

H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO REQUIRE A SOCIAL IMPACT STATEMENT TO BE

SUBMITTED FOR ANY PROPOSED USE INVOLVING MENTAL HEALTH OR PUBLIC SAFETY IN A COMMUNITY," was jointly offered by Representatives Yonamine, Takai, Takumi, Garcia, Santiago, Ito, Abinsay, Espero, Ahu Isa, Arakaki, Cachola, Catalani, Goodenow, Hamakawa, Hiraki, Kaho'ohalahala, Kanoho, Lee, Luke, Oshiro, Say, Stegmaier, Yamane and Yoshinaga.

H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF DEVELOPING SEVEN FALLS AND ADJOINING AREAS INTO A TOURIST ATTRACTION," was jointly offered by Representatives Takamine, Chang, Hamakawa and Herkes.

H.C.R. No. 79, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ACQUIRE KAWAEWAE HEIAU IN KANEOHE, OAHU," was jointly offered by Representatives Ito, Thielen, Morita, Kaho'ohalahala, Catalani, Auwae, Cachola, Chang, Garcia, Hamakawa, Hiraki and Takumi.

H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY FOR A MILITARY CHARTER SCHOOL," was jointly offered by Representatives Ito, Takai, McDermott, Arakaki, Auwae, Cachola, Catalani, Chang, Garcia, Hiraki, Kaho'ohalahala, Morihara, Morita, Pendleton, Santiago and Takumi.

H.C.R. No. 81, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE THIRD FRIDAY OF SEPTEMBER AS LEGISLATORS BACK-TO- SCHOOL DAY IN HAWAII," was jointly offered by Representatives Ito, Takai, Leong, Arakaki, McDermott, Morihara, Catalani and Santiago.

H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION ASKING THE CONGRESS OF THE UNITED STATES TO ADDRESS THE ISSUE OF AVAILABILITY OF OBTAINING A FALSE IDENTIFICATION VIA THE INTERNET," was jointly offered by Representatives Fox, Takai, Abinsay, Arakaki, Cachola, Catalani, Espero, Goodenow, Ito, Lee, McDermott, Morihara, Oshiro, Santiago, Suzuki, Takumi and Yonamine.

H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU CONDUCT A STUDY TO ASSESS THE AVAILABILITY AND POSSIBLE BARRIERS OF NATIVE HAWAIIAN PLANTS IN LOCAL NURSERIES FOR USE IN PUBLIC LANDSCAPING PROJECTS AND/OR COMMERCIAL PROJECTS," was jointly offered by Representatives Morita, Kaho'ohalahala, Schatz, Garcia, Thielen, Meyer, Abinsay, Cachola, Kanoho and Takumi.

#### ANNOUNCEMENTS

Representative Morita rose and requested a waiver of the 48-hour hearing notice requirement for the Energy and Environmental Protection and Ocean Recreation and Marine Resources Committees to hold a joint public hearing on S.B. 2611, tomorrow morning at 8:30 in Conference Room 312, and the Chair "so ordered."

Representative Arakaki: "I would just like to say thank you, and to please try and sample our oxtail soup, courtesy of Kapiolani Coffee Shop in the Majority Caucus Room."

#### ADJOURNMENT

At 12:48 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, Wednesday, March 15, 2000. (Representatives Case, Chang, Goodenow, Halford, Herkes, Kanoho, Leong, Luke, Menor, Meyer, Nakasone, Okamura, Rath, Saiki, Takai and Whalen were excused.)



## THIRTY-SECOND DAY

Wednesday, March 15, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by The Right Reverend Richard S.O. Chang, Bishop of Hawai'i, Episcopal Diocese of Hawai'i, after which the Roll was called showing all members present with the exception of Representatives Cachola, Catalani, Garcia, Goodenow, Kahikina, Kanoho, Kawakami, Menor, Morihara, Morita, Okamura and Whalen, who were excused.

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

## INTRODUCTION

The following introduction was made to the members of the House:

Representative Takai introduced the parents of the winners of the Hawai'i Junior Miss Pageant who were being honored on the House floor:

Mr. John Kim and Mrs. Janna Kim, parents of Ms. Sandra Kim, Hawai'i's Junior Miss.

Mr. Thomas Tanimura, father of Ms. Joy Tanimura, First Runner-Up of the Hawai'i Junior Miss Pageant.

Mrs. Debra Gibo, mother of Ms. Christine Gibo, Second Runner-Up of the Hawai'i Junior Miss Pageant.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following Senate Bills were re-referred to committee by the Speaker, as follows:

**S.B.****Nos.****Re-referred to:**

- |      |   |
|------|---|
| 862  | Committee on Judiciary and Hawai`ian Affairs  |
| 2166 | Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance |
| 2224 | Committee on Judiciary and Hawai`ian Affairs  |
| 2433 | Jointly to the Committee on Public Safety and Military Affairs and the Committee on Labor and Public Employment, then to the Committee on Finance       |
| 2437 | Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawai`ian Affairs                                       |
| 2736 | Committee on Finance  |
| 2766 | Committee on Consumer Protection and Commerce   |

The following resolutions (H.R. Nos. 68 through 99) and concurrent resolutions (H.C.R. Nos. 77 through 111) were referred to committee by the Speaker, as follows:

**H.R.**  
**Nos.****Referral to:**

- |    |   |
|----|---|
| 68 | Jointly to the Committee on Health and the Committee on Public Safety and Military Affairs, then to the Committee on Finance                      |
| 71 | Committee on Judiciary and Hawai`ian Affairs  |
| 72 | Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance  |
| 73 | Committee on Water and Land Use, then to the Committee on Finance   |
| 74 | Jointly to the Committee on Education and the Committee on Public Safety and Military Affairs, then to the Committee on Finance                   |
| 75 | Committee on Energy and Environmental Protection, then to the Committee on Legislative Management, then to the Committee on Finance               |
| 78 | Committee on Judiciary and Hawai`ian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance                   |
| 79 | Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Finance                              |
| 80 | Committee on Judiciary and Hawai`ian Affairs  |
| 81 | Committee on Health, then to the Committee on Judiciary and Hawai`ian Affairs, then to the Committee on Finance                                   |
| 82 | Committee on Education, then to the Committee on Finance  |
| 83 | Committee on Higher Education, then to the Committee on Finance   |
| 84 | Committee on Tourism  |
| 85 | Committee on Higher Education, then to the Committee on Finance   |
| 86 | Jointly to the Committee on Economic Development and Business Concerns and to the Committee on Higher Education, then to the Committee on Finance |
| 87 | Committee on Economic Development and Business Concerns   |
| 88 | Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance  |

## DEFERRED RESOLUTIONS

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| <p>89 Jointly to the Committee on Water and Land Use and the Committee on Judiciary and Hawai`ian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>90 Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance</p> <p>91 Committee on Ocean Recreation and Marine Resources</p> <p>92 Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance</p> <p>93 Committee on Human Services and Housing, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>94 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>95 Committee on Education</p> <p>96 Committee on Higher Education, then to the Committee on Finance</p> <p>97 Committee on Human Services and Housing, then to the Committee on Finance</p> <p>98 Committee on Consumer Protection and Commerce</p> <p>99 Committee on Health, then to the Committee on Judiciary and Hawai`ian Affairs</p> | <p>85 Committee on Judiciary and Hawai`ian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>86 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Finance</p> <p>87 Committee on Judiciary and Hawai`ian Affairs</p> <p>88 Committee on Health, then to the Committee on Judiciary and Hawai`ian Affairs, then to the Committee on Finance</p> <p>89 Committee on Legislative Management, then to the Committee on Finance</p> <p>90 Committee on Health, then to the Committee on Judiciary and Hawai`ian Affairs, then to the Committee on Finance</p> <p>91 Committee on Education, then to the Committee on Finance</p> <p>92 Committee on Higher Education, then to the Committee on Judiciary and Hawai`ian Affairs, then to the Committee on Finance</p> <p>93 Committee on Higher Education, then to the Committee on Finance</p> <p>94 Committee on Tourism</p> <p>95 Committee on Higher Education, then to the Committee on Finance</p> |
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**H.C.R.**  
**Nos.**

**Referred to:**

- |  |  |
|--|--|
| <p>77 Jointly to the Committee on Health and the Committee on Public Safety and Military Affairs, then to the Committee on Finance</p> <p>78 Committee on Water and Land Use, then to the Committee on Finance</p> <p>79 Committee on Water and Land Use, then to the Committee on Finance</p> <p>80 Jointly to the Committee on Education and the Committee on Public Safety and Military Affairs, then to the Committee on Finance</p> <p>81 Committee on Education, then to the Committee on Legislative Management</p> <p>82 Committee on Judiciary and Hawai`ian Affairs</p> <p>83 Committee on Energy and Environmental Protection, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>84 Committee on Economic Development and Business Concerns, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance</p> | <p>96 Jointly to the Committee on Economic Development and Business Concerns and the Committee on Higher Education, then to the Committee on Finance</p> <p>97 Committee on Judiciary and Hawai`ian Affairs, then to the Committee on Finance</p> <p>98 Committee on Economic Development and Business Concerns</p> <p>99 Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>100 Jointly to the Committee on Water and Land Use and the Committee on Judiciary and Hawai`ian Affairs, then to the Committee on the Legislative Management, then to the Committee on Finance</p> <p>101 Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance</p> <p>102 Committee on Ocean Recreation and Marine Resources</p> <p>103 Committee on Ocean Recreation and Marine Resources, then to the Committee Finance</p> <p>104 Committee on Human Services and Housing, then to the Committee on Legislative Management, then to the Committee on Finance</p> |
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- 105 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance
- 106 Committee on Education
- 107 Committee on Higher Education, then to the Committee on Finance
- 108 Committee on Human Services and Housing, then to the Committee on Finance
- 109 Committee on Consumer Protection and Commerce
- 110 Committee on Health, then to the Committee on Judiciary and Hawai'ian Affairs
- 111 Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance

#### INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)

The following resolution (H.R. No. 102) was received and announced by the Clerk and the following action taken:

H.R. No. 102, entitled: "HOUSE RESOLUTION CONGRATULATING HAWAII JUNIOR MISS, SANDRA KIM, FIRST RUNNER-UP JOY TANIMURA, AND SECOND RUNNER-UP CHRISTINE GIBO IN THE 2000 HAWAII JUNIOR MISS PROGRAM," was jointly offered by Representatives Takai and Hiraki.

On motion by Representative Takai, seconded by Representative Hiraki and carried, H.R. No. 102 was adopted, with Representatives Cachola, Catalani, Espero, Garcia, Kanoho, Kawakami, Morihara, Morita, Nakasone, Okamura and Whalen being excused.

Representative Takai introduced the following honorees who were seated on the House Floor:

Ms. Sandra Kim, the year 2000 Hawai' i Junior Miss.

Ms. Joy Tanimura, the year 2000 Hawai' i Junior Miss First Runner-Up.

Ms. Christine Gibo, the year 2000 Hawai' i Junior Miss Second Runner-up.

At 12:23 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:26 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 870-00) recommending that S.B. No. 2056, SD 1, 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 S.B. No. 2056, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION TAX CREDITS," passed Second Reading

and was referred to the Committee on Finance, with Representatives Cachola, Catalani, Garcia, Hiraki, Kanoho, Kawakami, Morihara, Morita, Okamura, Souki and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 871-00) recommending that S.B. No. 2658, 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 S.B. No. 2658, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Catalani, Garcia, Hiraki, Kanoho, Kawakami, Morihara, Morita, Okamura, Souki and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 872-00) recommending that S.B. No. 2856, SD 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 S.B. No. 2856, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Cachola, Catalani, Garcia, Hiraki, Kanoho, Kawakami, Morihara, Morita, Okamura, Souki and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 873-00) recommending that S.B. No. 2857, SD 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 S.B. No. 2857, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Cachola, Catalani, Garcia, Hiraki, Kanoho, Kawakami, Morihara, Morita, Okamura, Souki and Whalen being excused.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 78 through 101) and concurrent resolutions (H.C.R. Nos. 84 through 116) were referred to Printing and further action was deferred:

H.R. No. 78, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE BEST WAY TO IMPLEMENT A TRAFFIC LAW AND SUBSTANCE ABUSE EDUCATION PROGRAM FOR NEW DRIVER'S LICENSE APPLICANTS," was offered by Representative Kahikina by request.

H.R. No. 79, entitled: "HOUSE RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONDUCT A COMPREHENSIVE REVIEW OF ALL PROGRAMS IN THE STATE FOR, AND THE BENEFITS RECEIVED BY, HAWAII'S ELDERS," was jointly offered by Representatives Yonamine, Case, Lee, Stegmaier, Takai, Arakaki, Herkes, Kawakami, Leong and Santiago.

H.R. No. 80, entitled: "HOUSE RESOLUTION URGING LIBERTY NEWSPAPERS TO CONTINUE PUBLICATION OF THE HONOLULU STAR-BULLETIN AND TO ACTIVELY SEEK A BUYER TO PRESERVE TWO

INDEPENDENT DAILY NEWSPAPERS IN THE COMMUNITY," was jointly offered by Representatives Case, Garcia, Ahu Isa, Marumoto, Takai, Suzuki, Goodenow, McDermott, Arakaki, Pendleton, Thielen, Fox, Abinsay, Catalani, Chang, Espero, Hamakawa, Herkes, Hiraki, Ito, Kahikina, Kanoho, Kawakami, Luke, Menor, Morihara, Morita, Oshiro, Say, Schatz, Souki, Stegmaier, Takumi and Yoshinaga.

H.R. No. 81, entitled: "HOUSE RESOLUTION RELATING TO HEALTH," was jointly offered by Representatives Moses, Abinsay, Ahu Isa, Auwae, Kahikina, Leong, McDermott, Meyer, Pendleton, Rath, Santiago and Stegmaier.

H.R. No. 82, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO ASSESS THE AVAILABILITY AND DISTRIBUTION OF COMPUTERS AND COMPUTER-RELATED RESOURCES AND INFRASTRUCTURE IN HAWAII'S SCHOOLS," was offered by Representative Hamakawa.

H.R. No. 83, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A TEN-YEAR PLAN FOR TEACHER EDUCATION ON THE NEIGHBOR ISLANDS," was jointly offered by Representatives Kawakami, Ito, Morihara, Kanoho, Morita, Kaho'ohalahala, Hamakawa, Herkes, Luke, Menor, Rath, Souki and Takamine.

H.R. No. 84, entitled: "HOUSE RESOLUTION SUPPORTING THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION'S INTEREST IN HAVING A FUTURE ANNUAL MEETING OF THE AMERICAN PSYCHIATRIC ASSOCIATION IN HAWAII," was jointly offered by Representatives Chang, Ito, Marumoto, Goodenow, Ahu Isa, Auwae, Cachola, Espero, Fox, Hamakawa, Kaho'ohalahala, Luke, Morihara and Rath.

H.R. No. 85, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT MANOA AND THE UNIVERSITY OF HAWAII AT HILO TO WORK TOGETHER TO TRANSFORM THE BIG ISLAND INTO A MAJOR PACIFIC-WIDE RESEARCH CENTER," was jointly offered by Representatives Chang, Ito, Ahu Isa, Marumoto, Goodenow, Espero, Morihara, Auwae, Cachola, Hamakawa, Luke and Rath.

H.R. No. 86, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII INSTITUTE OF PUBLIC AFFAIRS TO CONDUCT A PUBLIC POLICY REPORT ON HAWAII AND THE NEW ECONOMY," was jointly offered by Representatives Case, Morihara, Ahu Isa, Luke, Morita, Takai, Kanoho, Marumoto, Suzuki, Goodenow, McDermott, Pendleton, Thielen, Abinsay, Arakaki, Catalani, Chang, Espero, Garcia, Hamakawa, Herkes, Hiraki, Ito, Kahikina, Kawakami, Oshiro, Saiki, Say, Schatz, Souki, Stegmaier, Takumi and Yoshinaga.

H.R. No. 87, entitled: "HOUSE RESOLUTION SUPPORTING THE EFFORTS OF THE HAWAII STRATEGIC DEVELOPMENT CORPORATION TO PROMOTE AND FURTHER HIGH TECHNOLOGY ENDEAVORS IN THE STATE," was jointly offered by Representatives Catalani, Arakaki, Cachola, Chang, Espero, Fox, Goodenow, Hiraki, Kahikina, Luke, Marumoto, Morihara, Morita, Moses, Oshiro, Saiki, Schatz, Suzuki, Takai, Takumi, Thielen and Yonamine.

H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF SOCIAL WORK LICENSING LAWS," was jointly offered by Representatives Kahikina, Kawakami, Goodenow, Arakaki, Auwae, Catalani, Espero, Hiraki, Lee, Leong, Luke, Marumoto, Rath, Schatz, Souki and Takai.

H.R. No. 89, entitled: "HOUSE RESOLUTION REQUESTING THE STATE AUDITOR TO INVENTORY

CROWN LANDS LEASED TO SUGAR PLANTATIONS THAT SHOULD HAVE REVERTED TO THE HAWAIIAN HOMES COMMISSION AT THE END OF THE LEASE," was jointly offered by Representatives Kahikina, Kanoho, Ahu Isa, Arakaki, Auwae, Goodenow, Abinsay, Cachola, Catalani, Chang, Espero, Hamakawa, Hiraki, Ito, Kawakami, Lee, Leong, Luke, Marumoto, McDermott, Morihara, Rath, Santiago, Schatz, Souki, Suzuki, Takai and Yoshinaga.

H.R. No. 90, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND EDUCATION TO ASSESS THE PREVALENCE OF HEAD LICE AND THE CURRENT USE OF CHEMICAL TREATMENT FOR HEAD LICE IN HAWAII'S SCHOOLS," was jointly offered by Representatives Kahikina, Arakaki, Auwae, Chang, Goodenow, Hamakawa, Hiraki, Kawakami, Leong, Marumoto, Rath, Santiago, Souki and Takai.

H.R. No. 91, entitled: "HOUSE RESOLUTION REQUESTING THE NATIONAL MARINE FISHERIES SERVICE TO CLOSE THE NORTHWESTERN HAWAIIAN ISLANDS LOBSTER FISHERY TO PROTECT THE ENDANGERED HAWAIIAN MONK SEAL," was jointly offered by Representatives Kahikina, Arakaki, Marumoto, Catalani, Espero, Hamakawa, Hiraki, Ito, Kawakami, Leong, Luke, Morita, Rath, Santiago, Schatz, Souki, Suzuki and Yoshinaga.

H.R. No. 92, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE IMPACT THAT COMMERCIAL MARINE MAMMAL WATCHING TOURS MAY HAVE ON MARINE MAMMALS IN WATERS OFF THE WAIANAE COAST OF OAHU," was jointly offered by Representatives Kahikina, Espero, Auwae, Arakaki, Catalani, Chang, Goodenow, Hamakawa, Hiraki, Kawakami, Leong, Luke, Marumoto, Rath, Santiago, Schatz, Souki and Takai.

H.R. No. 93, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was jointly offered by Representatives Kahikina, Espero, Rath, Goodenow, Arakaki, Auwae, Catalani, Chang, Hamakawa, Hiraki, Kawakami, Leong, Luke, Marumoto, Santiago, Schatz and Souki.

H.R. No. 94, entitled: "HOUSE RESOLUTION REQUESTING AN OVERVIEW STUDY OF THE GERMAN AND JAPANESE SYSTEMS OF LONG-TERM CARE INSURANCE," was jointly offered by Representatives Arakaki, Yonamine, Kahikina, Leong, Oshiro, Lee, Marumoto and Santiago.

H.R. No. 95, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENDORSE A "ZERO TOLERANCE" POLICY AGAINST STUDENT BULLYING AND DEVELOP AN INTERVENTION PLAN TO PREVENT SUCH OCCURRENCES," was jointly offered by Representatives Arakaki, Ito, Takai, Kahikina, Goodenow, Abinsay, Ahu Isa, Stegmaier, Oshiro, Lee, Santiago, Pendleton and Morihara.

H.R. No. 96, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO EXPLORE THE POSSIBILITY OF DEVELOPING A SPACE CAMP ON THE BIG ISLAND," was jointly offered by Representatives Arakaki, Morihara, Takai, Stegmaier, Kahikina, Hamakawa, Chang, Leong, McDermott, Ahu Isa, Abinsay, Espero, Goodenow, Ito, Hiraki, Rath and Santiago.

H.R. No. 97, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO DEVELOP A PROACTIVE PLAN FOR HOUSING HOUSEHOLDS WITH INCOMES BELOW THIRTY PER CENT OF THE MEDIAN INCOME," was jointly offered by

Representatives Arakaki, Kahikina, Santiago, McDermott, Ito, Leong, Ahu Isa, Chang, Hamakawa, Herkes, Kanoho, Kawakami, Lee, Luke, Morihara, Morita, Souki, Stegmaier, Takai and Takamine.

H.R. No. 98, entitled: "HOUSE RESOLUTION URGING LANDLORDS, ASSOCIATIONS OF APARTMENT OWNERS, AND TENANTS WITH AND WITHOUT PETS, TO RESPECT EACH OTHERS' RIGHTS AND TO WORK TOGETHER TO PROVIDE FOR THE NEEDS OF ALL OWNERS AND TENANTS," was jointly offered by Representatives Arakaki, Auwae, Lee, Santiago, Oshiro, Morihara, Yonamine, Hamakawa, Case, Kahikina, Yamane, Fox, Luke, Morita, Pendleton and Saiki.

H.R. No. 99, entitled: "HOUSE RESOLUTION CONVENING A TASK FORCE TO STUDY THE IMPLICATIONS OF INCREASED ACCESS TO STERILE SYRINGES," was jointly offered by Representatives Santiago, Yamane, Kahikina, Lee, Arakaki, Kawakami and Stegmaier.

H.R. No. 100, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO EXAMINE THE USE OF PSYCHIATRIC DRUGS BY CHILDREN FIVE TO EIGHTEEN YEARS OLD AND RELATED INCIDENTS OF VIOLENCE AND BEHAVIORAL PROBLEMS IN SCHOOLS," was jointly offered by Representatives Whalen, Leong, McDermott, Stegmaier, Arakaki, Kahikina, Kawakami, Santiago and Yamane.

H.R. No. 101, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HEALTH AND THE OFFICE OF HAWAIIAN AFFAIRS TO INCREASE BREAST CANCER AWARENESS, MAMMOGRAPHY SCREENING AND PREVENTION EDUCATION AND TREATMENT PROGRAMS AVAILABLE TO NATIVE HAWAIIAN WOMEN," was jointly offered by Representatives Morita, Kahikina, Auwae, Ahu Isa, Kaho'ohalahala, Kawakami and Kanoho.

H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A RULE DRAFTING POLICY TASK FORCE," was jointly offered by Representatives Herkes, Lee, Nakasone, Kanoho, Luke, Morita, Marumoto and Suzuki.

H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE BEST WAY TO IMPLEMENT A TRAFFIC LAW AND SUBSTANCE ABUSE EDUCATION PROGRAM FOR NEW DRIVER'S LICENSE APPLICANTS," was offered by Representative Kahikina by request.

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONDUCT A COMPREHENSIVE REVIEW OF ALL PROGRAMS IN THE STATE FOR, AND THE BENEFITS RECEIVED BY, HAWAII'S ELDERS," was jointly offered by Representatives Yonamine, Case, Lee, Stegmaier, Takai, Arakaki, Herkes, Kawakami and Leong.

H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION URGING LIBERTY NEWSPAPERS TO CONTINUE PUBLICATION OF THE HONOLULU STAR-BULLETIN AND TO ACTIVELY SEEK A BUYER TO PRESERVE TWO INDEPENDENT DAILY NEWSPAPERS IN THE COMMUNITY," was jointly offered by Representatives Case, Garcia, Ahu Isa, Takai, Suzuki, Goodenow, McDermott, Pendleton, Marumoto, Arakaki, Thielen, Fox, Abinsay, Catalani, Chang, Espero, Hamakawa, Herkes, Hiraki, Ito, Kahikina, Kanoho, Kawakami, Luke, Menor, Morihara, Morita, Oshiro, Say, Schatz, Souki, Stegmaier, Takumi and Yoshinaga.

H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE BE CONVENED TO ASSIST THE OFFICE OF INFORMATION PRACTICES ANALYZE HEALTH CARE INFORMATION ISSUES AND IMPLEMENT THE REQUIREMENTS OF CHAPTER 323C, HAWAII REVISED STATUTES," was jointly offered by Representatives Case, Hamakawa, Lee, Menor, Saiki and Santiago.

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO UPDATE ITS 1992 SUMMARY OF SPECIAL AND REVOLVING FUNDS," was jointly offered by Representatives Kanoho, Kawakami and Takamine.

H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO HEALTH," was jointly offered by Representatives Moses, Abinsay, Ahu Isa, Auwae, Kahikina, Leong, McDermott, Meyer, Pendleton, Rath, Santiago and Stegmaier.

H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE AVAILABILITY AND DISTRIBUTION OF COMPUTERS AND COMPUTER-RELATED RESOURCES AND INFRASTRUCTURE IN HAWAII'S SCHOOLS," was offered by Representative Hamakawa.

H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO ESTABLISH A HAWAIIAN LANGUAGE DOCTORAL PROGRAM THROUGH THE HAWAIIAN LANGUAGE PROGRAM OF THE UNIVERSITY OF HAWAII AT HILO," was offered by Representative Hamakawa.

H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A TEN-YEAR PLAN FOR TEACHER EDUCATION ON THE NEIGHBOR ISLANDS," was jointly offered by Representatives Kawakami, Ito, Morihara, Kanoho, Morita, Kaho'ohalahala, Hamakawa, Herkes, Lee, Luke, Menor, Rath, Souki and Takamine.

H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION'S INTEREST IN HAVING A FUTURE ANNUAL MEETING OF THE AMERICAN PSYCHIATRIC ASSOCIATION IN HAWAII," was jointly offered by Representatives Chang, Ito, Goodenow, Marumoto, Ahu Isa, Auwae, Cachola, Espero, Fox, Hamakawa, Kaho'ohalahala, Luke, Morihara and Rath.

H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT MANOA AND THE UNIVERSITY OF HAWAII AT HILO TO WORK TOGETHER TO TRANSFORM THE BIG ISLAND INTO A MAJOR PACIFIC-WIDE RESEARCH CENTER," was jointly offered by Representatives Chang, Ito, Marumoto, Ahu Isa, Goodenow, Morihara, Auwae, Cachola, Espero, Hamakawa, Luke and Rath.

H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII INSTITUTE OF PUBLIC AFFAIRS TO CONDUCT A PUBLIC POLICY REPORT ON HAWAII AND THE NEW ECONOMY," was jointly offered by Representatives Case, Morihara, Ahu Isa, Luke, Morita, Takai, Marumoto, Suzuki, Goodenow, McDermott, Pendleton, Thielen, Kanoho, Abinsay, Arakaki, Catalani, Chang, Espero, Garcia, Hamakawa, Herkes, Hiraki, Ito, Kahikina, Kawakami, Oshiro, Saiki, Say, Schatz, Souki, Takumi and Yoshinaga.

H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES TO

PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION ON THE SUBJECT OF JUDICIAL TAXATION," was jointly offered by Representatives Stegmaier, Abinsay, Ahu Isa, Cachola, Chang, Herkes, Kanoho, Morihara, Nakasone, Souki, Suzuki and Yamane.

H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE HAWAII STRATEGIC DEVELOPMENT CORPORATION TO PROMOTE AND FURTHER HIGH TECHNOLOGY ENDEAVORS IN THE STATE," was jointly offered by Representatives Catalani, Arakaki, Cachola, Chang, Espero, Fox, Goodenow, Hiraki, Kahikina, Luke, Marumoto, Morihara, Morita, Moses, Oshiro, Saiki, Schatz, Suzuki, Takai, Takumi, Thielen and Yonamine.

H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF SOCIAL WORK LICENSING LAWS," was jointly offered by Representatives Kahikina, Kawakami, Goodenow, Arakaki, Auwae, Catalani, Espero, Garcia, Hiraki, Lee, Leong, Luke, Marumoto, Rath, Schatz, Souki and Takai.

H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO INVENTORY CROWN LANDS LEASED TO SUGAR PLANTATIONS THAT SHOULD HAVE REVERTED TO THE HAWAIIAN HOMES COMMISSION AT THE END OF THE LEASE," was jointly offered by Representatives Kahikina, Kanoho, Ahu Isa, Goodenow, Arakaki, Abinsay, Auwae, Cachola, Catalani, Chang, Espero, Garcia, Hamakawa, Hiraki, Ito, Kawakami, Lee, Leong, Luke, McDermott, Morihara, Rath, Saiki, Santiago, Schatz, Souki, Suzuki, Takai and Yoshinaga.

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND EDUCATION TO ASSESS THE PREVALENCE OF HEAD LICE AND THE CURRENT USE OF CHEMICAL TREATMENT FOR HEAD LICE IN HAWAII'S SCHOOLS," was jointly offered by Representatives Kahikina, Arakaki, Auwae, Chang, Garcia, Goodenow, Hamakawa, Hiraki, Kawakami, Leong, Marumoto, Rath, Santiago, Souki and Takai.

H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NATIONAL MARINE FISHERIES SERVICE TO CLOSE THE NORTHWESTERN HAWAIIAN ISLANDS LOBSTER FISHERY TO PROTECT THE ENDANGERED HAWAIIAN MONK SEAL," was jointly offered by Representatives Kahikina, Lee, Ahu Isa, Arakaki, Marumoto, Abinsay, Cachola, Catalani, Espero, Hamakawa, Hiraki, Ito, Kanoho, Kawakami, Leong, Luke, Morita, Rath, Santiago, Schatz, Souki, Suzuki and Yoshinaga.

H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE IMPACT THAT COMMERCIAL MARINE MAMMAL WATCHING TOURS MAY HAVE ON MARINE MAMMALS IN WATERS OFF THE WAIANAE COAST OF OAHU," was jointly offered by Representatives Kahikina, Auwae, Espero, Arakaki, Catalani, Chang, Garcia, Goodenow, Hamakawa, Hiraki, Kawakami, Leong, Luke, Marumoto, Rath, Santiago, Schatz, Souki and Takai.

H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was jointly offered by Representatives Kahikina, Espero, Goodenow, Rath, Arakaki, Auwae, Catalani, Chang, Hamakawa, Hiraki, Kawakami, Leong, Luke, Marumoto, Santiago, Schatz and Souki.

H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN OVERVIEW STUDY OF

THE GERMAN AND JAPANESE SYSTEMS OF LONG-TERM CARE INSURANCE," was jointly offered by Representatives Arakaki, Yonamine, Kahikina, Leong, Oshiro, Lee, Marumoto and Santiago.

H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENDORSE A "ZERO TOLERANCE" POLICY AGAINST STUDENT BULLYING AND DEVELOP AN INTERVENTION PLAN TO PREVENT SUCH OCCURRENCES," was jointly offered by Representatives Arakaki, Ito, Takai, Kahikina, Goodenow, Abinsay, Ahu Isa, Stegmaier, Oshiro, Lee, Santiago, Pendleton and Morihara.

H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO EXPLORE THE POSSIBILITY OF DEVELOPING A SPACE CAMP ON THE BIG ISLAND," was jointly offered by Representatives Arakaki, Morihara, Takai, Stegmaier, Kahikina, Hamakawa, Chang, Leong, McDermott, Ahu Isa, Abinsay, Espero, Goodenow, Ito, Hiraki, Rath and Santiago.

H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO DEVELOP A PROACTIVE PLAN FOR HOUSING HOUSEHOLDS WITH INCOMES BELOW THIRTY PER CENT OF THE MEDIAN INCOME," was jointly offered by Representatives Arakaki, Kahikina, Santiago, McDermott, Ito, Leong, Ahu Isa, Chang, Hamakawa, Herkes, Kanoho, Kawakami, Lee, Luke, Morihara, Morita, Souki, Stegmaier, Takai and Takamine.

H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION URGING LANDLORDS, ASSOCIATIONS OF APARTMENT OWNERS, AND TENANTS WITH AND WITHOUT PETS, TO RESPECT EACH OTHERS' RIGHTS AND TO WORK TOGETHER TO PROVIDE FOR THE NEEDS OF ALL OWNERS AND TENANTS," was jointly offered by Representatives Arakaki, Auwae, Lee, Santiago, Oshiro, Morihara, Yonamine, Hamakawa, Case, Kahikina, Fox, Luke, Morita and Saiki.

H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO STUDY THE IMPLICATIONS OF INCREASED ACCESS TO STERILE SYRINGES," was jointly offered by Representatives Santiago, Yamane, Kahikina, Lee, Arakaki, Kawakami and Stegmaier.

H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A PROGRAM AND FINANCIAL AUDIT OF THE DEPARTMENT OF HEALTH'S ADULT MENTAL HEALTH DIVISION," was jointly offered by Representatives Santiago, Yamane, Kahikina, Stegmaier, Kawakami, Lee and Arakaki.

H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO EXAMINE THE USE OF PSYCHIATRIC DRUGS BY CHILDREN FIVE TO EIGHTEEN YEARS OLD AND RELATED INCIDENTS OF VIOLENCE AND BEHAVIORAL PROBLEMS IN SCHOOLS," was jointly offered by Representatives Whalen, Leong, McDermott, Stegmaier, Arakaki, Kahikina, Kawakami, Santiago and Yamane.

H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY ISSUES CONCERNING TEMPOROMANDIBULAR JOINT DISORDER, THE HEALTH CONSEQUENCES OF NOT TREATING THE DISORDER, AND TO RECOMMEND WHETHER HEALTH CARE COVERAGE FOR TREATMENT OF

TEMPOROMANDIBULAR JOINT DISORDER SHOULD BE REQUIRED IN HAWAII," was jointly offered by Representatives Whalen, Leong, Arakaki, Kahikina, Kawakami, McDermott, Santiago, Stegmaier and Yamane.

H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE AND COUNTY AGENCIES TO RESPOND TO THE FINAL REPORT OF THE SMALL BUSINESS TASK FORCE ON REGULATORY RELIEF REGARDING WAYS TO ASSIST SMALL BUSINESSES IN HAWAII," was offered by Representative Herkes.

H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH AND THE OFFICE OF HAWAIIAN AFFAIRS TO INCREASE BREAST CANCER AWARENESS, MAMMOGRAPHY SCREENING AND PREVENTION EDUCATION AND TREATMENT PROGRAMS AVAILABLE TO NATIVE HAWAIIAN WOMEN," was jointly offered by Representatives Morita, Kahikina, Auwae, Ahu Isa, Kaho'ohalahala, Kawakami and Kanoho.

H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING TOKYU CORPORATION, IN MAKING ITS DECISION TO SELL OR CLOSE SHIROKIYA DEPARTMENT STORES IN HAWAII, TO CONSIDER THE FORTY-YEAR HISTORY OF SHIROKIYA DEPARTMENT STORES IN HAWAII AND THE DEDICATED PATRONAGE OF HAWAII'S RESIDENTS," was jointly offered by Representatives Herkes and Luke.

Representative Yonamine moved to keep the Journal open until 6:00 o'clock p.m. this legislative day for the purpose of receiving House Resolutions and House Concurrent Resolutions by the Clerk's Office, seconded by Representative Pendleton and carried. (Representatives Cachola, Catalani, Garcia, Hiraki, Kanoho, Kawakami, Morihara, Morita, Okamura, Souki and Whalen were excused.)

At 12:28 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving House Resolutions and House Concurrent Resolutions.

### INTRODUCTION OF RESOLUTIONS

In accordance with the motion made earlier, the following resolutions (H.R. Nos. 103 through 172) and concurrent resolutions (H.C.R. Nos. 117 through 204) were received in the Clerk's Office and were referred to Printing and further action was deferred:

H.R. No. 103, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE SOCIAL WORKER LICENSURE LAW," was offered by Representative Yamane.

H.R. No. 104, entitled: "HOUSE RESOLUTION REQUESTING THE CONVENING OF A ROUNDTABLE DISCUSSION TO IMPLEMENT AND ENFORCE SMOKE-FREE ZONES IN SCHOOLS," was offered by Representative Goodenow.

H.R. No. 105, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO CREATE A MASTER PLAN FOR WATER QUALITY AND FLOOD MITIGATION FOR WAIMANALO," was offered by Representative Goodenow.

H.R. No. 106, entitled: "HOUSE RESOLUTION PROJECT CITIZEN RECYCLING BIN PROJECT FOR KEAAU MIDDLE SCHOOL," was jointly offered by Representatives Ito, Takai and Stegmaier.

H.R. No. 107, entitled: "HOUSE RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION

PROVIDE FUNDING OUT OF ITS CAPITAL IMPROVEMENT FUNDS TO REPLACE DEGRADED ELECTRICAL WIRING IN KEAAU MIDDLE SCHOOL'S BUILDING A," was jointly offered by Representatives Ito, Takai and Stegmaier.

H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A PROPOSED COMPENSATION SCHEDULE FOR HIGH SCHOOL COACHES," was jointly offered by Representatives Ito, Takai and Stegmaier.

H.R. No. 109, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A METHOD BY WHICH STUDENTS MAY PROVIDE FEEDBACK TO TEACHERS REGARDING THEIR EDUCATION IN THE CLASSROOM," was jointly offered by Representatives Ito, Takai and Stegmaier.

H.R. No. 110, entitled: "HOUSE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE GOLF COURSE INDUSTRY IN HAWAII AND DESIGNATING THE EWA PLAINS/KAPOLEI REGION THE GOLF CAPITAL OF OAHU," was jointly offered by Representatives Espero, Kahikina, Ahu Isa, McDermott, Moses, Abinsay, Arakaki, Auwae, Cachola, Case, Chang, Hiraki, Kaho'ohalahala, Kanoho, Kawakami, Luke, Menor, Morihara, Morita, Nakasone, Santiago, Schatz, Souki, Stegmaier, Suzuki, Takai, Takamine, Takumi, Yamane, Yonamine and Yoshinaga.

H.R. No. 111, entitled: "HOUSE RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was offered by Representative Schatz.

H.R. No. 112, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO OPEN A DOCKET ON NET METERING," was offered by Representative Schatz.

H.R. No. 113, entitled: "HOUSE RESOLUTION REQUESTING ALL EMPLOYERS TO REVIEW THEIR WAGES TO AVOID INADVERTENT DISCRIMINATION," was jointly offered by Representatives Catalani, Morita, Thielen, Takumi, Schatz, Lee, Case, Arakaki, Luke, Auwae, Leong, Ahu Isa, Kawakami, Marumoto, Meyer and Yoshinaga.

H.R. No. 114, entitled: "HOUSE RESOLUTION RECOGNIZING THE TENTH ANNIVERSARY OF THE PRESIDENTIAL ORDER TO STOP THE BOMBING OF KAHO'OLAWA," was jointly offered by Representatives Kaho'ohalahala, Ahu Isa, Kahikina, Morita, Morihara, Marumoto, Oshiro, Goodenow, Thielen, McDermott, Lee, Moses, Arakaki, Espero, Auwae, Cachola, Catalani, Chang, Fox, Halford, Hamakawa, Kanoho, Kawakami, Luke, Meyer, Santiago, Say, Schatz, Souki, Suzuki, Takumi and Yoshinaga.

H.R. No. 115, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONTINUE TO MONITOR IMPLEMENTATION OF RECOMMENDATIONS AND EXPAND THE DOMESTIC VIOLENCE WORKING GROUP TO ENCOMPASS ISSUES RELATING TO CHILDREN AND ADOLESCENTS," was jointly offered by Representatives Lee, Marumoto, Meyer, Catalani, Thielen, Auwae, Kawakami, Luke, Leong, Morita, Yoshinaga and Ahu Isa.

H.R. No. 116, entitled: "HOUSE RESOLUTION ENCOURAGING STATE AGENCIES TO WORK COOPERATIVELY TO ALLOW PUBLIC ACCESS TO HAIKU STAIRS," was jointly offered by Representatives Catalani, McDermott, Thielen, Marumoto, Takai, Ito, Moses,

Case, Ahu Isa, Arakaki, Auwae, Cachola, Espero, Fox, Garcia, Halford, Hamakawa, Herkes, Hiraki, Kahikina, Kaho'ohalahala, Kanoho, Leong, Luke, Meyer, Morita, Rath, Saiki, Santiago, Schatz, Souki, Stegmaier, Suzuki, Takamine, Takumi, Whalen and Yamane.

H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING THAT THE HAWAII TOURISM AUTHORITY CONDUCT A STUDY TO EVALUATE THE CONDITIONS OF STATE PARK REST ROOM FACILITIES," was jointly offered by Representatives Morita, Kaho'ohalahala, Kanoho and Kawakami.

H.R. No. 118, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO CREATE AND IMPLEMENT A STANDARDIZED INTERCONNECTION AGREEMENT," was jointly offered by Representatives Morita, Thielen, Lee, Garcia, Kanoho, Meyer, Rath and Takumi.

H.R. No. 119, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EXPAND THE CAPACITY OF THE CENTRAL H-1 FREEWAY CORRIDOR," was jointly offered by Representatives Hiraki, Schatz and Luke.

H.R. No. 120, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A HAWAII FILM INDUSTRY DEVELOPMENT LOAN GUARANTEE PROGRAM," was jointly offered by Representatives Yoshinaga, Abinsay, Arakaki, Espero, Goodenow, Kaho'ohalahala, Luke, Menor, Morita, Nakasone, Saiki, Santiago, Souki, Suzuki and Takumi.

H.R. No. 121, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CREATE AN ELEMENTARY SCHOOL-LEVEL PHYSICAL EDUCATION PROGRAM," was jointly offered by Representatives Thielen, Meyer, Moses, Pendleton, Arakaki, Auwae, Espero, Fox, Ito, Lee, Leong, Marumoto, Morita and Suzuki.

H.R. No. 122, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO ESTABLISH A HAWAIIAN LANGUAGE DOCTORAL PROGRAM THROUGH THE HAWAIIAN LANGUAGE PROGRAM OF THE UNIVERSITY OF HAWAII AT HILO," was offered by Representative Hamakawa.

H.R. No. 123, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES HOUSE OF REPRESENTATIVES TO SPEEDILY PASS S. 1052 RELATING TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS," was jointly offered by Representatives Abinsay, Cachola, Chang, Catalani, Espero, Garcia, Ito, Kaho'ohalahala, Kawakami, Luke, Marumoto, Morita, Pendleton, Suzuki and Takumi.

H.R. No. 124, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES GOVERNMENT TO TAKE APPROPRIATE ACTION TO ADDRESS THE SERIOUS ENVIRONMENTAL AND PUBLIC HEALTH PROBLEMS POSED BY THE TOXIC WASTES LEFT BEHIND AT FORMER UNITED STATES MILITARY INSTALLATIONS IN THE PHILIPPINES," was jointly offered by Representatives Abinsay, Cachola, Espero, Chang, Garcia, Takumi, Catalani, Fox, Ito, Kaho'ohalahala, Kawakami, Luke, Marumoto, Morita and Suzuki.

H.R. No. 125, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A WORKING GROUP TO IDENTIFY POTENTIAL SOURCES OF PERMANENT DEDICATED FUNDING AND FUNDING NEEDS OF THE NATURAL AREA RESERVES SYSTEM,"

was jointly offered by Representatives Morita, Thielen, Schatz, Meyer and Takumi.

H.R. No. 126, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ASSESS EXISTING TYPES OF ENERGY-EFFICIENT TECHNOLOGY AND EQUIPMENT AVAILABLE TO IMPROVE THE LEARNING ENVIRONMENT AND MINIMIZE THE COST TO OPERATE SCHOOLS," was jointly offered by Representatives Morita, Thielen, Arakaki, McDermott, Meyer, Schatz and Takumi.

H.R. No. 127, entitled: "HOUSE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DETERMINE HOW THE COST SAVINGS ATTRIBUTABLE TO MOTOR VEHICLE REFORM UNDER ACT 251, SESSION LAWS OF HAWAII 1997, HAS IMPACTED CONSUMER ACCESSIBILITY TO MEDICALLY REASONABLE, NECESSARY, AND APPROPRIATE REFERRAL TO MASSAGE THERAPY AND PHYSICAL THERAPY," was offered by Representative Menor.

H.R. No. 128, entitled: "HOUSE RESOLUTION REQUESTING THE STATE ATTORNEY GENERAL TO CONDUCT A LEGAL REVIEW OF CONCERNS REGARDING AUTOMATIC PERMIT APPROVAL," was offered by Representative Schatz.

H.R. No. 129, entitled: "HOUSE RESOLUTION SUPPORTING AND ENCOURAGING BICYCLING AND WALKING AS VIABLE CHOICES FOR TRANSPORTATION, RECREATION, AND HEALTH MAINTENANCE," was offered by Representative Schatz.

H.R. No. 130, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A CITIZENS' ADVISORY COMMISSION TO REVIEW THE STATE'S ALA WAI GOLF COURSE REVITALIZATION PLAN," was offered by Representative Saiki.

H.R. No. 131, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO WORK WITH AREA RESIDENTS TO DEVELOP USE OPTIONS FOR THE STADIUM BOWL-ODROME PROPERTY," was offered by Representative Saiki.

H.R. No. 132, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO OPEN A GENERIC DOCKET ON THE ISSUES OF OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES," was jointly offered by Representatives Case, Fox, Lee, Thielen, Cachola, Garcia, Herkes, Kaho'ohalahala, Luke, Meyer, Morita, Rath, Saiki, Schatz, Yamane and Yoshinaga.

H.R. No. 133, entitled: "HOUSE RESOLUTION URGING THE INITIATION OF A COORDINATED EFFORT TO IMPROVE SCHOOL PLAYGROUNDS," was jointly offered by Representatives Arakaki, Morita, Chang, Kahikina, Halford, Kaho'ohalahala, Kawakami, Leong, Nakasone, Santiago and Souki.

H.R. No. 134, entitled: "HOUSE RESOLUTION REQUESTING A PLAN TO IMPROVE EMERGENCY SERVICES IN THE HANA, MAUI, COMMUNITY," was jointly offered by Representatives Arakaki, Morita, Chang, Kahikina, Halford, Kaho'ohalahala, Kawakami, Leong, Nakasone, Santiago and Souki.

H.R. No. 135, entitled: "HOUSE RESOLUTION URGING CONGRESS TO CLARIFY THE HAWAIIAN HOMES COMMISSION ACT TO GIVE NATIVE HAWAIIANS A STATUS LIKE THAT OF INDIANS IN ORGANIZED TRIBES AND TO PROVIDE THAT THE STATE OF



HAWAII HAS BROAD AUTHORITY TO PRESERVE THAT STATUS," was jointly offered by Representatives Kahikina, Morita, Thielen, Kaho'ohalahala, Stegmaier, Arakaki, Auwae, Case, Goodenow, Herkes, Hiraki, Ito, Lee, Luke, Marumoto, Meyer, Oshiro, Rath, Saiki, Souki, Suzuki, Takumi and Yamane.

H.R. No. 136, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO ASCERTAIN THE FEASIBILITY OF AMENDING THE HAWAIIAN HOMES COMMISSION ACT TO ALLOW FOR DIRECT ELECTION OF MEMBERS," was jointly offered by Representatives Kahikina, Thielen, Marumoto, Rath, Arakaki, Goodenow, Kaho'ohalahala, Stegmaier, Auwae, Case, Catalani, Herkes, Hiraki, Ito, Kawakami, Lee, Luke, McDermott, Meyer, Morita, Oshiro, Pendleton, Saiki, Souki, Suzuki, Takumi, Whalen and Yamane.

H.R. No. 137, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH SERVICE PROVIDERS AND THE DEPARTMENT OF HEALTH TO DETERMINE A REASONABLE RENTAL FEE TO IMPROVE INFRASTRUCTURE ON THE WAIMANO TRAINING SCHOOL AND HOSPITAL GROUNDS," was jointly offered by Representatives Kahikina, Yamane, Arakaki, Auwae, Catalani, Goodenow, Herkes, Hiraki, Ito, Kaho'ohalahala, Lee, Luke, Marumoto, McDermott, Meyer, Morita, Oshiro, Pendleton, Rath, Saiki, Souki, Suzuki, Takumi, Thielen and Whalen.

H.R. No. 138, entitled: "HOUSE RESOLUTION REQUESTING AN ANALYSIS OF CURRENT AND COMPARATIVE PATTERNS OF PUBLIC SCHOOL FINANCING," was offered by Representative Ito.

H.R. No. 139, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ADOPT RULES TO REGULATE THE IMPORTATION OF COCOA BEANS INTO THE STATE," was jointly offered by Representatives Whalen, Espero, Herkes, Kaho'ohalahala, Luke and Suzuki.

H.R. No. 140, entitled: "HOUSE RESOLUTION REQUESTING ACTION TO IMPROVE THE CHILD PROTECTIVE SERVICES SYSTEM," was jointly offered by Representatives Marumoto, Arakaki, Lee, Leong, Auwae, Morita, Thielen, Schatz, Ito, Moses, Meyer, Pendleton, Rath, Goodenow, Stegmaier, Fox, Kahikina, Espero, Catalani, Halford, Hiraki, Kaho'ohalahala, McDermott, Menor, Souki, Suzuki, Takumi and Yoshinaga.

H.R. No. 141, entitled: "HOUSE RESOLUTION REQUESTING THAT THE GOVERNOR ISSUE A PROCLAMATION RENAMING THE THIRD MONDAY IN JANUARY AS DR. MARTIN LUTHER KING JR. DAY (CIVIL RIGHTS DAY) IN THE STATE OF HAWAII," was jointly offered by Representatives Marumoto, Schatz, Moses, Pendleton, Arakaki, Goodenow, Auwae, Catalani, Espero, Fox, Halford, Hiraki, Kahikina, Kaho'ohalahala, Lee, Leong, McDermott, Menor, Meyer, Rath, Souki, Suzuki, Takumi, Thielen and Yoshinaga.

H.R. No. 142, entitled: "HOUSE RESOLUTION ASSESSING THE COSTS AND BENEFITS OF ESTABLISHING AN ANNUAL RETAIL TAX HOLIDAY IN HAWAII," was jointly offered by Representatives Marumoto, Herkes, Pendleton, Luke, Arakaki, Auwae, Catalani, Espero, Fox, Goodenow, Hiraki, Kahikina, Kaho'ohalahala, Lee, Leong, McDermott, Menor, Morita, Souki and Takumi.

H.R. No. 143, entitled: "HOUSE RESOLUTION URGING CPR TRAINING IN HIGH SCHOOLS," was jointly offered by Representatives Marumoto, Kawakami, Ito and Santiago.

H.R. No. 144, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO ESTABLISH A TRANSITION PLAN TO TRANSFER THE FUNCTIONS AND RESPONSIBILITIES OF THE CONVENTION CENTER AUTHORITY TO THE HAWAII TOURISM AUTHORITY," was jointly offered by Representatives Chang, Goodenow, Espero, Auwae, Ahu Isa, Halford, Hiraki, Ito, Luke, Suzuki and Takumi.

H.R. No. 145, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER EXPANDING CASE MANAGEMENT SERVICES FOR THE NURSING HOME WITHOUT WALLS PROGRAM," was jointly offered by Representatives Santiago, Arakaki, Leong, Lee, Kahikina, Kawakami, McDermott and Stegmaier.

H.R. No. 146, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE ESTABLISHMENT OF ALTERNATIVE ACCESS ROUTES FOR THE NORTH SHORE OF OAHU," was jointly offered by Representatives Santiago, Catalani, Lee and Oshiro.

H.R. No. 147, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF AGRICULTURE TO STREAMLINE PROCEDURES TO FACILITATE IMPORTATION OF MICROORGANISMS," was jointly offered by Representatives Morihara, Abinsay, Ahu Isa, Rath, Herkes, Ito, Kaho'ohalahala, Luke, Suzuki and Yoshinaga.

H.R. No. 148, entitled: "HOUSE RESOLUTION REQUESTING THE KEIKI INJURY PREVENTION COALITION TO CONVENE A WORKING GROUP TO EVALUATE AND RECOMMEND MEASURES TO ENCOURAGE THE USE OF TRIGGER OR GUN LOCKS BY FIREARM OWNERS," was jointly offered by Representatives Arakaki, Ito, Santiago, Marumoto, Leong, Lee, Stegmaier, Fox and Kawakami.

H.R. No. 149, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO CONSIDER CONVERTING VACANT TEACHER COTTAGES OR IMMEDIATELY ADJACENT TO SCHOOL CAMPUSES INTO CUSTODIAN COTTAGES," was jointly offered by Representatives Arakaki, Ito, Santiago, Leong, Lee and Kahikina.

H.R. No. 150, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO ASSESS THE PREVALENCE AND CURRENT TREATMENT OF HEAD LICE IN HAWAII'S SCHOOLS," was jointly offered by Representatives Arakaki, Ito, Santiago, Say, Kawakami and Kahikina.

H.R. No. 151, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO DEVELOP A "SAFETY NET" PROGRAM TO ASSIST PUBLIC ASSISTANCE RECIPIENTS WHO WILL BE EXHAUSTING THEIR LIFETIME LIMIT FOR FEDERAL WELFARE ASSISTANCE," was jointly offered by Representatives Arakaki, Ito, Santiago, Marumoto, Leong, Lee, Fox and Kawakami.

H.R. No. 152, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU, IN CONSULTATION WITH THE GOOD BEGINNINGS ALLIANCE, TO IDENTIFY FUNDING SOURCES FOR THE EXPANSION OF EARLY CHILDHOOD EDUCATION AND CARE SERVICES," was jointly offered by Representatives Arakaki, Ito, Santiago,

Marumoto, Leong, Lee, Stegmaier, Kawakami, Kahikina and Fox.

H.R. No. 153, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO ISSUE AN ADMINISTRATIVE DIRECTIVE IN ACCORDANCE TO THE PRESIDENT OF THE UNITED STATE'S EXECUTIVE ORDER 13123, GREENING THE GOVERNMENT THROUGH EFFICIENT ENERGY MANAGEMENT," was offered by Representative Morita.

H.R. No. 154, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO OPEN A NEW DOCKET ON DEMAND SIDE MANAGEMENT," was jointly offered by Representatives Morita, Thielen, Schatz and Takumi.

H.R. No. 155, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO CREATE AND IMPLEMENT A STANDARDIZED POWER PURCHASE AGREEMENT," was jointly offered by Representatives Morita, Thielen, Schatz and Takumi.

H.R. No. 156, entitled: "HOUSE RESOLUTION REQUIRING THE PUBLIC UTILITIES COMMISSION TO RESOLVE AVOIDED COST ISSUES," was offered by Representative Morita.

H.R. No. 157, entitled: "HOUSE RESOLUTION RELATING TO "ZIPPER" LANES," was jointly offered by Representatives Moses, Arakaki, Auwae, Fox, Herkes, Kahikina, Kawakami, Luke, Marumoto, Morita, Oshiro, Pendleton, Souki and Thielen.

H.R. No. 158, entitled: "HOUSE RESOLUTION RELATING TO THE ALOHA STADIUM AUTHORITY," was jointly offered by Representatives Moses, Marumoto, Rath, Auwae, Espero, Kahikina, Meyer and Schatz.

H.R. No. 159, entitled: "HOUSE RESOLUTION RELATING TO THE ALOHA STADIUM AUTHORITY," was jointly offered by Representatives Moses, Rath, Auwae, Espero, Kahikina and Meyer.

H.R. No. 160, entitled: "HOUSE RESOLUTION RELATING TO WAIANAE COAST TRAFFIC PROBLEMS," was jointly offered by Representatives Auwae, Moses, Say, Kahikina, Pendleton, Espero, Stegmaier, Oshiro, Ahu Isa, Case, Catalani, Chang, Fox, Goodenow, Halford, Kaho'ohalahala, Luke, Marumoto, McDermott, Meyer, Morihara, Morita, Rath, Suzuki, Takai, Takumi and Thielen.

H.R. No. 161, entitled: "HOUSE RESOLUTION REQUESTING AN EXAMINATION OF POSSIBLE STATE ACTIONS TO CONTROL EXCESS PROFITEERING BY PHARMACEUTICAL COMPANIES," was jointly offered by Representatives Suzuki, Case, Schatz, Thielen, Abinsay, Espero, Hamakawa, Kahikina, Rath, Souki, Takai, Takumi, Yamane, Yonamine and Yoshinaga.

H.R. No. 162, entitled: "HOUSE RESOLUTION URGING THE HOUSE OF REPRESENTATIVES AND THE SENATE TO FOLLOW THE HAWAII CONSTITUTION AND THEIR RESPECTIVE RULES BY HOLDING CONFERENCE COMMITTEES, INCLUDING DECISION-MAKING, OPEN TO THE PUBLIC," was jointly offered by Representatives Rath, Whalen, Marumoto, Fox, Meyer, Pendleton, McDermott, Thielen, Auwae, Halford, Moses, Kahikina and Stegmaier.

H.R. No. 163, entitled: "HOUSE RESOLUTION SUPPORTING THE ESTABLISHMENT OF A RESEARCH INSTITUTE AND A MASTERS OF ARTS PROGRAM AT THE UNIVERSITY OF HAWAI'I AT MANOA CENTER FOR HAWAIIAN STUDIES," was jointly offered by Representatives Kaho'ohalahala, Auwae, Kahikina, Morita and Ahu Isa.

H.R. No. 164, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A PUBLIC-PRIVATE INTERAGENCY WORKING GROUP TO HELP LOW-INCOME FAMILIES BECOME SELF-SUFFICIENT," was jointly offered by Representatives Oshiro and Say.

H.R. No. 165, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO EXPLORE HOMEOWNERSHIP OPTIONS AT THE STATE-OWNED AND OPERATED PALOLO HOMES I AND II," was offered by Representative Say.

H.R. No. 166, entitled: "HOUSE RESOLUTION REQUESTING THAT PLANS BE DEVELOPED TO CONVERT THE QUEEN LILUOKALANI BUILDING INTO THE NEW HOME OF THE JOHN A. BURNS SCHOOL OF MEDICINE AND TO RENOVATE THE KINAU HALE BUILDING," was jointly offered by Representatives Arakaki, McDermott, Lee, Leong and Santiago.

H.R. No. 167, entitled: "HOUSE RESOLUTION REQUESTING AN ASSESSMENT OF THE PERFORMANCE OF THE A-PLUS PROGRAM AND INCLUDING RECOMMENDATIONS FOR ITS IMPROVEMENT," was jointly offered by Representatives Arakaki and Ito.

H.R. No. 168, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN FOR THE CONVERSION OF WASHINGTON PLACE INTO A MUSEUM," was jointly offered by Representatives Arakaki and Kahikina.

H.R. No. 169, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO REVIEW THE OFFICE OF THE ATTORNEY GENERAL'S ACTIONS AND EXPENSES RELATED TO THE FELIX CONSENT DECREE, SPECIAL EDUCATION, AND SECTION 504 STUDENTS," was jointly offered by Representatives Arakaki and Takai.

H.R. No. 170, entitled: "HOUSE RESOLUTION URGING THE OFFICE OF THE GOVERNOR TO DEVELOP AND AWARD CERTIFICATES OF RECOGNITION TO FAMILIES OF DECEASED ORGAN DONORS," was offered by Representative Arakaki.

H.R. No. 171, entitled: "HOUSE RESOLUTION ENCOURAGING ALL STATE AND COUNTY AGENCIES TO ASSIST THE HEAD START PROGRAM TO OBTAIN LAND AND OTHER RESOURCES," was offered by Representative Ito.

H.R. No. 172, entitled: "HOUSE RESOLUTION HONORING AND SUPPORTING THE HONOLULU JAPANESE CHAMBER OF COMMERCE IN ITS CENTENNIAL YEAR," was jointly offered by Representatives Yoshinaga, Ahu Isa, Morihara, Souki, Suzuki and Takumi.

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW THE STATUTORY FRAMEWORK RELATING TO THE LEASING OF STATE LANDS," was jointly offered by Representatives Kanoho, Kawakami and Cachola.

H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE SOCIAL WORKER LICENSURE LAW," was offered by Representative Yamane.

H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A

ROUNDTABLE DISCUSSION TO IMPLEMENT AND ENFORCE SMOKE-FREE ZONES IN SCHOOLS," was offered by Representative Goodenow.

H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO CREATE A MASTER PLAN FOR WATER QUALITY AND FLOOD MITIGATION FOR WAIMANALO," was offered by Representative Goodenow.

H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION PROJECT CITIZEN RECYCLING BIN PROJECT FOR KEAAU MIDDLE SCHOOL," was jointly offered by Representatives Ito, Takai and Stegmaier.

H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION PROVIDE FUNDING OUT OF ITS CAPITAL IMPROVEMENT FUNDS TO REPLACE DEGRADED ELECTRICAL WIRING IN KEAAU MIDDLE SCHOOL'S BUILDING A," was jointly offered by Representatives Ito, Takai and Stegmaier.

H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PROPOSED COMPENSATION SCHEDULE FOR HIGH SCHOOL COACHES," was jointly offered by Representatives Ito, Takai and Stegmaier.

H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A METHOD BY WHICH STUDENTS MAY PROVIDE FEEDBACK TO TEACHERS REGARDING THEIR EDUCATION IN THE CLASSROOM," was jointly offered by Representatives Ito, Takai and Stegmaier.

H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE ADEQUACY OF THE DEPARTMENT OF EDUCATION'S LANGUAGE ARTS PROGRAM IN HAWAII FOR CREOLE ENGLISH-SPEAKING STUDENTS WITH LIMITED ENGLISH PROFICIENCY," was offered by Representative Ito.

H.C.R. No. 126, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF THE GOLF COURSE INDUSTRY IN HAWAII AND DESIGNATING THE EWA PLAINS/KAPOLEI REGION THE GOLF CAPITAL OF OAHU," was jointly offered by Representatives Espero, Kahikina, Ahu Isa, McDermott, Moses, Abinsay, Arakaki, Auwae, Cachola, Case, Chang, Hiraki, Kaho'ohalahala, Kanoho, Kawakami, Lee, Luke, Menor, Morihara, Morita, Nakasone, Santiago, Schatz, Souki, Stegmaier, Suzuki, Takai, Takamine, Takumi, Yamane, Yonamine and Yoshinaga.

H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was offered by Representative Schatz.

H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO OPEN A DOCKET ON NET METERING," was offered by Representative Schatz.

H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL EMPLOYERS TO REVIEW THEIR WAGES TO AVOID INADVERTENT DISCRIMINATION," was jointly offered by Representatives Catalani, Morita, Thielen, Takumi, Schatz, Lee, Case, Arakaki,

Luke, Auwae, Leong, Ahu Isa, Kawakami, Marumoto, Meyer and Yoshinaga.

H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE TENTH ANNIVERSARY OF THE PRESIDENTIAL ORDER TO STOP THE BOMBING OF KAHO'OLAWA," was jointly offered by Representatives Kaho'ohalahala, Ahu Isa, Kahikina, Morita, Morihara, Marumoto, Oshiro, Goodenow, McDermott, Thielen, Lee, Moses, Arakaki, Espero, Auwae, Cachola, Catalani, Chang, Fox, Halford, Hamakawa, Kanoho, Kawakami, Luke, Meyer, Santiago, Say, Schatz, Souki, Suzuki, Takumi and Yoshinaga.

H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONTINUE TO MONITOR IMPLEMENTATION OF RECOMMENDATIONS AND EXPAND THE DOMESTIC VIOLENCE WORKING GROUP TO ENCOMPASS ISSUES RELATING TO CHILDREN AND ADOLESCENTS," was jointly offered by Representatives Lee, Marumoto, Meyer, Catalani, Thielen, Auwae, Kawakami, Luke, Morita, Yoshinaga, Leong and Ahu Isa.

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING STATE AGENCIES TO WORK COOPERATIVELY TO ALLOW PUBLIC ACCESS TO HAIKU STAIRS," was jointly offered by Representatives Catalani, McDermott, Thielen, Takai, Marumoto, Ito, Moses, Case, Ahu Isa, Arakaki, Auwae, Cachola, Espero, Fox, Garcia, Hamakawa, Herkes, Hiraki, Kahikina, Kaho'ohalahala, Kanoho, Leong, Luke, Meyer, Morita, Rath, Saiki, Santiago, Schatz, Souki, Stegmaier, Suzuki, Takumi and Whalen.

H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE HAWAII TOURISM AUTHORITY CONDUCT A STUDY TO EVALUATE THE CONDITIONS OF STATE PARK REST ROOM FACILITIES," was jointly offered by Representatives Morita, Kaho'ohalahala, Kanoho and Kawakami.

H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO CREATE AND IMPLEMENT A STANDARDIZED INTERCONNECTION AGREEMENT," was jointly offered by Representatives Morita, Thielen, Lee, Garcia, Kanoho, Meyer, Rath and Takumi.

H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF A SISTER STATE-RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE PROVINCE OF YUNNAN OF THE PEOPLE'S REPUBLIC OF CHINA," was jointly offered by Representatives Ahu Isa, Espero, Fox, Takai, Abinsay, Kaho'ohalahala, Luke, Marumoto, Menor, Meyer, Suzuki, Whalen and Yamane.

H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EXPAND THE CAPACITY OF THE CENTRAL H-1 FREEWAY CORRIDOR," was jointly offered by Representatives Hiraki, Schatz and Luke.

H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A HAWAII FILM INDUSTRY DEVELOPMENT LOAN GUARANTEE PROGRAM," was jointly offered by Representatives Yoshinaga, Abinsay, Arakaki, Goodenow, Kaho'ohalahala, Luke, Menor, Morita, Nakasone, Santiago, Souki, Suzuki and Takumi.

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CREATE AN ELEMENTARY SCHOOL-LEVEL PHYSICAL EDUCATION PROGRAM," was jointly

offered by Representatives Thielen, Meyer, Moses, Pendleton, Arakaki, Auwae, Espero, Fox, Ito, Lee, Leong, Marumoto, Morita and Suzuki.

H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DEVELOP A COMPREHENSIVE EXECUTIVE SALARY PLAN TO ADDRESS SALARY DISCREPANCIES IN THE ADMINISTRATION," was offered by Representative Souki.

H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES HOUSE OF REPRESENTATIVES TO SPEEDILY PASS S. 1052 RELATING TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS," was jointly offered by Representatives Abinsay, Cachola, Chang, Catalani, Espero, Garcia, Ito, Kaho'ohalahala, Kawakami, Luke, Marumoto, Morita, Pendleton, Suzuki and Takumi.

H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO TAKE APPROPRIATE ACTION TO ADDRESS THE SERIOUS ENVIRONMENTAL AND PUBLIC HEALTH PROBLEMS POSED BY THE TOXIC WASTES LEFT BEHIND AT FORMER UNITED STATES MILITARY INSTALLATIONS IN THE PHILIPPINES," was jointly offered by Representatives Abinsay, Cachola, Chang, Espero, Garcia, Takumi, Catalani, Fox, Ito, Kaho'ohalahala, Kawakami, Luke, Marumoto, Morita and Suzuki.

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION STUDY THE IMPLICATIONS OF SETTING COACHES' SALARIES IN THE SAME MANNER AS OTHER TEACHERS," was offered by Representative Takamine.

H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A WORKING GROUP TO IDENTIFY POTENTIAL SOURCES OF PERMANENT DEDICATED FUNDING AND FUNDING NEEDS OF THE NATURAL AREA RESERVES SYSTEM," was jointly offered by Representatives Morita, Thielen, Schatz, Meyer and Takumi.

H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ASSESS EXISTING TYPES OF ENERGY-EFFICIENT TECHNOLOGY AND EQUIPMENT AVAILABLE TO IMPROVE THE LEARNING ENVIRONMENT AND MINIMIZE THE COST TO OPERATE SCHOOLS," was jointly offered by Representatives Morita, Thielen, Arakaki, McDermott, Meyer, Schatz and Takumi.

H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DETERMINE HOW THE COST SAVINGS ATTRIBUTABLE TO MOTOR VEHICLE REFORM UNDER ACT 251, SESSION LAWS OF HAWAII 1997, HAS IMPACTED CONSUMER ACCESSIBILITY TO MEDICALLY REASONABLE, NECESSARY, AND APPROPRIATE REFERRAL TO MASSAGE THERAPY AND PHYSICAL THERAPY," was offered by Representative Menor.

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE ATTORNEY GENERAL TO CONDUCT A LEGAL REVIEW OF CONCERNS REGARDING AUTOMATIC PERMIT APPROVAL," was offered by Representative Schatz.

H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING

BICYCLING AND WALKING AS VIABLE CHOICES FOR TRANSPORTATION, RECREATION, AND HEALTH MAINTENANCE," was offered by Representative Schatz.

H.C.R. No. 148, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A CITIZENS' ADVISORY COMMISSION TO REVIEW THE STATE'S ALA WAI GOLF COURSE REVITALIZATION PLAN," was offered by Representative Saiki.

H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO WORK WITH AREA RESIDENTS TO DEVELOP USE OPTIONS FOR THE STADIUM BOWL-O-DROME PROPERTY," was offered by Representative Saiki.

H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF PROCESS SERVERS," was offered by Representative Saiki.

H.C.R. No. 151, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A COMPREHENSIVE MASTER PLAN FOR KOKEE AND WAIMEA CANYON STATE PARKS," was jointly offered by Representatives Kawakami and Morita.

H.C.R. No. 152, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING LEGISLATORS TO FOSTER COMMUNITY SUPPORT OF PUBLIC SCHOOLS," was jointly offered by Representatives Kawakami, Ito, Arakaki, Leong, Schatz, Lee, Goodenow, Say, Kahikina, Stegmaier, Ahu Isa, Santiago and Takamine.

H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO OPEN A GENERIC DOCKET ON THE ISSUES OF OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES," was jointly offered by Representatives Case, Fox, Lee, Thielen, Cachola, Garcia, Herkes, Kaho'ohalahala, Luke, Meyer, Morita, Rath, Saiki, Schatz, Yamane and Yoshinaga.

H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE INITIATION OF A COORDINATED EFFORT TO IMPROVE SCHOOL PLAYGROUNDS," was jointly offered by Representatives Arakaki, Morita, Chang, Kahikina, Halford, Kaho'ohalahala, Kawakami, Leong, Nakasone, Santiago and Souki.

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PLAN TO IMPROVE EMERGENCY SERVICES IN THE HANA, MAUI, COMMUNITY," was jointly offered by Representatives Arakaki, Morita, Chang, Kahikina, Halford, Kaho'ohalahala, Kawakami, Leong, Nakasone, Santiago and Souki.

H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO CLARIFY THE HAWAIIAN HOMES COMMISSION ACT TO GIVE NATIVE HAWAIIANS A STATUS LIKE THAT OF INDIANS IN ORGANIZED TRIBES AND TO PROVIDE THAT THE STATE OF HAWAII HAS BROAD AUTHORITY TO PRESERVE THAT STATUS," was jointly offered by Representatives Kahikina, Arakaki, Morita, Thielen, Kaho'ohalahala, Stegmaier, Auwae, Case, Goodenow, Herkes, Hiraki, Ito, Lee, Luke, Marumoto, Meyer, Oshiro, Pendleton, Rath, Saiki, Souki, Suzuki, Takumi and Yamane.

H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ANALYSIS OF CURRENT AND COMPARATIVE PATTERNS OF PUBLIC SCHOOL FINANCING," was offered by Representative Ito.

H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES INITIATE A COLLABORATIVE PARTNERSHIP TO IMPROVE SERVICES FOR ADULTS AND EXPAND OPPORTUNITIES FOR HIGH SCHOOL STUDENTS THAT WILL RESULT IN SUBSTANTIVE OUTCOMES FOR THE TWO ENTITIES," was offered by Representative Ito.

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ADOPT RULES TO REGULATE THE IMPORTATION OF COCOA BEANS INTO THE STATE," was jointly offered by Representatives Whalen, Espero, Herkes, Kaho'ohalahala, Luke and Suzuki.

H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ACTION TO IMPROVE THE CHILD PROTECTIVE SERVICES SYSTEM," was jointly offered by Representatives Marumoto, Arakaki, Goodenow, Lee, Auwae, Morita, Thielen, Ito, Moses, Rath, Stegmaier, Fox, Kahikina, Espero, Pendleton, Meyer, Catalani, Halford, Kaho'ohalahala, Menor, Suzuki, Takumi and Yoshinaga.

H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE GOVERNOR ISSUE A PROCLAMATION RENAMING THE THIRD MONDAY IN JANUARY AS DR. MARTIN LUTHER KING JR. DAY (CIVIL RIGHTS DAY) IN THE STATE OF HAWAII," was jointly offered by Representatives Marumoto, Schatz, Moses, Pendleton, Arakaki, Goodenow, Rath, Auwae, Catalani, Fox, Halford, Kahikina, Kaho'ohalahala, Lee, Menor, Meyer, Suzuki, Takumi, Thielen and Yoshinaga.

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION ASSESSING THE COSTS AND BENEFITS OF ESTABLISHING AN ANNUAL RETAIL TAX HOLIDAY IN HAWAII," offered by Representatives Marumoto, Arakaki, Herkes, Auwae, Catalani, Espero, Fox, Goodenow, Kahikina, Kanoho, Lee, Marumoto, Menor, Morita, Pendleton and Rath.

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION URGING CPR TRAINING IN HIGH SCHOOLS," was jointly offered by Representatives Marumoto, Kawakami, Ito and Santiago.

H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO ESTABLISH A TRANSITION PLAN TO TRANSFER THE FUNCTIONS AND RESPONSIBILITIES OF THE CONVENTION CENTER AUTHORITY TO THE HAWAII TOURISM AUTHORITY," was jointly offered by Representatives Chang, Goodenow, Espero, Auwae, Ahu Isa, Halford, Hiraki, Ito, Luke, Suzuki and Takumi.

H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO IMPLEMENT THE RECOMMENDATIONS REGARDING HAWAII'S COMMERCIAL BOATING AND OCEAN RECREATION INDUSTRY MADE BY THE SMALL BUSINESS TASK FORCE ON REGULATORY RELIEF," was jointly offered by Representatives Chang, Herkes, Ahu Isa, Abinsay, Auwae, Espero, Fox, Goodenow, Hiraki, Ito, Luke, Suzuki, Takamine, Takumi and Yamane.

H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER EXPANDING CASE MANAGEMENT SERVICES FOR THE NURSING HOME WITHOUT WALLS PROGRAM," was jointly offered by Representatives Santiago, Arakaki, Leong, Lee, Kahikina, Kawakami, McDermott and Stegmaier.

H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE ESTABLISHMENT OF ALTERNATIVE ACCESS ROUTES FOR THE NORTH SHORE OF OAHU," was jointly offered by Representatives Santiago, Catalani, Lee and Oshiro.

H.C.R. No. 168, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE SOCIAL AND FINANCIAL IMPACTS OF ENACTING A PARITY LAW THAT MANDATES EQUAL INSURANCE COVERAGE FOR SUBSTANCE ABUSE TREATMENT AS IN ALL OTHER MEDICAL ILLNESSES," was jointly offered by Representatives Santiago, Stegmaier, McDermott, Kahikina, Kawakami and Lee.

H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF AGRICULTURE TO STREAMLINE PROCEDURES TO FACILITATE IMPORTATION OF MICROORGANISMS," was jointly offered by Representatives Luke, Rath, Ahu Isa, Halford, Ito, Kaho'ohalahala and Morihara.

H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE KEIKI INJURY PREVENTION COALITION TO CONVENE A WORKING GROUP TO EVALUATE AND RECOMMEND MEASURES TO ENCOURAGE THE USE OF TRIGGER OR GUN LOCKS BY FIREARM OWNERS," was jointly offered by Representatives Arakaki, Ito, Santiago, Marumoto, Leong, Lee, Stegmaier, Fox and Kawakami.

H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO CONSIDER CONVERTING VACANT TEACHER COTTAGES ON OR IMMEDIATELY ADJACENT TO SCHOOL CAMPUSES INTO CUSTODIAN COTTAGES," was jointly offered by Representatives Arakaki, Ito, Santiago, Leong, Lee and Kahikina.

H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO ASSESS THE PREVALENCE AND CURRENT TREATMENT OF HEAD LICE IN HAWAII'S SCHOOLS," was jointly offered by Representatives Arakaki, Ito, Santiago, Say, Kawakami and Kahikina.

H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO DEVELOP A "SAFETY NET" PROGRAM TO ASSIST PUBLIC ASSISTANCE RECIPIENTS WHO WILL BE EXHAUSTING THEIR LIFETIME LIMIT FOR FEDERAL WELFARE ASSISTANCE," was jointly offered by Representatives Arakaki, Ito, Santiago, Marumoto, Leong, Lee, Fox and Kawakami.

H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU, IN CONSULTATION WITH THE GOOD BEGINNINGS ALLIANCE, TO IDENTIFY FUNDING SOURCES FOR THE EXPANSION OF EARLY CHILDHOOD EDUCATION AND CARE SERVICES," was jointly offered by Representatives Arakaki, Ito, Santiago, Marumoto, Leong, Lee, Stegmaier, Kawakami, Kahikina and Fox.

H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO ISSUE AN ADMINISTRATIVE

DIRECTIVE IN ACCORDANCE TO THE PRESIDENT OF THE UNITED STATE'S EXECUTIVE ORDER 13123, GREENING THE GOVERNMENT THROUGH EFFICIENT ENERGY MANAGEMENT," was offered by Representative Morita.

H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO OPEN A NEW DOCKET ON DEMAND SIDE MANAGEMENT," was jointly offered by Representatives Morita, Thielen, Schatz and Takumi.

H.C.R. No. 177, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO CREATE AND IMPLEMENT A STANDARDIZED POWER PURCHASE AGREEMENT," was jointly offered by Representatives Morita, Thielen, Schatz and Takumi.

H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION REQUIRING THE PUBLIC UTILITIES COMMISSION TO RESOLVE AVOIDED COST ISSUES," was offered by Representative Morita.

H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO "ZIPPER" LANES," was jointly offered by Representatives Moses, Arakaki, Auwae, Fox, Herkes, Kahikina, Kawakami, Luke, Marumoto, Morita, Oshiro, Pendleton, Souki and Thielen.

H.C.R. No. 180, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE ALOHA STADIUM AUTHORITY," was jointly offered by Representatives Moses, Marumoto, Rath, Auwae, Espero, Kahikina, Meyer and Schatz.

H.C.R. No. 181, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE ALOHA STADIUM AUTHORITY," was jointly offered by Representatives Moses, Rath, Auwae, Espero, Kahikina and Meyer.

H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO WAIANAE COAST TRAFFIC PROBLEMS," was jointly offered by Representatives Auwae, Moses, Say, Kahikina, Pendleton, Espero, Stegmaier, Oshiro, Ahu Isa, Case, Catalani, Chang, Fox, Goodenow, Halford, Kaho'ohalahala, Luke, Marumoto, McDermott, Meyer, Morihara, Morita, Rath, Suzuki, Takai, Takumi and Thielen.

H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF POSSIBLE STATE ACTIONS TO CONTROL EXCESS PROFITEERING BY PHARMACEUTICAL COMPANIES," was jointly offered by Representatives Suzuki, Case, Schatz, Thielen, Abinsay, Espero, Hamakawa, Kahikina, Rath, Souki, Takai, Takumi, Yamane, Yonamine and Yoshinaga.

H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE TO REVIEW AND REPORT ON THE BENEFITS AND FEASIBILITY OF COLLABORATIVE HEALTH CARE PURCHASING ARRANGEMENTS BETWEEN HAWAII QUEST AND THE HAWAII PUBLIC EMPLOYEES HEALTH FUND," was jointly offered by Representatives Suzuki, Meyer, Arakaki, Ahu Isa, Kahikina, Kawakami, Morihara, Moses, Nakasone and Takai.

H.C.R. No. 185, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF WHETHER AN EARNED INCOME TAX CREDIT IS A VIABLE ALTERNATIVE TO RAISING THE MINIMUM WAGE TO A LIVING WAGE LEVEL," was jointly offered by Representatives Stegmaier, Meyer, Auwae, Case, Fox, Garcia, Goodenow, Kahikina, Kaho'ohalahala, Lee, Luke, Marumoto, Souki, Suzuki, Yamane and Yoshinaga.

H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ALLOW WATER AND OCEAN-BASED SPORTS IN HAWAII'S SCHOOLS AND TO ESTABLISH OUTRIGGER CANOE PADDLING AS A SANCTIONED SCHOOL SPORT STATEWIDE," was jointly offered by Representatives Stegmaier, Kaho'ohalahala, Goodenow, Takai, Arakaki, Auwae, Case, Fox, Kahikina, Kawakami, Lee, Luke, Marumoto, Meyer, Oshiro, Souki, Yonamine and Yoshinaga.

H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HOUSE OF REPRESENTATIVES AND THE SENATE TO FOLLOW THE HAWAII CONSTITUTION AND THEIR RESPECTIVE RULES BY HOLDING CONFERENCE COMMITTEES, INCLUDING DECISION-MAKING, OPEN TO THE PUBLIC," was jointly offered by Representatives Rath, Whalen, Marumoto, Fox, Meyer, Pendleton, McDermott, Thielen, Auwae, Halford, Moses, Kahikina and Stegmaier.

H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ESTABLISHMENT OF A RESEARCH INSTITUTE AND A MASTERS OF ARTS PROGRAM AT THE UNIVERSITY OF HAWAII AT MANOA CENTER FOR HAWAIIAN STUDIES," was jointly offered by Representatives Kaho'ohalahala, Auwae, Kahikina, Morita and Ahu Isa.

H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A PUBLIC-PRIVATE INTERAGENCY WORKING GROUP TO HELP LOW-INCOME FAMILIES BECOME SELF-SUFFICIENT," was jointly offered by Representatives Oshiro and Say.

H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO EXPLORE HOMEOWNERSHIP OPTIONS AT THE STATE-OWNED AND OPERATED PALOLO HOMES I AND II," was offered by Representative Say.

H.C.R. No. 191, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES NAVY TO INCREASE THE WORKLOAD AND EMPLOYMENT AT PEARL HARBOR NAVAL SHIPYARD AND TO PROVIDE A BRIEFING ON THE FUTURE WORKLOAD PLANS FOR PEARL HARBOR NAVAL SHIPYARD," was offered by Representative Kaho'ohalahala.

H.C.R. No. 192, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION INTO THE ACQUISITION OF NO. 1 CAPITOL DISTRICT BY THE STATE," was offered by Representative Say.

H.C.R. No. 193, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA TO LEAD THE NATION AND IMMEDIATELY ADDRESS THE PROBLEM OF HIGH COST OF PRESCRIPTION DRUGS FOR ALL AMERICANS," was offered by Representative Say.

H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON WHETHER INVESTMENT EXPENSES PAID BY THE EMPLOYEES' RETIREMENT SYSTEM ARE APPROPRIATE," was jointly offered by Representatives Say, Takamine and Goodenow.

H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO STUDY TRAFFIC PATTERNS AT THE JUNCTION OF LOWER KAIMUKI, KAPAHULU, MOILILI, KAPIOLANI BOULEVARD, ST.

LOUIS HEIGHTS, AND UNIVERSITY OF HAWAII," was jointly offered by Representatives Say, Saiki, Yamane, Yoshinaga and Marumoto.

H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A TASK FORCE TO DEVELOP AND IMPLEMENT A STATEWIDE, COMPREHENSIVE, AND EFFECTIVE WORKING PLAN FOR PLACING QUALIFIED PERSONS WITH DISABILITIES IN THE MOST INTEGRATED SETTING POSSIBLE AND TO KEEP WAITING LISTS THAT MOVE AT A REASONABLE PACE," was offered by Representative Say by request.

H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF POTENTIAL COST SAVINGS IF DIRECT FILING OF CRIMINAL CHARGES WERE INSTITUTED," was offered by Representative Say, by request.

H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT PLANS BE DEVELOPED TO CONVERT THE QUEEN LILUOKALANI BUILDING INTO THE NEW HOME OF THE JOHN A. BURNS SCHOOL OF MEDICINE AND TO RENOVATE THE KINAU HALE BUILDING," was jointly offered by Representatives Arakaki, McDermott, Lee, Leong and Santiago.

H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE PERFORMANCE OF THE A-PLUS PROGRAM AND INCLUDING RECOMMENDATIONS FOR ITS IMPROVEMENT," was jointly offered by Representatives Arakaki and Ito.

H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN FOR THE CONVERSION OF WASHINGTON PLACE INTO A MUSEUM," was jointly offered by Representatives Arakaki and Kahikina.

H.C.R. No. 201, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW THE OFFICE OF THE ATTORNEY GENERAL'S ACTIONS AND EXPENSES RELATED TO THE FELIX CONSENT DECREE, SPECIAL EDUCATION, AND SECTION 504 STUDENTS," was jointly offered by Representatives Arakaki and Takai.

H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OFFICE OF THE GOVERNOR TO DEVELOP AND AWARD CERTIFICATES OF RECOGNITION TO FAMILIES OF DECEASED ORGAN DONORS," was offered by Representative Arakaki.

H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING ALL STATE AND COUNTY AGENCIES TO ASSIST THE HEAD START PROGRAM TO OBTAIN LAND AND OTHER RESOURCES," was offered by Representative Ito.

H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION HONORING AND SUPPORTING THE HONOLULU JAPANESE CHAMBER OF COMMERCE IN ITS CENTENNIAL YEAR," was jointly offered by Representatives Yoshinaga, Ahu Isa, Morihara, Souki, Suzuki and Takumi.

#### ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, March 16, 2000.

**THIRTY-THIRD DAY****Thursday, March 16, 2000**

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 12:17 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor James Shiroma from Cornerstone Fellowship, Mililani Mauka, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Cachola, Kahikina, Kanoho, Menor, Morihara, Okamura and Stegmaier, 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 Twenty-Second, Twenty-Third, Twenty-Fourth, and Twenty-Fifth Days were subsequently approved, with Representatives Ahu Isa, Cachola, Fox, Kahikina, Kanoho, Menor, Morihara, Okamura, Stegmaier and Yoshinaga being excused.

**GOVERNOR'S MESSAGE**

The following message from the Governor (Gov. Msg. No. 170) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 170, transmitting copies of the Addendum to the Report prepared by the Office of Youth Services Regarding House Concurrent Resolution Number 63, HD 1.

**INTRODUCTIONS**

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

Representative Lee introduced Representative Carlos Uresti of the Texas State Legislature.

Representative Hamakawa introduced 41 students from all of the Big Island High Schools and their teachers, Ms. Angela Brandt; Ms. Naomi Ashman; Ms. Carol Takamura; Ms. Sandy Machado; Mr. Kurt Kawachi; Ms. Nellie Yokoyama; and Ms. Connie Han.

Representative Oshiro introduced Ms. Corinna Eckl of the National Conference of State Legislatures.

Representative Yonamine introduced student "shadows," Ms. Kimberly Kawamoto and Ms. Amy Sakuda of Pearl City High School.

Representative Takai introduced student shadows, Ms. Dawn Igusa and Ms. Nicole Sakai of Pearl City High School.

**ORDER OF THE DAY****STANDING COMMITTEE REPORTS**

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 874-00) recommending that S.B. No. 2764, SD 1, 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 S.B. No. 2764, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS REPORT," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs,

with Representatives Ahu Isa, Cachola, Fox, Kahikina, Kanoho, Menor, Morihara, Okamura and Stegmaier being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 875-00) recommending that S.B. No. 2299, SD 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 S.B. No. 2299, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Water and Land Use, with Representatives Ahu Isa, Cachola, Fox, Kahikina, Kanoho, Menor, Morihara, Okamura and Stegmaier being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 876-00) recommending that S.B. No. 2301, SD 2, 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 S.B. No. 2301, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Water and Land Use, with Representatives Ahu Isa, Cachola, Fox, Kahikina, Kanoho, Menor, Morihara, Okamura and Stegmaier being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 877-00) recommending that S.B. No. 539, SD 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 S.B. No. 539, SD 1, entitled: "A BILL FOR AN ACT 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," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Ahu Isa, Cachola, Fox, Kahikina, Kanoho, Menor, Morihara, Okamura and Stegmaier being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 878-00) recommending that S.B. No. 2572, 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 S.B. No. 2572, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII FACILITIES USE REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Fox, Kahikina, Kanoho, Menor, Morihara, Okamura and Stegmaier being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 879-00) recommending that S.B. No. 2574, SD 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 S.B. No. 2574, SD 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 Ahu Isa, Cachola, Fox, Kahikina, Kanoho, Menor, Morihara, Okamura and Stegmaier being excused.

#### ANNOUNCEMENTS

Representative Yoshinaga rose and requested a waiver of the 48-hour hearing notice requirement for the Committee on Labor and Public Employment to hold a public hearing on S.B. 2607, tomorrow morning at 8:30 in Conference Room 329, and the Chair "so ordered."

Representative Takai: "We are in the midst of the Hawai'i Foodbank drive again this year. As part of that effort we are doing a number of different things. This afternoon we have an opportunity to contribute to that effort by going upstairs to the fourth floor and partaking in ice cream which will be sold at a \$1 a scoop. Today's proceeds will be donated to the Foodbank."

Representative Case: "There will be a Majority Caucus immediately after session in the Majority Caucus Room."

#### ADJOURNMENT

At 12:27 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, March 17, 2000. (Representatives Ahu Isa, Cachola, Fox, Kahikina, Kanoho, Menor, Morihara, Okamura and Stegmaier were excused.)

## THIRTY-FOURTH DAY

## Friday, March 17, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Galen Fox, after which the Roll was called showing all members present with the exception of Representatives Goodenow, Menor, Morita, Okamura, Rath, Stegmaier, Takai, Takumi and Whalen, who were excused.

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

## SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 367) was received and announced by the Clerk and was placed on file.

Sen. Com. No. 367, transmitting S.C.R. No. 12, entitled: "SENATE CONCURRENT RESOLUTION ADOPTING KEY COMMUNITY OUTCOMES OF WELL-BEING FOR THE PEOPLE OF THE STATE OF HAWAII," which was adopted by the Senate on March 16, 2000.

## INTRODUCTIONS

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

Representative Kawakami introduced students, parent chaperones and teacher, Ms. Gail Smith of Eleele Elementary School.

Representative Arakaki introduced students from Kapalama Elementary School and their teachers, Mrs. Miyakawa; Mrs. Nagatani; Mrs. Oumi; Mrs. Takatsuka; and chaperones Ms. Kaneshiro; and Ms. Miyakawa.

Representative Yonamine introduced Mr. Eric Kanemoto, recipient of the Kilohana Award for Outstanding Volunteerism.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 100 and 101; and 103 through 172) and concurrent resolutions (H.C.R. Nos. 112 through 204) were referred to committee by the Speaker, as follows:

H.R.  
Nos.Referred to:

- |     |   |     |   |
|-----|---|-----|---|
| 100 | Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance                       | 105 | Committee on Water and Land Use, then to the Committee on Finance   |
| 101 | Jointly to the Committee on Health and the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance | 106 | Committee on Education, then to the Committee on Finance  |
| 103 | Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance                    | 107 | Committee on Education, then to the Committee on Finance  |
| 104 | Committee on Education  | 108 | Committee on Education, then to the Committee on Labor and Public Employment, then to the Committee on Finance  |
|     |   | 109 | Committee on Education, then to the Committee on Finance  |
|     |   | 110 | Committee on Tourism  |
|     |   | 111 | Committee on Culture and the Arts, then to the Committee on Economic Development and Business Concerns  |
|     |   | 112 | Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance |
|     |   | 113 | Committee on Labor and Public Employment, then to the Committee on Finance  |
|     |   | 114 | Committee on Judiciary and Hawai'ian Affairs  |
|     |   | 115 | Jointly to the Committee on Human Services and Housing and the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance           |
|     |   | 116 | Committee on Water and Land Use   |
|     |   | 117 | Committee on Water and Land Use, then to the Committee on Tourism, then to the Committee on Finance   |
|     |   | 118 | Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance |
|     |   | 119 | Committee on Transportation, then to the Committee on Finance   |
|     |   | 120 | Committee on Culture and the Arts, then to the Committee on Legislative Management, then to the Committee on Finance                                    |
|     |   | 121 | Committee on Education, then to the Committee on Finance  |
|     |   | 122 | Committee on Higher Education, then to the Committee on Finance   |
|     |   | 123 | Committee on Judiciary and Hawai'ian Affairs  |
|     |   | 124 | Committee on Energy and Environmental Protection, then to the Committee on Public Safety and Military Affairs   |
|     |   | 125 | Committee on Energy and Environmental Protection, then to the Committee on Finance  |
|     |   | 126 | Committee on Education, then to the Committee on Finance  |
|     |   | 127 | Committee on Consumer Protection and Commerce   |

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|-----|---|-----|---|
| 128 | Committee on Judiciary and Hawai'ian Affairs  | 153 | Committee on Energy and Environmental Protection, then to the Committee on Finance  |
| 129 | Committee on Transportation, then to the Committee on Health  | 154 | Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance |
| 130 | Committee on Water and Land Use, then to the Committee on Finance   | 155 | Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance |
| 131 | Committee on Judiciary and Hawai'ian Affairs  | 156 | Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance |
| 132 | Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance               | 157 | Committee on Transportation, then to the Committee on Finance   |
| 133 | Committee on Education, then to the Committee on Finance  | 158 | Committee on Tourism, then to the Committee on Legislative Management, then to the Committee on Finance   |
| 134 | Committee on Health, then to the Committee on Finance   | 159 | Committee on Tourism, then to the Committee on Legislative Management, then to the Committee on Finance   |
| 135 | Committee on Judiciary and Hawai'ian Affairs  | 160 | Committee on Transportation, then to the Committee on Finance   |
| 136 | Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance                                       | 161 | Committee on Consumer Protection and Commerce, then to the Committee on Finance   |
| 137 | Committee on Water and Land Use, then to the Committee on Finance   | 162 | Committee on Legislative Management, then to the Committee on Judiciary and Hawai'ian Affairs   |
| 138 | Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance   | 163 | Committee on Higher Education, then to the Committee on Finance   |
| 139 | Committee on Agriculture  | 164 | Committee on Human Services and Housing, then to the Committee on Labor and Public Employment, then to the Committee on Finance                         |
| 140 | Jointly to the Committee on Human Services and Housing and the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance                         | 165 | Committee on Human Services and Housing, then to the Committee on Finance   |
| 141 | Committee on Labor and Public Employment, then to the Committee on Finance  | 166 | Committee on Higher Education, then to the Committee on Finance   |
| 142 | Committee on Economic Development and Business Concerns, then to the Committee on Legislative Management, then to the Committee on Finance                            | 167 | Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance   |
| 143 | Committee on Education, then to the Committee on Finance  | 168 | Committee on Culture and the Arts, then to the Committee on Water and Land Use, then to the Committee on Finance  |
| 144 | Committee on Tourism, then to the Committee on Finance  | 169 | Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance                         |
| 145 | Committee on Human Services and Housing, then to the Committee on Finance   | 170 | Jointly to the Committee on Health and the Committee on Consumer Protection and Commerce  |
| 146 | Committee on Transportation   | 171 | Committee on Water and Land Use, then to the Committee on Finance   |
| 147 | Committee on Higher Education, then to the Committee on Agriculture, then to the Committee on Finance   | 172 | Committee on Culture and the Arts, then to the Committee on Economic Development and Business Concerns, then to the Committee on Finance                |
| 148 | Committee on Judiciary and Hawai'ian Affairs  |     |   |
| 149 | Committee on Education, then to the Committee on Finance  |     |   |
| 150 | Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance   |     |   |
| 151 | Committee on Human Services and Housing, then to the Committee on Finance   |     |   |
| 152 | Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance |     |   |
- H.C.R.**  
**Nos.      Referred to:**
- 112 Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance

- 113 Committee on Health, then to the Committee on Finance
- 114 Jointly to the Committee on Economic Development and Business Concerns and the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 115 Jointly to the Committee on Health and the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance
- 116 Committee on Economic Development and Business Concerns
- 117 Committee on Water and Land Use, then to the Committee on Legislative Management, then to the Committee on Finance
- 118 Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance
- 119 Committee on Education
- 120 Committee on Water and Land Use, then to the Committee on Finance
- 121 Committee on Education, then to the Committee on Finance
- 122 Committee on Education, then to the Committee on Finance
- 123 Committee on Education, then to the Committee on Labor and Public Employment, then to the Committee on Finance
- 124 Committee on Education, then to the Committee on Finance
- 125 Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance
- 126 Committee on Tourism
- 127 Committee on Culture and the Arts, then to the Committee on Economic Development and Business Concerns
- 128 Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 129 Committee on Labor and Public Employment, then to the Committee on Finance
- 130 Committee on Judiciary and Hawai'ian Affairs
- 131 Jointly to the Committee on Human Services and Housing and the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance
- 132 Committee on Water and Land Use
- 133 Committee on Water and Land Use, then to the Committee on Tourism, then to the Committee on Finance
- 134 Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 135 Committee on Culture and the Arts, then to the Committee on Economic Development and Business Concerns
- 136 Committee on Transportation, then to the Committee on Finance
- 137 Committee on Culture and the Arts, then to the Committee on Legislative Management, then to the Committee on Finance
- 138 Committee on Education, then to the Committee on Finance
- 139 Committee on Labor and Public Employment, then to the Committee on Finance
- 140 Committee on Judiciary and Hawai'ian Affairs
- 141 Committee on Energy and Environmental Protection, then to the Committee on Public Safety and Military Affairs
- 142 Committee on Education, then to the Committee on Labor and Public Employment, then to the Committee on Finance
- 143 Committee on Energy and Environmental Protection, then to the Committee on Finance
- 144 Committee on Education, then to the Committee on Finance
- 145 Committee on Consumer Protection and Commerce
- 146 Committee on Judiciary and Hawai'ian Affairs
- 147 Committee on Transportation, then to the Committee on Health
- 148 Committee on Water and Land Use, then to the Committee on Finance
- 149 Committee on Judiciary and Hawai'ian Affairs
- 150 Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management, then to the Committee on Finance
- 151 Committee on Water and Land Use, then to the Committee on Finance
- 152 Committee on Education, then to the Committee on Legislative Management
- 153 Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 154 Committee on Education
- 155 Committee on Health, then to the Committee on Finance
- 156 Committee on Judiciary and Hawai'ian Affairs
- 157 Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
- 158 Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
- 159 Committee on Agriculture
- 160 Jointly to the Committee on Human Services and Housing and the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance

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| 161 | Committee on Labor and Public Employment, then to the Committee on Finance  | 183 | Committee on Consumer Protection and Commerce, then to the Committee on Finance  |
| 162 | Committee on Economic Development and Business Concerns, then to the Committee on Legislative Management, then to the Committee on Finance                                  | 184 | Jointly to the Committee on Human Services and Housing and the Committee on Labor and Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance |
| 163 | Committee on Education, then to the Committee on Finance  | 185 | Jointly to the Committee on Labor and Public Employment and the Committee on Economic Development and Business Concerns, then to the Committee on Finance                                  |
| 164 | Committee on Tourism, then to the Committee on Finance  | 186 | Committee on Education, then to the Committee on Finance   |
| 165 | Committee on Ocean Recreation and Marine Resources, then to the Committee on Legislative Management, then to the Committee on Finance                                       | 187 | Committee on Legislative Management, then to the Committee on Judiciary and Hawai'ian Affairs  |
| 166 | Committee on Human Services and Housing, then to the Committee on Finance   | 188 | Committee on Higher Education, then to the Committee on Finance  |
| 167 | Committee on Transportation   | 189 | Committee on Human Services and Housing, then to the Committee on Labor and Public Employment, then to the Committee on Finance  |
| 168 | Jointly to the Committee on Health and the Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management, then to the Committee on Finance | 190 | Committee on Human Services and Housing, then to the Committee on Finance  |
| 169 | Committee on Higher Education, then to the Committee on Agriculture, then to the Committee on Finance   | 191 | Jointly to the Committee on Public Safety and Military Affairs and the Committee on Economic Development and Business Concerns, then to the Committee on Finance                           |
| 170 | Committee on Judiciary and Hawai'ian Affairs  | 192 | Committee on Water and Land Use, then to the Committee on Finance  |
| 171 | Committee on Education, then to the Committee on Finance  | 193 | Committee on Health, then to the Committee on Consumer Protection and Commerce   |
| 172 | Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance   | 194 | Committee on Labor and Public Employment, then to the Committee on Finance   |
| 173 | Committee on Human Services and Housing, then to the Committee on Finance   | 195 | Committee on Transportation, then to the Committee on Finance  |
| 174 | Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance       | 196 | Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance   |
| 175 | Committee on Energy and Environmental Protection, then to the Committee on Finance  | 197 | Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance  |
| 176 | Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance                     | 198 | Committee on Higher Education, then to the Committee on Finance  |
| 177 | Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance                     | 199 | Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance  |
| 178 | Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance                     | 200 | Committee on Culture and the Arts, then to the Committee on Water and Land Use, then to the Committee on Finance   |
| 179 | Committee on Transportation, then to the Committee on Finance   | 201 | Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance  |
| 180 | Committee on Tourism, then to the Committee on Legislative Management, then to the Committee on Finance   | 202 | Jointly to the Committee on Health and the Committee on Consumer Protection and Commerce   |
| 181 | Committee on Tourism, then to the Committee on Legislative Management, then to the Committee on Finance   | 203 | Committee on Water and Land Use, then to the Committee on Finance  |
| 182 | Committee on Transportation, then to the Committee on Finance   |     |  |

- 204 Committee on Culture and the Arts, then to the Committee on Economic Development and Business Concerns, then to the Committee on Finance

The following concurrent resolution (S.C.R. No. 12) was referred to committee by the Speaker, as follows:

**S.C.R.**  
**No.     Referred to:**

- 12 Committee on Finance

**COMMITTEE REASSIGNMENTS**

The following bill was re-referred to committee by the Speaker, as follows:

**S.B.**  
**No.     Re-referred to:**

- 2448 Committee on Health, then to the Committee on Finance

The following resolution and concurrent resolution was re-referred to committee by the Speaker, as follows:

**H.R.**  
**No.     Re-referred to:**

- 54 Jointly to the Committee on Ocean Recreation and Marine Resources and the Committee on Water and Land Use, then to the Committee on Finance

**H.C.R.**  
**No.     Re-referred to:**

- 53 Jointly to the Committee on Ocean Recreation and Marine Resources and the Committee on Water and Land Use, then to the Committee on Finance

**INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)**

The following resolution (H.R. No. 173) was received and announced by the Clerk and the following action taken:

H.R. No. 173, entitled: "HOUSE RESOLUTION COMMENDING HAWAII'S 2000 SMALL BUSINESS ADMINISTRATION AWARD WINNERS," was offered by Representative Herkes.

On motion by Representative Herkes, seconded by Representative Luke and carried, H.R. No. 173 was adopted, with Representatives Cachola, Morita, Nakasone, Okamura, Rath, Takai and Whalen being excused.

Representative Herkes introduced the following guests who were seated in the gallery:

Mr. Andrew Poepoe, Small Business Administration's District Director and Ms. Jane Sawyer, Assistant District Director.

Representative Luke introduced the following honorees who were seated on the House floor:

Mr. and Mrs. Les and Laura Sherrill of South Pacific Steel Corp., recipients of the Year 2000 Small Business Person of the Year Award.

Mr. Vaughn Vasconcellos of Akimeka & Company, Inc., recipient of the Year 2000 Entrepreneurial Success Award.

Ms. Karen Sotomura of Joseph K. & Company, LLC, recipient of the Year 2000 Small Business Exporter Award.

Mr. Darryl Mleynek of Hawai'i Small Business Development Center Network, recipient of the Year 2000 Financial Services Advocate Award.

Mr. William Emsley of Samoan Service Providers Association, recipient of the Year 2000 Minority Small Business Advocate Award.

Mr. Floyd Takeuchi of Hawai'i Business Magazine, recipient of the Year 2000 Small Business Journalist National Award.

Ms. Anna Marie Springer of American Savings Bank, recipient of the Year 2000 Women in Business Advocate Award.

Mr. Chris Price on behalf of honoree Mr. Ricky Price of Fast Lube, Inc., recipient of the Year 2000 Welfare to Work Small Business Award.

Mr. Blayne Hanagami of the Department of Labor and Industrial Relations, recipient of the Year 2000 Welfare to Work Small Business Administration Award.

At 12:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:31 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 880-00) recommending that S.B. No. 2635, 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 S.B. No. 2635, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Cachola, Morita, Okamura, Rath, Takai and Whalen being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 881-00) recommending that S.B. No. 2955, 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 S.B. No. 2955, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Cachola, Morita, Okamura, Rath, Takai and Whalen being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 882-00) recommending that S.B. No. 3100, 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 S.B. No. 3100, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY INSTRUCTION PERMIT," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Cachola, Morita, Okamura, Rath, Takai and Whalen being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 883-00) recommending that S.B. No. 2974, 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 S.B. No. 2974, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE INSURANCE BENEFITS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Cachola, Morita, Okamura, Rath, Takai and Whalen being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 884-00) recommending that S.B. No. 2655, SD 2, 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 S.B. No. 2655, SD 2, HD 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, Morita, Okamura, Rath, Takai and Whalen being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 885-00) recommending that S.B. No. 2024, 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.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2024, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RESEARCH ON CANCER STUDIES," passed Second Reading and was referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, with Representatives Cachola, Morita, Okamura, Rath, Takai and Whalen being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 886-00) recommending that S.B. No. 2742, 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 S.B. No. 2742, entitled: "A BILL FOR AN ACT RELATING TO PORK," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Cachola, Morita, Okamura, Rath, Takai and Whalen being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 887-00) recommending that S.B. No. 2164, SD 2, 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 S.B. No. 2164, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ORGANIC AGRICULTURE INDUSTRY," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Cachola, Morita, Okamura, Rath, Takai and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 888-00) recommending that S.B. No. 2598, SD 2, 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 S.B. No. 2598, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Morita, Okamura, Rath, Takai and Whalen being excused.

Representatives Arakaki and Menor, for the Committees on Human Services and Housing and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 889-00) recommending that S.B. No. 2062, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and S.B. No. 2062, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives Cachola, Morita, Okamura, Rath, Takai and Whalen being excused.

#### ANNOUNCEMENTS

Representative Arakaki: "I would like to let the members of the joint Committees on Human Services and Housing and the Committee on Labor, which recessed, that we will reconvene our public hearing for the purpose of decision making on a Senate Bill on Monday morning at 11:00 a.m."

The Chair then made the following announcement:

"I would like to announce and congratulate the House of Representatives on their successful performance during the Governor's dinner: Representative Kawakami; Representative Santiago; Representative Kaho'ohalahala; Representative Ahu Isa; Representative Auwae; and Representative Kahikina. Congratulations on a job well done on behalf of the House of Representatives."

#### ADJOURNMENT

At 12:34 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 Monday, March 20, 2000. (Representatives Cachola, Morita, Okamura, Rath, Takai and Whalen were excused.)

## THIRTY-FIFTH DAY

Monday, March 20, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 12:08 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Willie C. Espero, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Herkes, Okamura, Oshiro, Pendleton and Takamine, who were excused.

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

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following Senate Bills were re-referred to committee by the Speaker, as follows:

S.B.  
Nos.Re-referred to:

- 2118 Jointly to the Committee on Water and Land Use and the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance.
- 2132 Committee on Economic Development and Business Concerns, then to the Committee on Labor and Public Employment, then to the Committee on Finance
- 2218 Committee on Education, then jointly to the Committee on Labor and Public Employment and the Committee on Finance
- 2437 Committee on Economic Development and Business Concerns, then to the Committee on Consumer Protection and Commerce, then to the Committee on Judiciary and Hawai'ian Affairs

The following resolutions and concurrent resolutions were re-referred to committee by the Speaker, as follows:

H.R.  
Nos.Re-referred to:

- 129 Committee on Health
- 149 Jointly to the Committee on Human Services and Housing and the Committee on Education, then to the Committee on Finance
- 157 Committee on Finance
- 160 Committee on Finance

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

- 92 Committee on Higher Education, then to the Committee on Finance
- 147 Committee on Health
- 171 Jointly to the Committee on Human Services and Housing and the Committee on Education, then to the Committee on Finance
- 179 Committee on Finance

182 Committee on Finance

195 Committee on Finance

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 174 and 175) were received and announced by the Clerk and the following actions taken:

H.R. No. 174, entitled: "HOUSE RESOLUTION RELATING TO THE HONORING OF MAJOR GENERAL EDWARD L. CORREA, JR. FOR HIS APPOINTMENT AS ADJUTANT GENERAL, STATE OF HAWAII," was offered by Representative Leong.

On motion by Representative Leong, seconded by Representative Marumoto and carried, H.R. No. 174 was adopted with Representatives Ahu Isa, Herkes, Nakasone, Okamura, Oshiro and Saiki being excused.

Representative Leong introduced the honoree and new Adjutant General of the State of Hawai'i, Major General Edward L. Correa, Jr.

H.R. No. 175, entitled: "HOUSE RESOLUTION CONGRATULATING COMMANDER MYRON N. DOBASHI ON HIS PROMOTION TO THE RANK OF BRIGADIER GENERAL IN THE HAWAII AIR NATIONAL GUARD," was jointly offered by Representatives Kawakami, Kanoho and Morita.

On motion by Representative Kawakami, seconded by Representative Kanoho and carried, H.R. No. 175 was adopted with Representatives Ahu Isa, Herkes, Nakasone, Okamura, Oshiro and Saiki being excused.

Representative Kawakami introduced the honoree, Brigadier General Myron N. Dobashi, Hawai'i Air National Guard.

At 12:23 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:28 o'clock p.m.

## STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 890-00) recommending that S.B. No. 2925, 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 S.B. No. 2925, entitled: "A BILL FOR AN ACT RELATING TO THE FUEL TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 891-00) recommending that S.B. No. 3051, SD 2, 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 S.B. No. 3051, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR EXPORT," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 892-00) recommending that S.B. No. 2906, 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 S.B. No. 2906, entitled: "A BILL FOR AN ACT RELATING TO GARMENT INDUSTRY HOMEWORK," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Herkes, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 893-00) recommending that S.B. No. 2495, SD 1, 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 S.B. No. 2495, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga 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. 894-00) recommending that S.B. No. 2706, SD 1, 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 S.B. No. 2706, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 895-00) recommending that S.B. No. 3194, SD 2, 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 S.B. No. 3194, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs, seconded by Representative Yonamine.

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

"I represent a country district and Kahaalu Valley and areas off of Okana Road have gone through zoning changes within the last 20 years. About three or four different zoning changes. There was a period when they were country and they were agriculture then they were residential and some turned back to agriculture. So we have a mix of farming going on with residential properties. I have received a number of calls from people who already have a problem with chickens being raised next door to them. They are not egg layers they are fighting

cocks and they are great in numbers. Essentially they can say that they are farming by raising chickens. This bill pretty much says you can't declare anybody a nuisance and that's about the only thing going for these people even though it has been unsuccessful at the County level. The individuals that are fighting this problem are very concerned about this problem. That's the concern I want to register and have the rest of the colleagues think about. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3194, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHT TO FARM," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 896-00) recommending that S.B. No. 2838, SD 1, 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 S.B. No. 2838, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INTERNET PORTAL," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 897-00) recommending that S.B. No. 2576, SD 2, 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 S.B. No. 2576, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OWNED PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 898-00) recommending that S.B. No. 2847, SD 2, 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 S.B. No. 2847, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSPECTIVE ADOPTIVE PARENTS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 899-00) recommending that S.B. No. 2219, SD 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 S.B. No. 2219, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 900-00) recommending that S.B. No. 2475, SD 1, 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 S.B. No. 2475, SD 1, 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 Hawai'ian Affairs, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 901-00) recommending that S.B. No. 278, SD 2, 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 S.B. No. 278, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 902-00) recommending that S.B. No. 2575, SD 2, 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 S.B. No. 2575, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII FACILITIES IMPROVEMENTS SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 903-00) recommending that S.B. No. 3141, as amended in HD 1, pass Second Reading and be referred jointly to the Committees on Labor and Public Employment and Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3141, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred jointly to the Committees on Labor and Public Employment and Finance, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 904-00) recommending that S.B. No. 2108, SD 2, 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 S.B. No. 2108, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," passed Second Reading and was referred to the Committee on Water and Land Use, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 905-00) recommending that S.B. No. 2918, SD 2, 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 S.B. No. 2918, SD 2, pass Second Reading and be referred to the Committee on 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 Halford then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered."

Representative Kaho'ohalahala then rose and asked the Clerk to register an aye vote with reservations 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2918, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTING LICENSES," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Halford, McDermott and Rath voting no, and Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 906-00) recommending that S.B. No. 2287, SD 1, 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 S.B. No. 2287, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 907-00) recommending that S.B. No. 2345, SD 2, 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 S.B. No. 2345, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Yonamine.

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

"I am concerned about the mandating of certain percentages of electricity being produced by renewable sources. The Big Island doesn't have a problem. Kauai does and Oahu could. The Consumer Advocate was against this bill. I think it's a good idea but the timing is too premature. The real concern is cost to the rate payers. The electric producers would be penalized if they don't meet the standards and I think we should think a little more carefully on this. Thank you, Mr. Speaker."

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

Representative Kanoho 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 S.B. No. 2345, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY RESOURCES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Kanoho voting no, and Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 908-00) recommending that S.B. No. 2545, 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 S.B. No. 2545, entitled: "A BILL FOR AN ACT RELATING TO GLASS RECOVERY," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 909-00) recommending that S.B. No. 2607, SD 1, 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 S.B. No. 2607, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE STATUS OF WOMEN," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga being excused.

#### ADJOURNMENT

At 12:33 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, Tuesday, March 21, 2000. (Representatives Ahu Isa, Herkes, Okamura, Oshiro, Saiki, Takamine and Yoshinaga were excused.)

## THIRTY-SIXTH DAY

Tuesday, March 21, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend William F. Mattimore of St. George Church, Waimanalo, after which the Roll was called showing all members present with the exception of Representatives Goodenow, Herkes, Menor, Morita, Okamura, Pendleton, Takumi and Whalen, who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 171) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 171, transmitting copies of the 1999 State Certified Arbitration Program (SCAP) Report.

## SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 368) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 368, returning H.B. No. 2526, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USED OIL," which passed Third Reading in the Senate on March 20, 2000.

## INTRODUCTIONS

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

Representative Takamine introduced student leaders from the Hilo/Hamakua Coast of the Big Island and their advisors, Mr. Dean Alip; Ms. Angela Brandt; Mr. Vance Fuji; Mr. Al Ferrera; and Mr. Leroy Simms.

Representative Meyer introduced students from Kamehameha Schools and their teachers, Ms. Nalani Naluai; Ms. Lyndall Ohia; and Ms. Rebecca Kekuna.

Representative Luke introduced college students and their chaperones visiting from Stanford University who were participating in the Alternative Spring Break Program on the Native Hawaiian Cultural Exchange Trip:

Ms. Tanya Beatus, participant  
Mr. Will Clift, participant  
Mr. Michael Fainelli, participant  
Mr. Kevin Gibbs, participant  
Ms. Whitney Hopkins, participant  
Ms. Kiely Martinez, participant  
Ms. Ha'ane Massarotti, participant  
Ms. Nkem Ogbechie, participant  
Ms. Linda Orié, participant  
Ms. Cursha Pierce, participant  
Ms. Angela Salanoa, participant  
Mr. Avi Tuschman, participant  
Ms. Alohalani Jamias, Leader and Guide

Ms. Kahealani Rivera, Leader and Guide  
Ms. Laura Chyu, Leader and Guide

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following Senate Bills were re-referred to committee by the Speaker, as follows:

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
3041	Committee on Health, then to the Committee on Consumer Protection and Commerce
3123	Jointly to the Committee on Human Services and Housing and the Committee on Labor and Public Employment, then to the Committee on Finance

The following resolution and concurrent resolution were re-referred to committee by the Speaker, as follows:

<u>H.R.</u> <u>No.</u>	<u>Re-referred to:</u>
147	Committee on Agriculture, then to the Committee on Finance

  

<u>H.C.R.</u> <u>No.</u>	<u>Re-referred to:</u>
169	Committee on Agriculture, then to the Committee on Finance

INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)

The following resolution (H.R. No. 176) was received and announced by the Clerk and the following actions taken:

H.R. No. 176, entitled: "HOUSE RESOLUTION CONGRATULATING AND RECOGNIZING THE 2000 MISS CHINATOWN HAWAII, JENNIFER LIN HONG, AND HER COURT, FIRST PRINCESS DENBY ANNETTE KWAI FOONG DUNG AND SECOND PRINCESS RENE BAO SIM WONG, WINNERS OF THE 2000 MISS CHINATOWN HAWAII SCHOLARSHIP PAGEANT," was offered by Representatives Ahu Isa, Cachola, Leong, McDermott, Oshiro, Say, Takumi and Yonamine.

On motion by Representative Ahu Isa, seconded by Representative Hiraki and carried, H.R. No. 176 was adopted, with Representatives Catalani, Herkes, Morita, Nakasone, Okamura, Pendleton, Takumi and Whalen being excused.

Representative Ahu Isa introduced the Year 2000 Miss Chinatown Queen, Ms. Jennifer Lin Hong.

Representative Hiraki introduced the Year 2000 Miss Chinatown First Princess, Ms. Denby Annette Kwai Foong Dung; and Second Princess, Ms. Rene Bao Sim Wong.

At 12:23 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

**STANDING COMMITTEE REPORTS**

Representatives Abinsay and Takumi, for the Committees on Agriculture and Ocean Recreation and Marine Resources, presented a joint report (Stand. Com. Rep. No. 910-00) recommending that S.B. No. 1427, SD 1, 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 joint report of the Committees was adopted and S.B. No. 1427, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Economic Development and Business Concerns, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 911-00) recommending that S.B. No. 2446, SD 2, 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 S.B. No. 2446, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE PROTECTION OF CHILDREN AND FAMILIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 912-00) recommending that S.B. No. 2850, SD 1, 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 S.B. No. 2850, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KINSHIP CARE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 913-00) recommending that S.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 S.B. No. 13, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCESS SERVERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 914-00) recommending that S.B. No. 2785, SD 1, 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 S.B. No. 2785, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading and was referred to the Committee on Finance, with Representatives

Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 915-00) recommending that S.B. No. 2003, SD 1, 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 S.B. No. 2003, SD 1, HD 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, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 916-00) recommending that S.B. No. 2160, SD 1, 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 S.B. No. 2160, SD 1, HD 1, 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, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 917-00) recommending that S.B. No. 2419, SD 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 S.B. No. 2419, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL ACCESS PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 918-00) recommending that S.B. No. 2716, SD 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 S.B. No. 2716, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 919-00) recommending that S.B. No. 2300, SD 2, 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 S.B. No. 2300, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Catalani,

Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 920-00) recommending that S.B. No. 1390, SD 2, 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 S.B. No. 1390, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 921-00) recommending that S.B. No. 2311, SD 1, 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 S.B. No. 2311, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY USE OF SEATBELTS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 922-00) recommending that S.B. No. 2466, SD 1, 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 S.B. No. 2466, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER ACCESS BY MINORS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 923-00) recommending that S.B. No. 2571, SD 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 S.B. No. 2571, SD 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, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 924-00) recommending that S.B. No. 2254, SD 1, as amended in HD 1, pass Second Reading and be referred jointly 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 S.B. No. 2254, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY OF HEALTH CARE INFORMATION," passed Second Reading and was referred jointly to the Committees on

Consumer Protection and Commerce and Judiciary and Hawaiian Affairs, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 925-00) recommending that S.B. No. 3019, SD 1, 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 S.B. No. 3019, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HEALTHY START PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 926-00) recommending that S.B. No. 2465, SD 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 S.B. No. 2465, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 927-00) recommending that S.B. No. 2303, SD 2, 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 S.B. No. 2303, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 928-00) recommending that S.B. No. 2993, SD 2, as amended in HD 1, pass Second Reading and be referred jointly 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 S.B. No. 2993, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawaiian Affairs, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 929-00) recommending that S.B. No. 2549, SD 1, 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 S.B. No. 2549, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION TAX CREDITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 930-00) recommending that S.B. No. 2490, SD 2, 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 S.B. No. 2490, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM RESIDENTIAL CARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 931-00) recommending that S.B. No. 2493, SD 2, 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 S.B. No. 2493, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE TREATMENT SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Catalani, Chang, Goodenow, Herkes, Morita and Okamura being excused.

#### ANNOUNCEMENTS

Representative Hamakawa requested a waiver of the 48-hour hearing notice requirement to hear S.B. Nos. 2427, SD 1, and 2523, SD 1, this afternoon at 2:00 p.m.; and also to reconsider decision making on S.B. No. 2941, and the Chair "so ordered."

Representative Espero: "We have two get-well cards going around for Senator Bunda and Darlyn Bunda, the Director of LOTMA. So if you would like to sign their get-well cards they are here in the Chambers."

Representative Case: "This is a reminder to all Members that the Second Lateral deadline is coming up this Friday. First, I would like to remind the members that all Committee Reports subject to the Second Lateral deadline need to be filed with the Clerk's Office no later than 5:00 p.m. on Friday. Second, this is a reminder that our session will be at 8:00 p.m. in lieu of the noon session. This is also a request from your House Leadership in regard to House Concurrent Resolutions. Although we are some days away from the First Lateral deadline, which is April 3rd, the request is that all House Concurrent Resolutions be moved along as expeditiously as possible. We are anticipating a very busy April and to the extent we can get those HCR's along to their last committee and over to the Senate would be very much appreciated."

Speaker: "I would like to remind all of you to please be available for the quorum calls when your committee meets. If you should have to leave the Capitol, please make sure to inform all staff of where you can be reached. We are having problems at this point with not being able to meet the quorum requirements for the evening hearings. I just wanted to share this with the Members of the House at this time."

#### 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 12:00 o'clock noon tomorrow, Wednesday, March 22, 2000. (Representatives Cachola, Herkes, Morita and Okamura were excused.)

## THIRTY-SEVENTH DAY

Wednesday, March 22, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Iris Ikeda Catalani, after which the Roll was called showing all members present with the exception of Representatives Halford, Herkes, Menor, Okamura, Schatz, Takamine, Whalen and Yamane, who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 172) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 172, transmitting copies of the Department of Defense Annual Report for Fiscal Year 1999, pursuant to Section 121-10, Hawai'i Revised Statutes, as amended.

## INTRODUCTIONS

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

Representative Pendleton introduced students of the Kamehameha Schools and their teachers: Ms. Marilyn Brodbent; Ms. Rebecca Kekuna; and Ms. Charlene Christiansen.

Representative Kahikina introduced visitors from the State of Massachusetts, Mr. Charles Lamont and Ms. Sharon Lamont.

Representative Takai introduced visitors from the Seattle Japanese Chamber of Commerce: Ms. Nicole Shimizu, Seattle Japanese Community Queen; Ms. Kelly Miyahara, First-Princess; Ms. Leslie Inaba, Princess; Ms. Emmy Okano, Princess; Ms. Desiree Wilson, Princess; Chaperones, Ms. Denise Inaba and Mr. Alan Yamada; and, representatives of the Honolulu Japanese Chamber of Commerce, Fiftieth President Mr. Leo Asuncion, and member Mr. Luis Salaveria.

Representative Abinsay introduced his legislative "shadow," Mr. Alan Ting.

Representative Rath introduced his staff member, Mr. Joe Tully and his son, Master David Tully.

Representative Morita introduced her legislative "shadow," Ms. Hong Willis.

Representative Stegmaier introduced Mr. Jake Manegdeg, former State Representative.

Representative Ahu Isa introduced Mr. Micah Aiu, son of Councilmember Donna Mercado Kim.

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 12:22 o'clock p.m.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following Senate Bills were re-referred to committee by the Speaker, as follows:

**S.B.**  
**Nos. Re-referred to:**

2118 Committee on Finance

3176 Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance

The following resolutions and concurrent resolutions were re-referred to committee by the Speaker, as follows:

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

65 Committee on Human Services and Housing, then to the Committee on Judiciary and Hawai'ian Affairs

72 Committee on Health, then to the Committee on Finance

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

74 Committee on Human Services and Housing, then to the Committee on Judiciary and Hawai'ian Affairs

111 Committee on Health, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 177 and 178) were received and announced by the Clerk, and the following actions taken:

H.R. No. 177, entitled: "HOUSE RESOLUTION RELATING TO THE COMMENDING OF THE YWCA'S OUTSTANDING ACHIEVEMENT AWARD HONOREES," was jointly offered by Representatives Marumoto, Lee, Halford, Rath, McDermott, Leong, Auwae, Moses, Espero, Thielen, Schatz, Ito, Kahikina, Abinsay, Yonamine, Santiago, Kaho'ohalahala, Arakaki, Menor, Yoshinaga, Luke, Ahu Isa, Hiraki, Meyer, Souki and Whalen.

On motion by Representative Marumoto, seconded by Representative Lee and carried, H.R. No. 177 was adopted, with Representatives Cachola, Halford, Herkes, Menor, Meyer, Nakasone, Okamura, Schatz and Whalen being excused.

Representative Marumoto introduced Ms. Susan Au Doyle, the Executive Director of the YWCA.

Representative Lee introduced the honorees of the Twenty-third Annual YWCA Leader Luncheon Program: Dr. Julia Frohlich, President and Medical Director of Blood Bank of Hawai'i; Sister Francine Gries, OSF, Executive Director, St. Francis Hospice; Ms. Patty J. Lyons, CEO, Consuelo Zobel Alger Foundations; and Ms. Ann Mapes, President, Belt Collins Hawai'i.

H.R. No. 178, entitled: "HOUSE RESOLUTION COMMENDING THE WAIMANALO HEALTH CENTER AND THE FOURTH-GRADE AND SEVENTH-GRADE STUDENTS OF WAIMANALO ELEMENTARY AND INTERMEDIATE SCHOOL FOR THEIR PARTICIPATION



IN THE WAIMANALO COMMUNITY STREAMS MALAMA 'AINA (RESTORATION) PROJECT AND FOR BEING NATIONALLY RECOGNIZED THROUGH THE NICKELODEON KIDS' NETWORK'S BIG HELP CAMPAIGN," was offered by Representative Goodenow.

On motion by Representative Goodenow, seconded by Representative Oshiro and carried, H.R. No. 178 was adopted, with Representatives Cachola, Halford, Herkes, Menor, Meyer, Nakasone, Okamura, Pendleton, Rath, Schatz, Yamane and Whalen being excused.

Representative Goodenow introduce the following honorees: Mrs. Marian Holokai, Principal, Waimanalo Elementary and Intermediate School; Mr. Greg Gasper, Marketing Director, Waimanalo Health Center; Mr. Eddie Ching, seventh grade student, Waimanalo Elementary and Intermediate School; Mr. Anthony Webber and Mr. Javin Kealii Holokai, fourth grade students, Waimanalo Elementary and Intermediate School.

At 12:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

#### STANDING COMMITTEE REPORTS

Representatives Morita, Abinsay and Herkes, for the Committees on Energy and Environmental Protection and Agriculture and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 932-00) recommending that S.B. No. 2221, SD 1, 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 S.B. No. 2221, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 933-00) recommending that S.B. No. 2342, SD 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 S.B. No. 2342, SD 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 Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 934-00) recommending that S.B. No. 2411, SD 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 S.B. No. 2411, SD 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 Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 935-00) recommending that S.B. No. 2200, SD 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 S.B. No. 2200, SD 1, 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 Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 936-00) recommending that S.B. No. 3160, SD 2, 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 S.B. No. 3160, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF RESIDENTIAL CONDOMINIUM APARTMENTS TO OWNER-OCCUPANTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 937-00) recommending that S.B. No. 2933, 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 S.B. No. 2933, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representatives Garcia and Arakaki, for the Committees on Public Safety and Military Affairs and Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 938-00) recommending that S.B. No. 2074, SD 2, 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 S.B. No. 2074, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 939-00) recommending that S.B. No. 364, SD 2, 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 S.B. No. 364, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 940-00) recommending that S.B. No. 2731, SD 1, 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 S.B. No. 2731, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 941-00) recommending that S.B. No. 2873, SD 1, 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 S.B. No. 2873, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 942-00) recommending that S.B. No. 3129, 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 S.B. No. 3129, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HEALING PRACTICES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 943-00) recommending that S.B. No. 2910, SD 1, 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 S.B. No. 2910, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMERCIAL FISHERIES SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 944-00) recommending that S.B. No. 2911, 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 S.B. No. 2911, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOATING SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 945-00) recommending that S.B. No. 3122, SD 1, 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 S.B. No. 3122, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 946-00) recommending that S.B. No. 3073, SD 2, 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 S.B. No. 3073, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVING," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 947-00) recommending that S.B. No. 2961, SD 2, 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 S.B. No. 2961, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representatives Hamakawa and Menor, for the Committees on Judiciary and Hawai'ian Affairs and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 948-00) recommending that S.B. No. 2536, SD 1, 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 S.B. No. 2536, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PRINCIPAL AND INCOME ACT," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representatives Hamakawa and Menor, for the Committees on Judiciary and Hawai'ian Affairs and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 949-00) recommending that S.B. No. 2870, SD 1, 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 S.B. No. 2870, SD 1, HD 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 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 joint report of the Committees was adopted and S.B. No. 2870, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," passed Second Reading and was referred to the Committee on Finance, with Representatives

Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 950-00) recommending that S.B. No. 2849, 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 S.B. No. 2849, entitled: "A BILL FOR AN ACT RELATING TO REVIEW HEARINGS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 951-00) recommending that S.B. No. 800, SD 2, 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 S.B. No. 800, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 952-00) recommending that S.B. No. 2880, SD 2, 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 S.B. No. 2880, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"This is a very worthy bill. As we all know in Hawai'i, we are all environmentalists because that's what we're selling. We're selling the environment and tourism. If we don't have a clean, healthy and wholesome environment no one will come. I can certainly respect the intent of this, however my concern is with the gas prices that are increasing nationally. It is now up to \$1.80 a gallon. Now is not the time to raise taxes on oil, which in a sense raises taxes on gasoline as well. I would like to read from the committee report which states: 'Increases the State Environmental Response Tax from five cents per barrel...to an unspecified amount.' I certainly don't feel comfortable voting for an unspecified tax increase so I am voting no on this measure even though it is a well intended. 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 Whalen 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 Leong then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

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

"I am not only concerned about raising the fee to an unquantified amount. I am also concerned about the increase from twenty-five cents, which is a five time increase. The other troublesome matter is that the Fund was created to take care of oil spills. This measure now includes programs that go way beyond the intended use of the funds to environmental programs, planting trees and various other matters with the way the language is written in the existing bill. So it would certainly help to add to the cost of petroleum products and because of this I would like a no vote. Thank you."

Representative Moses then rose and asked the Clerk to register a no vote for him, 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 Stegmaier then rose and asked the Clerk to register an aye vote with reservations 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2880, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL RESPONSE REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Auwae, Halford, Leong, Marumoto, McDermott, Meyer, Moses, Rath and Whalen voting no, and Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 953-00) recommending that S.B. No. 3179, 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 S.B. No. 3179, HD 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 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 S.B. No. 3179, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 954-00) recommending that S.B. No. 2885, 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 S.B. No. 2885, entitled: "A BILL FOR AN ACT RELATING TO SANITATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz being excused.

#### ANNOUNCEMENTS

Representative Catalani: "I would like to let the members of the House know that your twelve member bipartisan Women's

Caucus made a donation this morning to the IHS Women's Shelter. Every member of your Women's Caucus did participate and therefore I would like to thank all of them and hopefully these women that we did help will have a new lease on life."

Representative Saiki rose and requested a waiver of the 48-hour hearing notice requirement for the Judiciary and Hawaiian Affairs Committee to hold a public hearing on S.B. No. 2484, SD 1, tomorrow afternoon at 2:00 in Conference Room 325, and S.B. No. 2164, HD 1, tomorrow afternoon at 2:30 in Conference Room 325, and the Chair "so ordered."

Representative Case: "There will be a Majority Caucus immediately following today's session in our Majority Caucus Room."

#### ADJOURNMENT

At 12:55 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Thursday, March 23, 2000. (Representatives Cachola, Herkes, Menor, Okamura, Pendleton and Schatz were excused.)

## THIRTY-EIGHTH DAY

**Thursday, March 23, 2000**

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 12:11 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Devon Yamauchi, Fourth Grade student at Punahou School, after which the Roll was called showing all members present with the exception of Representatives Morita, Okamura, Souki, Stegmaier, Takamine and Whalen, who were excused.

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

## INTRODUCTIONS

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

Representative Takumi introduced students from Lehua Elementary School and their teachers: Ms. Sharon Lock; Ms. Colleen Ohira; and Ms. Donna Kawasaki.

Representative Kaho'ohalahala introduced students from King Kamehameha III School, Lahaina, and their teachers: Ms. Diane Lagbas; and Ms. Karen Pascual.

Representative Herkes introduced Mr. John Fink, Vice-President and General Manager of KHNL/KFVE television stations.

Representative Yonamine introduced student "shadows", Ms. Kristen Funasaki; Ms. Allison Kato; Ms. Dehei Yuk; and Ms. Tiffany Kiyota of Pearl City High School.

Representative Hiraki introduced individuals from various European country shipyards and Mr. Roy Chong, Leader, Pearl Harbor Shipyard.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following Senate Bill was re-referred to committee by the Speaker, as follows:

<u>S.B.</u> <u>No.</u>	<u>Re-referred to:</u>
3002	Jointly to the Committee on Labor and Public Employment and the Committee on Finance

The following concurrent resolutions were re-referred to committee by the Speaker, as follows:

<u>H.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
58	Committee on Finance
89	Committee on Finance

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 179 and 180) were received and announced by the Clerk and the following actions taken:

H.R. No. 179, entitled: "HOUSE RESOLUTION HONORING "THE VOICE" OF RAINBOW SPORTS, JIM LEAHEY," was jointly offered by Representatives Herkes and Leong.

On motion by Representative Herkes, seconded by Representative Leong and carried, H.R. No. 179 was adopted, with Representatives Ahu Isa, Morita, Nakasone, Okamura, Souki, Takamine and Whalen being excused.

Representative Herkes introduced the honoree who was seated on the House floor: Mr. Jim Leahey, Sports Commentator and Director of Sports Programming for K5 "The Home Team".

H.R. No. 180, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING THE HONOLULU SYMPHONY'S 100TH ANNIVERSARY," was jointly offered by Representatives Takai, Stegmaier and Santiago.

On motion by Representative Takai, seconded by Representative Stegmaier and carried, H.R. No. 180 was adopted, with Representatives Ahu Isa, Morita, Nakasone, Okamura, Souki, Takamine, Whalen and Yoshinaga being excused.

Representative Takai introduced the following honorees who were seated on the House floor: Mr. Robert Levy, Chairman of the Honolulu Symphony Orchestra; Mr. Michael Largenticha, Vice-President of the Musicians Union; Ms. Donna Bebbler, Director of Development; and Mr. David Saltzman, Musician and Chair of the Orchestra Committee.

At 12:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

## STANDING COMMITTEE REPORTS

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 955-00) recommending that S.B. No. 2186, SD 2, 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 S.B. No. 2186, SD 2, HD 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 is exactly the opposite way the State should be going. This is increasing regulation, basically for the sake of regulation. It makes an appropriation of \$100,000 to regulate and what this really is, based on the idea that the bill reviewers who charge on a contingency basis, are frauding somebody. Now we want to change the way people are paid by going into the private industry and telling them that they cannot be paid in a certain manner. This is the government dipping into regulating the private industry when it comes to payment. There is no evidence of any fraud occurring. There's no wrongdoing, there's no fraud and there's been no proof that these individuals who review bills have done anything

improper, illicit or immoral. But because of a perception we are now going to regulate an entire industry, create new fees and be subject to \$100,000 a year in regulatory costs where there is no consumer harm. This measure is going exactly in the opposite direction that we should be going. 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 Marumoto then rose to speak in opposition to the measure, stating:

"My understanding from the testimony is that Hawai'i will be the only state to regulate these types of businesses. Thank you."

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

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

"No on this anti-SWAT measure."

Representative Meyer 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 S.B. No. 2186, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Halford, Marumoto, Meyer, Moses, Rath and Whalen voting no, and Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 956-00) recommending that S.B. No. 2316, SD 1, 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 S.B. No. 2316, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSES," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 957-00) recommending that S.B. No. 3201, SD 1, 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 S.B. No. 3201, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A SCENIC HIGHWAYS SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 958-00) recommending that S.B. No. 2725, 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 S.B. No. 2725, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING COMPANIES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 959-00) recommending that S.B. No. 2643, SD 1, 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 S.B. No. 2643, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representatives Chang and Cachola, for the Committees on Tourism and Water and Land Use, presented a joint report (Stand. Com. Rep. No. 960-00) recommending that S.B. No. 2005, 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 S.B. No. 2005, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 961-00) recommending that S.B. No. 2941, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and S.B. No. 2941, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"As far as I can tell this bill is being offered to end an embarrassment suffered by the group that dominates Hawai'i and runs this place. They don't want to hear every five years how Hawai'i has the highest state and local taxes in the country. So they are proposing a constitutional amendment so that they will only hear it every ten years. This is an incredible measure that is designed to keep our taxes high and it should not be leaving this House. Thank you, Mr. Speaker."

Representative Pendleton then rose and asked the Clerk to register a no vote for the entire Republican Caucus, and the Chair "so ordered."

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

"The Tax Review Commission, given our fragile or deficient economy, really needs to meet every five years to give us the information we need to make decisions. Another flaw in the bill that I see, if you take a look at the Hawai'i Society of Public Accountants' testimony, they recommended that the Tax Review Commission should not sunset as soon as it delivers their report. They mentioned that there is no follow-up and when that happens the Tax Review Commission, according to the Hawai'i Society of CPA's, should remain in existence at

least through the next legislative session. This would allow them to help implement some of the recommendations that they made. I think that makes a lot more sense. I also recognize that the bill has a problem with its title. I do want to thank the Chair of the Judiciary Committee for trying to amend the bill to state that it would only meet every seven years. That was a good attempt but unfortunately the Administration's bill was already locked into the ten year process. We could have amended the bill to provide that the Tax Review Commission continues in existence so that they could help implement those changes. I can't support the bill for those two reasons. The first of course, that they should meet every five years and they should stay in existence for the year following the submittal of its report. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2941, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 3, OF THE STATE CONSTITUTION TO PROVIDE FOR THE APPOINTMENT OF A TAX REVIEW COMMISSION EVERY TEN YEARS," passed Second Reading and was referred to the Committee on Finance, with Representatives Auwae, Fox, Halford, Leong, Marumoto, McDermott, Meyer, Moses, Pendleton, Rath, Thielen and Whalen voting no, and Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 962-00) recommending that S.B. No. 2869, 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 S.B. No. 2869, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 963-00) recommending that S.B. No. 2456, SD 1, 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 S.B. No. 2456, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BLUEPRINT FOR CHANGE," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 964-00) recommending that S.B. No. 2964, as amended in HD 1, pass Second Reading and be referred jointly to the Committees on Labor and Public Employment and Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2964, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred jointly to the Committees on Labor and Public Employment and Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 965-00) recommending that S.B. No. 2142, SD 1, 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 S.B. No. 2142, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RIGHTS OF VICTIMS AND WITNESSES IN CRIMINAL PROCEEDINGS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 966-00) recommending that S.B. No. 2489, SD 2, 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 S.B. No. 2489, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BRAIN INJURY," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 967-00) recommending that S.B. No. 2668, SD 1, 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 S.B. No. 2668, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 968-00) recommending that S.B. No. 2758, SD 1, 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 S.B. No. 2758, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 969-00) recommending that S.B. No. 2863, SD 1, 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 S.B. No. 2863, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCE HEALTH-CARE DIRECTIVES," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 970-00) recommending that S.B. No. 3125, SD 2, 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 S.B. No. 3125, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 971-00) recommending that S.B. No. 2856, SD 1, 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 S.B. No. 2856, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 972-00) recommending that S.B. No. 3079, 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 S.B. No. 3079, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS IN THE FIRST DEGREE," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 973-00) recommending that S.B. No. 2996, SD 2, as amended in HD 1, pass Second Reading and was 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 S.B. No. 2996, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 974-00) recommending that S.B. No. 2138, SD 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 S.B. No. 2138, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 975-00) recommending that S.B. No. 3026, SD 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 S.B. No. 3026, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Second Reading and was referred to the

Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

On motion by Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 976-00) recommending that S.B. No. 2722, SD 1, 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 S.B. No. 2722, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE IMMERSION PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 977-00) recommending that S.B. No. 2218, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committees on Labor and Public Employment and Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2218, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CHARTER SCHOOLS," passed Second Reading and was referred jointly to the Committees on Labor and Public Employment and Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 978-00) recommending that S.B. No. 2837, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committees on Labor and Public Employment and Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2837, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY," passed Second Reading and was referred jointly to the Committees on Labor and Public Employment and Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representatives Garcia and Hamakawa, for the Committees on Public Safety and Military Affairs and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 979-00) recommending that S.B. No. 2426, SD 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 S.B. No. 2426, SD 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 Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representatives Garcia and Hamakawa, for the Committees on Public Safety and Military Affairs and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 980-00) recommending that S.B. No. 2533, SD 1, 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 S.B. No. 2533, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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



"I can understand why the Committee is passing out this measure. I do have some concerns about the linkage between what is the proposed goal and who is paying the fine. 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 S.B. No. 2533, SD 1, HD 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 Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representatives Garcia and Hamakawa, for the Committees on Public Safety and Military Affairs and Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 981-00) recommending that S.B. No. 2152, SD 1, 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 S.B. No. 2152, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga 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. 982-00) recommending that S.B. No. 3123, SD 2, 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 S.B. No. 3123, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 983-00) recommending that S.B. No. 2808, 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 S.B. No. 2808, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSUMER ADVOCATE," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 984-00) recommending that S.B. No. 2657, SD 2, 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 S.B. No. 2657, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"On one hand in our committees we are pushing for greater

these very same type of questions, like expanding the scope of medical treatment and coverage. In fact we have a law that says that we have to have an Auditor's report before we can mandate the expansion of coverage of medical group insurance. In this particular case the Consumer Protection and Commerce Chair as well as many others seemed to have felt that the testimony was not compelling enough for this matter to provide an exemption from that law. As it stands right now the bill is legally defective.

"The last time this measure went through the House and the Finance Committee the exemption was put back into the bill. I go back to the philosophy that this House supposedly operates under a specific game plan which works towards the betterment of Hawai'i. If we are going to say that we are incapable or that we are limited in the amount of time and energy to put into every issue to make these type of decisions, like expanding mandated coverage, requiring the assistance of those who are serving year-round, then it should be a consistent position followed all the way. We should not switch our views because a group is able to make an emotional plea to us. We should be consistent in our position. We should not on one hand say, "fine we are going to ignore a written law and pass this thing through" and a few bills later have a bill that comes through that says we are going to need 60 percent of an industry before we will hear a bill to increase the scope of practice. Mr. Speaker, I would like to ask the Finance Committee to really look at this measure and see in their deliberations where we are headed. We need to make a commitment and that is the only way we are going to see progress in terms of actually heading in any particular direction that we can point at. Thank you, Mr. Speaker."

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

"This measure is just up for Second Reading and it is going to move on to the Finance Committee for further consideration before we take final action on it during the crossover period. However, I just want to clarify that the position of the Chair of the Consumer Protection and Commerce Committee is that, I remain open on the issue as to whether exemption language is to be included in this particular bill. If exemption language is ultimately not included, and I think the reason why this might be the case is, because with the respect to this measure and the issues that are being addressed under this bill, I'd like to point out that one of our pre-paid health carriers, HMSA, has already conducted a very comprehensive study with regard to the cost benefits and impacts that would result if such a measure as this would be enacted into law.

"I think that the HMSA study, given its comprehensive nature, might suffice in place of an expensive and time consuming Legislative Auditor analysis. However, I would like to clarify that I remain open on the issue and I think that the issue needs to be discussed further as the bill moves throughout the process. I think in terms of the issue as to whether this bill is legally defective, which I strongly believe it is not, I don't believe that Chapter 23 precludes this body from moving this bill through the process for further consideration and if at the end of the session this body should determine that an Auditor's analysis is appropriate, then a resolution could be passed out with specific reference to the bill that is now being considered and moving through the process for further consideration.

"So as far as any legal defect being present in this bill that would preclude its movement for further consideration, I don't believe that such a defect exists. I just wanted to clarify those points for the record. Thank you."

Representative Whalen then rose to give additional comments, stating:

"I said as the bill stands now it's legally defective, and it is. The discussion we just heard was that if the bill stays the way it is, then we can do a resolution. Well that is what I am saying we are supposed to do. As the bill stands right now it is legally defective and that is why my request is for the Finance Committee to take a close look and decide. I am well aware of our legal provisions and requirements. I understand them and I believe our Chairman of the Consumer Protection and Commerce Committee understands what I am saying, so to imply that there is a lack of understanding or that there is some misrepresentation of my intentions, is adding confusion to the issue. I don't think that is a proper position to take. Thank you."

Representative Rath 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 S.B. No. 2657, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 985-00) recommending that S.B. No. 2729, SD 1, 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 S.B. No. 2729, SD 1, HD 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:

"Here again we have the SWAT effort trying to do one thing and this is exactly the opposite. This is to regulate service contracts. In hearing this bill, DCCA couldn't tell us exactly why it would be necessary to regulate service contracts when there is little consumer harm evidence whatsoever. Just to give you an indication, over ten years ago there was testimony from DCCA that three service contract providers who reportedly failed and left Hawai'i customers out for thousands of dollars. But after a little research we could only find two service contracts that failed and one was a car dealership owned by Mr. Danny Fast who decided to start his own service contract business instead of purchasing service contracts from a reputable source. He was able to provide this service by being aided by Hawai'i attorneys, despite having no insurance and no money to offer for this service. Now this individual is out of business. The other company was O.K. TV. Our records indicate that there were sixteen people who bought television contracts that weren't honored for servicing.

"So we're talking about just a few thousand dollars, over a ten year period, of losses. For this the State now wants to jump in and regulate service contracts. These are private contracts, you do not have to purchase them. There just isn't the amount of harm to the consumers to require more fees, regulations and warm bodies to enforce this type of matter. For these reasons I am voting against this measure. Thank you, Mr. Speaker."

Representative Pendleton then rose and asked that the Clerk register no votes for the entire Republican Caucus, and the Chair "so ordered."

Representative Stegmaier 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 S.B. No. 2729, SD 1,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE CONTRACTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Representatives Auwae, Fox, Halford, Leong, Marumoto, McDermott, Meyer, Moses, Pendleton, Rath, Thielen and Whalen voting no, and Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 986-00) recommending that S.B. No. 3043, SD 2, 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 S.B. No. 3043, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RISK MANAGEMENT AND INSURANCE ADMINISTRATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 987-00) recommending that S.B. No. 3193, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committees on Labor and Public Employment and Finance.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3193, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE EXCHANGE," passed Second Reading and was referred jointly to the Committees on Labor and Public Employment and Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 988-00) recommending that S.B. No. 2769, 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 S.B. No. 2769, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REDUCING GREENHOUSE GAS EMISSIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 989-00) recommending that H.C.R. No. 52, 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. 52, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO FACILITATE AND ASSIST EFFORTS TO STRENGTHEN AND EVALUATE EXISTING STUDENT LEADERSHIP PROGRAMS," was referred to the Committee on Finance, with Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga being excused.

### THIRD READING

**S.B. No. 2885:**

By unanimous consent, action was deferred until Tuesday, March 28, 2000.

#### ANNOUNCEMENTS

Representative Lee: "Your Committee on Consumer Protection and Commerce requests a waiver from the 48-hour hearing notice requirement for the purpose of decision making only on S.B. No. 873, tomorrow afternoon at 1:00 in room 325," and the Chair "so ordered."

Representative Morihara: "Your Committee on Higher Education request a waiver from the 48-hour hearing notice requirement to hear H.C.R. No. 107 and H.R. No. 96, to be heard tomorrow afternoon at 2:10 in room 309," and the Chair "so ordered."

Representative Garcia: "Being that this House will not reconvene until 8:00 p.m. tomorrow night, for the Members' information I would like to remind them to respond to an invitation for the grand opening of one of our high tech leaders in Hawai'i. I make reference to a company called World Point who will be having their grand opening tomorrow night. This is just a follow-up to the New Economy Days high-tech event that we had here at the Capitol. World Point was one of the vendors that participated on that particular day. The company is having its grand opening at its Asia-Pacific headquarters located in the new First Hawai'ian Bank building. If the members are looking for dinner before the session tomorrow night, you are welcome to attend the grand opening festivities being held between 5:00 to 8:00 p.m. tomorrow night. I promise it will be a grand opening that will awaken you to what we have in our own backyard. World Point is a world leader when it comes to translating for clients worldwide. The company here in Hawai'i employs many of our students at the University of Hawai'i as well as Hawai'i Pacific University. So if you are looking to see a world leader in our own backyard, as well as dinner, please come to the grand opening tomorrow night. Thank you."

#### ADJOURNMENT

At 12:53 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 8:00 o'clock p.m. tomorrow, Friday, March 24, 2000. (Representatives Ahu Isa, Okamura, Souki, Takamine and Yoshinaga were excused.)

## THIRTY-NINTH DAY

Friday, March 24, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 8:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Romy Cachola, after which the Roll was called showing all members present with the exception of Representatives Morihara, Okamura, Pendleton, Rath, Takamine and Yoshinaga, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 369 through 372) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 369, returning H.B. No. 2022, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," which passed Third Reading in the Senate on March 23, 2000.

Sen. Com. No. 370, returning H.B. No. 2551, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTION OF THE APPLICABLE FISCAL YEAR FOR THE APPROPRIATION TO BE EXPENDED BY THE DEPARTMENT OF HEALTH IN SECTION 6 OF ACT 304, SESSION LAWS OF HAWAII 1999," which passed Third Reading in the Senate on March 23, 2000.

Sen. Com. No. 371 returning H.B. No. 2762, entitled: "A BILL FOR AN ACT RELATING TO ISLAND BURIAL COUNCILS," which passed Third Reading in the Senate on March 24, 2000.

Sen. Com. No. 372 returning H.B. No. 2406, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 24, 2000, in an amended form.

On motion by Representative Case, seconded by Representative Yonamine and carried the House disagreed to the amendments made by the Senate to H.B. No. 2406, HD 1 (S.D. 1), and requested a conference on the subject matter of said amendments. (Representatives Morihara, Okamura, Pendleton, Rath, Takamine and Yoshinaga were excused.)

## MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 11 and 12) were received by the Clerk and were placed on file:

Misc. Com. No. 11, from Mr. Al Konishi, County Clerk, County of Hawai'i transmitting Resolution No. 221-00, which was adopted by the Council of the County of Hawai'i on March 10, 2000.

Misc. Com. No. 12, from Mr. Daryl T. Yamamoto, County Clerk, County of Maui transmitting Resolution No. 00-27,

which was adopted by the Council of the County of Maui, State of Hawai'i on March 17, 2000.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following Senate Bill was re-referred to committee by the Speaker, as follows:

S.B.No.Re-referred to:

1427 Jointly to the Committee on Agriculture and the Committee on Ocean Recreation and Marine Resources, then to the Committee on Finance

The following resolution and concurrent resolutions were re-referred to committee by the Speaker, as follows:

H.R.No.Re-referred to:

75 Committee on Energy and Environmental Protection, then to the Committee on Finance

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

83 Committee on Energy and Environmental Protection, then to the Committee on Finance

117 Committee on Legislative Management, then to the Committee on Finance

## STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 990-00) recommending that S.B. No. 2675, SD 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 S.B. No. 2675, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALARY OF THE EXECUTIVE DIRECTOR OF THE STATE ETHICS COMMISSION," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 991-00) recommending that S.B. No. 2201, 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 S.B. No. 2201, 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 Okamura, Pendleton and Takamine being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 992-00) recommending that S.B. No. 3045, SD 1, 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 S.B. No. 3045, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawai'ian Affairs, seconded by Representative Yonamine.

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

"Although I have the utmost faith and confidence in our current Auditor, I have some concerns if this is going to stay on the books. I have some concerns as far as the withholding of information, but I will go with reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3045, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 993-00) recommending that S.B. No. 2412, SD 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 S.B. No. 2412, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 994-00) recommending that S.B. No. 2499, SD 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 S.B. No. 2499, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE LEGISLATIVE AGENCIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 995-00) recommending that S.B. No. 2354, SD 1, 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 S.B. No. 2354, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 996-00) recommending that S.B. No. 2544, SD 1, 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 S.B. No. 2544, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE ANALYST," passed Second Reading and was

referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 997-00) recommending that S.B. No. 1242, SD 1, 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 S.B. No. 1242, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 998-00) recommending that S.B. No. 2062, SD 1, HD 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 S.B. No. 2062, SD 1, HD 2, be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"Thank you. As technically a member of this Committee, I sat on it for two years attending as many meetings as I could living on the outer island. I was discouraged to see that the goal of the Committee, at least during the first two years, was to focus almost entirely on developing a state program. Spending time and money developing and deciding what sort of benefits we wanted to give and who should get them and including just about everyone you could imagine.

"That's fine as an overall goal, but once we had developed a universal plan managed by the State, the insurance companies were brought in, their representatives. And the plan was laid out for them. They had participated earlier, but I guess they were discouraged with the lack of progress. When they were brought in and finally shown the plan, firmly imprinted on my mind, they said, this state plan costs too much money. We already provide insurance plans with better benefits that would cover more people and cost less money. The only problem why people aren't covered now is that when they're young they figure it costs too much. They rather spend their money elsewhere.

"They said the best thing the state could do to get everyone covered is to give a tax credit, a refundable credit, for people who buy long-term health insurance while they're young and continue it on. Then everyone would be covered. And yet, I'm disappointed to see that the goal of the Committee is to continue to pursue a state bureaucracy planned, managed, controlled, long-term health care program when we don't need to do that. If we really want to have people covered, instead of pumping money into a state program or demanding they pay mandatory contributions for the members. Well that's the same as insurance. If we're going to force people to do it, then pass a law saying everybody has to have long-term coverage and then buy it from an insurance company. If we want to encourage people to do it of their own free will, then give them tax credits.

"I don't see any need to pursue this state program when the private business already is well capable, more than able to provide the coverage. So for those reasons, Mr. Speaker, I vote no."

Representative Rath then rose in opposition to the measure and asked that the remarks of Representative Whalen be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Although, I don't disagree with the former speaker's comments, I have some concerns. We've had this Committee for two years. This body has funded it for two years. As far as the results of this particular Committee, I think it's sorely lacking. Contrary to the former speaker's solutions, my concern is that we've been talking a lot. A lot of people have been talking a lot. I would like to see something done. Whether it's a pilot program, whether it's the former speaker's proposal, whether it's some other proposal, I think this body is neglectful in not putting forward some kind of program for long-term care and we should quit all this rhetoric. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2062, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," was referred to the Committee on Finance, with Representatives Rath and Whalen voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 999-00) recommending that S.B. No. 35, 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 S.B. No. 35, 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 Okamura, Pendleton and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1000-00) recommending that S.B. No. 2513, SD 1, 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 S.B. No. 2513, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1001-00) recommending that S.B. No. 2909, SD 1, 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 S.B. No. 2909, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1002-00) recommending that S.B. No. 2915, SD 1, 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 S.B. No. 2915, SD 1, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL LAND AND DEVELOPMENT FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1003-00) recommending that S.B. No. 2917, SD 2, 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 S.B. No. 2917, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WATER RESOURCE MANAGEMENT FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1004-00) recommending that S.B. No. 3049, 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 S.B. No. 3049, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Menor and Yoshinaga, for the Committees on Consumer Protection and Commerce and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 1005-00) recommending that S.B. No. 2987, SD 1, 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 S.B. No. 2987, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1006-00) recommending that S.B. No. 2474, SD 1, 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 S.B. No. 2474, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL AID," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1007-00) recommending that S.B. No. 3038, SD 1, 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 S.B. No. 3038, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with

Representatives Okamura, Pendleton and Takamine being excused.

Representatives Ito and Santiago, for the Committees on Education and Health, presented a joint report (Stand. Com. Rep. No. 1008-00) recommending that S.B. No. 2442, SD 2, 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 joint report of the Committees was adopted and S.B. No. 2442, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Okamura, Pendleton 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. 1009-00) recommending that S.B. No. 2469, SD 2, 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 S.B. No. 2469, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"I have reservations just because I'm not sure that we want to encourage getting involved in a program that hasn't proven to be successful so far and knowing that the State's going to have to pick up the entire tab. Thank you."

Representative Fox 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 asked that the remarks of Representative Stegmaier be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 2469, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox and Meyer voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1010-00) recommending that S.B. No. 2021, SD 2, 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 S.B. No. 2021, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1011-00) recommending that S.B. No. 2108, SD 2, 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 S.B. No. 2108, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

PUBLIC LAND TRUST," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1012-00) recommending that S.B. No. 2530, SD 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 S.B. No. 2530, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1013-00) recommending that S.B. No. 3199, SD 1, 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 S.B. No. 3199, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Abinsay and Cachola, for the Committees on Agriculture and Water and Land Use, presented a joint report (Stand. Com. Rep. No. 1014-00) recommending that S.B. No. 2741, 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 S.B. No. 2741, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Abinsay and Takumi, for the Committees on Agriculture and Ocean Recreation and Marine Resources, presented a joint report (Stand. Com. Rep. No. 1015-00) recommending that S.B. No. 2745, SD 1, 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 S.B. No. 2745, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1016-00) recommending that S.B. No. 2110, SD 2, 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 S.B. No. 2110, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

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

"Mr. Speaker, we heard a lot of testimony and we found that there is a court order judgment going on right now. I feel that this is important that they settle it in the courts. So I would like a no vote. Thank you."

Representative Thielen then rose and asked the Clerk to register a no vote for all Republicans on this measure, 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 Ahu Isa then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

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

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

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

Representative Lee then rose and asked the Clerk to register an aye vote with reservations 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 S.B. No. 2110, SD 2, HD 1, 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 Ahu Isa, Auwae, Fox, Goodenow, Halford, Kahikina, Kaho'ohalahala, Kawakami, Leong, Marumoto, McDermott, Meyer, Moses, Rath, Thielen and Whalen voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1017-00) recommending that S.B. No. 2692, SD 2, 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 S.B. No. 2692, SD 2, HD 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2692, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representatives Santiago and Menor, for the Committees on Health and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1018-00) recommending that S.B. No. 2459, SD 2, 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 S.B. No. 2459, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," passed Second Reading

and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1019-00) recommending that S.B. No. 2529, SD 1, 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 S.B. No. 2529, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A LAND EXCHANGE IN NORTH KONA, HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1020-00) recommending that S.B. No. 2409, SD 1, 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 S.B. No. 2409, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1021-00) recommending that S.B. No. 2779, SD 1, 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 S.B. No. 2779, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1022-00) recommending that S.B. No. 2924, SD 1, 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 S.B. No. 2924, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OPEN MEETINGS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1023-00) recommending that S.B. No. 2443, 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 S.B. No. 2443, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILIES," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Okamura, Pendleton and Takamine being excused.



Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1024-00) recommending that S.B. No. 2059, SD 1, 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 S.B. No. 2059, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WELFARE REFORM," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton 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. 1025-00) recommending that S.B. No. 2579, SD 1, 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 S.B. No. 2579, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1026-00) recommending that S.B. No. 2742, 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 S.B. No. 2742, entitled: "A BILL FOR AN ACT RELATING TO PORK," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Menor and Hamakawa, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 1027-00) recommending that S.B. No. 3179, 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 joint report of the Committees was adopted and S.B. No. 3179, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1028-00) recommending that S.B. No. 2115, SD 1, 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 S.B. No. 2115, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FALSE CLAIMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1029-00) recommending that S.B. No. 2523, SD 1, 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 S.B. No. 2523, SD 1, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO FEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1030-00) recommending that S.B. No. 2545, 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 S.B. No. 2545, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GLASS RECOVERY," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1031-00) recommending that S.B. No. 2850, SD 1, 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 S.B. No. 2850, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO KINSHIP CARE," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1032-00) recommending that S.B. No. 2301, SD 2, as amended in HD 1, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and S.B. No. 2301, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"This bill is an attempt to allow a land grab for the Department of Transportation against the Department of Land and Natural Resources. I prefer to take the side of David in the fight between David and Goliath. So I register a no vote on this."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2301, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," was referred to the Committee on Finance, with Representative Fox voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1033-00) recommending that S.B. No. 2781, SD 2, 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 S.B. No. 2781, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1034-00) recommending that S.B. No. 3032, SD 2, 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 S.B. No. 3032, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"Mr. Speaker, if you will refer to this bill -- it's found at Standing Committee Report 1034-00 -- if you refer to the bill and look at the title, the title states, 'A Bill for an Act Relating to Economic Development.' Mr. Speaker, this EIS partial exemption for the Hawai'i Tourism Authority has been tucked into this bill, but that provision, that exemption does not relate to the title of the proposed bill.

"Mr. Speaker, what it's going to do, in addition to the title defect, on its face, it will certainly trigger a lawsuit because of that title defect. Then I am also unclear as to whether or not the concurrence of the prior Chair was obtained by this Committee. This matter had been assigned to the Energy and Environmental Protection Committee. This so-called exemption for HTA has been before the EEP Committee several times. It was there in a properly titled bill. It was there because that was the subject matter committee for this measure.

"I don't understand how all of a sudden it can be scooped off by Economic Development, and put into a bill that doesn't relate to the environment, where the environmental exemption is clearly an environmental exemption. There's no other way you can phrase that.

"So I think it's wrong on two counts. On the merits, I think it's wrong. And on the procedure, I think it's extremely defective and it's the wrong procedure for this body to follow. So I vote a very strong no."

Representative Kaho'ohalahala 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 S.B. No. 3032, SD 2, 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 Kaho'ohalahala and Thielen voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1035-00) recommending that S.B. No. 2711, SD 1, 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 S.B. No. 2711, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Herkes and Yoshinaga, for the Committees on Economic Development and Business Concerns and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 1036-00) recommending that S.B. No. 2988, SD 2, 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 S.B. No. 2988, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS AND PROCUREMENT," passed Second

Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1037-00) recommending that S.B. No. 2747, SD 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 S.B. No. 2747, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1038-00) recommending that S.B. No. 2165, SD 1, 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 S.B. No. 2165, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHIC PHYSICIANS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1039-00) recommending that S.B. No. 2621, SD 1, 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 S.B. No. 2621, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Santiago and Morita, for the Committees on Health and Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1040-00) recommending that S.B. No. 2247, SD 1, 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 S.B. No. 2247, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FERAL ANIMALS," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Santiago and Ito, for the Committees on Health and Education, presented a joint report (Stand. Com. Rep. No. 1041-00) recommending that S.B. No. 2387, SD 2, 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 S.B. No. 2387, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Herkes and Menor, for the Committees on Economic Development and Business Concerns and Consumer

Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1042-00) recommending that S.B. No. 2289, SD 2, 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 S.B. No. 2289, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PREPAID TELEPHONE CALLING SERVICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Herkes and Menor, for the Committees on Economic Development and Business Concerns and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1043-00) recommending that S.B. No. 2473, SD 2, 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 S.B. No. 2473, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS DEFENDER," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1044-00) recommending that S.B. No. 2914, SD 1, 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 S.B. No. 2914, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL FUNDS OF THE LAND DIVISION," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1045-00) recommending that S.B. No. 2475, SD 1, 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 S.B. No. 2475, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENDER EQUITY IN SPORTS," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1046-00) recommending that S.B. No. 2607, SD 1, 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 S.B. No. 2607, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE STATUS OF WOMEN," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1047-00) recommending that S.B. No. 2312, SD 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 S.B. No. 2312, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A HOISTING MACHINE OPERATORS CERTIFICATION REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1048-00) recommending that S.B. No. 2061, SD 1, 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 S.B. No. 2061, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1049-00) recommending that S.B. No. 2171, SD 1, 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 S.B. No. 2171, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1050-00) recommending that S.B. No. 2672, 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 S.B. No. 2672, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFLICTS OF INTERESTS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Abinsay and Garcia, for the Committees on Agriculture and Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1051-00) recommending that S.B. No. 2134, SD 1, 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 S.B. No. 2134, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE AND ANIMALS," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine 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. 1052-00) recommending that S.B. No. 2482, SD 1, 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 S.B. No. 2482, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY BUSINESS TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine 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. 1053-00) recommending that S.B. No. 2948, SD 1, 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 S.B. No. 2948, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1054-00) recommending that S.B. No. 2879, SD 2, 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 S.B. No. 2879, SD 2, HD 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 Halford then rose and asked the Clerk to register a no vote for him, 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 S.B. No. 2879, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TIRES," passed Second Reading and was referred to the Committee on Finance, with Representatives Halford, Rath and Whalen voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1055-00) recommending that S.B. No. 2990, SD 2, 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 S.B. No. 2990, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RECYCLING OF BATTERIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Morita and Menor, for the Committees on Energy and Environmental Protection and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1056-00) recommending that S.B. No. 2166, 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 S.B. No. 2166, HD 1, entitled:

"A BILL FOR AN ACT RELATING TO WIND FARMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1057-00) recommending that S.B. No. 2918, SD 2, as amended in HD 1, be referred to the Committee on Finance.

Representative Case moved that the report of the Committee be adopted and S.B. No. 2918, SD 2, HD 1, 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 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 Kahikina then rose and asked the Clerk to register a no vote for him, 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 Kaho'ohalahala 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 S.B. No. 2918, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING LICENSES," was referred to the Committee on Finance, with Representatives Halford, Kahikina, McDermott, Rath and Whalen voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1058-00) recommending that S.B. No. 2843, 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 S.B. No. 2843, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Hamakawa and Arakaki, for the Committees on Judiciary and Hawai'ian Affairs and Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 1059-00) recommending that S.B. No. 2484, SD 1, 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 S.B. No. 2484, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID RECOVERY," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Hamakawa 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. 1060-00) recommending that S.B. No. 2432, SD 1, 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 S.B. No. 2432, SD 1, HD 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 Okamura, Pendleton and Takamine being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1061-00) recommending that S.B. No. 2131, SD 1, 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 S.B. No. 2131, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL CONSTRUCTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Arakaki and Hamakawa, for the Committees on Human Services and Housing and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 1062-00) recommending that S.B. No. 2494, SD 2, 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 S.B. No. 2494, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPOWERMENT OF THE BLIND," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1063-00) recommending that S.B. No. 2416, SD 1, 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 S.B. No. 2416, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1064-00) recommending that S.B. No. 2945, SD 1, 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 S.B. No. 2945, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1065-00) recommending that S.B. No. 873, SD 1, 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 S.B. No. 873, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Herkes rose and asked to be excused from voting on this measure, declaring:

"Mr. Speaker, on Stand. Com. Rep. 1065, the real property appraisals. This bill will have a serious negative impact on Kamehameha Schools. And as you know, I work for a for-profit subsidiary of Kamehameha Schools and it will also impact that subsidiary. And in keeping with the spirit of the agreement between the IRS and Kamehameha Schools, I would ask if I could be recused from voting on this bill."

The Chair responded:

"Yes, you are excused from voting."

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

"In looking at the committee report, the first major thing that this does is provide that the lease rent that is based on fair market value, as determined by a real property appraisal, and is less than the rental amount currently being paid shall prevail over the existing lease contract provision, which bars the lowering of lease rents upon renegotiations. I don't see how we can do this and interfere with contracts that are already in effect. There's a great body of contract law and I think we're going to have a lot of lawsuits. This is something that just won't stand up. It also seems like it's leaning towards rent control, the government getting into the mix there. So I want the Clerk to register my no vote. Thank you."

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

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

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

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

Representative Thielen continued, stating:

"I believe it goes to another committee and if not then I would hope that they would really take a look at that. Thank you."

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

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

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

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

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

"Briefly, this is another bill, I believe, that needs to be better thought through and probably, as written, is unconstitutional. I'd like to vote no. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 873, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," passed Second Reading and was referred to the Committee on Finance, with Representatives Halford and Meyer voting no and Representatives Herkes, Okamura, Pendleton and Takamine being excused.

Representatives Menor and Hamakawa, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 1066-00) recommending that S.B. No. 3176, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative Case moved that the joint report of the Committees be adopted and S.B. No. 3176, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

"Mr. Speaker, this is a fix-up bill for the oversight of the bill we passed three years ago where we created reciprocal beneficiaries. I realize this is Second Reading so I won't belabor the point. The concerns that I expressed at that time still hold true: that the definition of reciprocal beneficiaries is extremely broad and loose. It just requires filling out some paperwork with the Department of Health, I believe. And just because we have, I believe it's 400 reciprocal beneficiaries, we have that many, so 800 people have signed up, that does not mean that it's not a problem. Because by fact, by the nature of this bill, in prior years, only the State provided health benefits, mandatory health benefits for reciprocal beneficiaries. The private companies were not required to do it.

"So to say, as in the committee report, that the concerns have not been proven valid, I think is misleading because the reason why we have this bill is that it doesn't apply to the private industry. Because of the proliferation of HMOs and mutual benefit societies and insurance companies in the State and the lawsuit that said it doesn't apply to them, that's why this bill is before us.

"Secondly, there is, I believe, some misinformation that what we are doing is not requiring private industry to pay for these benefits, we're just trying to create more flexibility for the insurance companies, generically speaking, is again misleading. Because of the concerns of ERISA (Employment Retirement Income Security Act), we don't mandate the employers pay for certain things. We mandate that insurance companies only provide coverage or group insurance policies which contain certain things. That way we avoid it, and that's what we're doing with the reciprocal beneficiaries. So to say our intent is otherwise is, again I believe, misleading and disingenuous to our constituents.

"Mr. Speaker, it's just a matter of time before someone comes up or realizes the situation that it's extremely easy to sign someone up as a reciprocal beneficiary, and extremely easy, therefore, to have their health benefits cover this person. With the internet everyday becoming more widely used, it's not very difficult or far fetched to imagine a web page saying, 'Hey if you need a big operation that costs a lot of money and you're not covered, give me \$5,000 or \$10,000 and I'll sign you up. You come to Hawai'i, get whatever you need to get done -- \$100,000 or \$200,000 operation -- and when you're done, we'll scratch you off the list. You give me the money, you go home and I'll sign up somebody new.'

"My concern is for the retirement system trust fund. Once this is realized, old widowers or widows, I can see someone trying to contact them and trying to get them saying, 'Here's an easy \$5,000 or \$10,000. Do you want it or not?' Of course, they'll take it -- I shouldn't say of course, but a lot of people, I believe, would. Also now, with the purpose of this bill, we'll be putting the same burden on private employers. I do not think that in our effort to be politically correct, I don't think that we have properly planned out or strategized clearly enough the possible results that we are creating with this bill. Until we get a better handle on what we actually are creating, my opposition will continue to stay there. Thank you."

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

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

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

"Mr. Speaker, I was in a good mood until I got here. The belly was full. I ate dinner. I didn't have any beer, but a couple of sodas. Really, I'm on the wagon for Lent actually, but I came in and I saw this and I knew it was going to be on here, Mr. Speaker. Some people say that there were some technical glitches with this bill. I don't know, Mr. Speaker, that old Judiciary Chairman, he was pretty wiley, he might have put that in there on purpose. I think he might have and I wish him well. I think if he were here today, we probably wouldn't be seeing this bill in front of us. In fact, I'm pretty sure of that.

"Mr. Speaker, I can't speak to the legal issues as eloquently as the Representative from Kona can. But what this issue is and what it was four years ago was a watered down domestic partnership bill. That's what it was. We can kid ourselves and call it reciprocal beneficiary, we can call it whatever we want, but that's what it was. There's a difference between tolerance and acceptance. And what we do here is we reward certain behaviors, we reward it, we don't tolerate it, we reward it. Here we're going to reward you.

"Mr. Speaker, I look at the committee report and I look at the people who testified. Testimony in support of this measure was received from the State Civil Rights Commission, Commission on the Status of Women, American Civil Liberties Union and Lambda Aloha. These are all groups stacked with 'conservative' and 'moderate' individuals. That's why we have a balanced approach to this, I'm sure. No testimony from any pro-family groups. No testimony from any church leaders. No testimony from any moderate or conservative people. I'm only led to believe that somehow they didn't get notified or they didn't open their mail, but for some reason these groups weren't there. I know a lot of these folks and I think they would have shown up.

"Mr. Speaker, this thing limps. It limps out of Committee with three reservations and two nays. Mr. Speaker, what I say, I'm not the only member in this body who feels that this is just a steaming, stinking pile of political correctness. That's what it is. It's before us again. We don't need it. The root of this thing, I believe, are certain behaviors that are immoral and I'm not the only one who feels that way, but the political correctness of our society today is pushing us in that direction. Some of us have to have courage and stand up and say no. So no."

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

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

"I'll just be very brief since this bill is on Second Reading and it will continue to advance to the Finance Committee for further deliberations. I'd like to just focus on two points keeping in mind that the broader purpose of this measure is to expand health care coverage and other benefits for individuals who otherwise will not have access to them.

"The first issue that I want to focus on is whether or not this bill will mandate that employers provide this provided there's no coverage. It will not. Under present law, the Prepaid Health Care Act in HRS, Chapter 393, requires employers to provide medical insurance for their employees. The Prepaid Health Care Act does not require employers to provide for other benefits such as the employee's dental, vision or family coverage. Employer's have the option to provide these benefits in various packages and at some cost to the employees.

"This bill simply states that if an employer chooses to provide a family plan to employees then it must make that same coverage available to a reciprocal beneficiary. In essence, this bill will provide parity for RBs in situations where an employer selects or elects to provide a family plan.

"The second issue is whether or not this bill will run afoul of ERISA. And it will not because ERISA does not extend to our State's regulation of insurance, which is what S.B. 3176 does. If the Legislature amends the insurance laws, and even if those laws impact upon the Prepaid Health Care Act, these amendments are not pre-empted due to the insurance savings clause that is contained in federal law. I think there has been much speculation this evening that this bill will lead to abuse and that it will create a hardship upon employers. We need to keep in mind that the RB law was enacted in 1997 and, at that time, these same fears were raised by this body and to date they have not materialized.

"In conclusion, I'd just like to make a note of when, I think it's an interesting statistic, and that is that, notwithstanding the RB law that was enacted in 1997, and notwithstanding this measure that's before, the private sector has already begun to implement variations of an RB plan. And as of February 1999, there were 103 subscribers voluntarily participating in an RB plan in mutual benefit societies alone.

"Again, this bill is on Second Reading and there is time for us to discuss the issues that were raised tonight. This bill will be going to the Finance Committee and I expect that we will be able to focus on those issues at that time. Thank you."

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

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

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

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

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

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

"Mr. Speaker, as this bill is written now, I think it's flawed. I believe that perhaps with greater deliberation and anticipation of what kinds of abuses that could come with this bill as it's written now, I need to vote no. Thank you."

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

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

"The primary reason for my reservation is that I don't have the bill in front of me. I just have the committee report and I reserve the right to witness the bill. However, a caveat to all of this, a few years ago, we did pass the reciprocal beneficiaries bill and the intent was that they would receive some benefits that we all enjoy. So I would want to reserve this and to see what is the final outcome of the bill. Thank you very much, Mr. Speaker."

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

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

Representative Stegmaier then rose and stated:

"Thank you, on Stand. Com. Rep. 1066, I'm going to support this measure. I trust that the Finance Committee will take a further look at the items that have been identified as of concern by the CPC and Judiciary Committees. Thank you."

Representative Whalen then rose in response and stated:

"I would like to just address, briefly, 1066 again for a moment. You know, prepared speeches are great, especially when they are prepared in anticipated rebuttal, however, they very rarely address the points made. And the points I made were that the statements made by the Standing Committee Report and by the Vice Chair, again, are misleading because his statement made was that the fears have not proven out. Well, I point out the fact that it hasn't applied to the private sector so we don't know if they're going to prove out or not.

"Also the statement that the intent of this insurance bill is to provide insurance to those with no access to it. That is not even an issue in this bill whatsoever. And finally, the family plan -- saying this is an optional insurance and we're not mandating anything on insurers. If you want to be very technical, I guess you could say that, but can you imagine the outcry from the employees if employers across the State said, 'You know what? We're not providing family coverage for you anymore. We're not even going to provide it in terms of a group insurance policy even if you pay for the whole thing yourself. We're not going to provide it for you.' So it's absurd to even suggest such a result that we're not mandating something.

"Again, the point about ERISA, I said most clearly -- again, I guess prepared speeches don't address what the real life things go on on the floor here -- but we are not mandating the employers do anything, but what we're doing is mandating the insurance companies so that's a way to get around ERISA. I think it's, again, just playing with words and what we're actually doing is forcing the employers to do something.

"Finally, the last point in which I mentioned in the Committee. If private companies want to do this, then that's great. That's a choice they have and they can decide to do it and more power to them and that's wonderful. But the problem is when the State mandates, they no longer have control over their own decisions and that is the nub of what the problem is. 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 S.B. No. 3176, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the

Committee on Finance, with Representatives Auwae, Chang, Halford, Herkes, Leong, McDermott, Meyer, Moses, Rath and Whalen voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1067-00) recommending that S.B. No. 539, SD 1, 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 S.B. No. 539, SD 1, HD 1, entitled: "A BILL FOR AN ACT 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," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1068-00) recommending that S.B. No. 2427, SD 1, 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 S.B. No. 2427, SD 1, HD 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 Okamura, Pendleton and Takamine being excused.

Representatives Hamakawa 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. 1069-00) recommending that S.B. No. 2935, SD 1, 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 S.B. No. 2935, SD 1, HD 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 Whalen then rose to speak in opposition to the measure, stating:

"Just briefly, although not said in the same way, I will agree with the Representative from Foster Village that the Judiciary Committee certainly has changed personalities. This bill -- what it does is it takes away mandatory prison time for those that are caught with 'ice'. And the testimony was clear. The system is working. It's not broken and just a reminder to everyone, it's an accepted fact that the prosecutors have this tool in their bag that if someone is worthy of a deferred acceptance plea or not being charged with a certain count, the courts have ruled clearly that it's within the prosecutor's discretion. Yet, what we're doing here is listening to the Public Defender's Office and this is certainly within the realm of lobbying us -- again, I say the problem rests on our own backs -- that we listen to them and say let's take one more tool away from the prosecutor. That way the prosecutors cannot decide for themselves what is a proper charge for a person.

"This type of thing does not lie in the realm of the judges to determine what should be charged. And this is the tool the prosecutors use and the reason the bill was enacted early on to have mandatory jail for this type of drug is because of the violence and the destruction that happens in a person's life and

those around them. What we're doing now is taking that away. Something that has proven effective in battling crime. And we're saying that we're going to take this away. Once again, the car's running fine in this area, but we're going to tamper with it and we're going to break it. And we'll end up coming back to this issue probably in a few years again."

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

Representative Fox continued, stating:

"I would also like to add that what this bill does is it takes away the hammer that is making drug courts work, in addition to the regular court system and the prosecutor's points that the Representative from Kona mentioned. The prosecutor made it very clear in his testimony that this is why drug court works, because this hammer hangs over the person who goes before drug court. Thank you."

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

Representative McDermott continued, stating:

"Mr. Speaker, I'd just like to say that if a former prosecutor, the Representative from Kona, is against this, then there must be something there."

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

At 8:45 o'clock p.m., Representative Thielen asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:46 o'clock p.m.

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

"Just very briefly, our Committee believes that if there is discretion to be afforded within the sentencing process, it belongs with the judge. Thank you very much."

Representative Auwae 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."

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

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

Representative Ahu Isa 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 joint report of the Committees was adopted and S.B. No. 2935, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS DRUGS," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Auwae, Fox, McDermott, Meyer, Moses, Rath and Whalen voting no and Representatives Okamura, Pendleton and Takamine being excused.

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



Rep. No. 1070-00) recommending that S.B. No. 2287, SD 1, 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 S.B. No. 2287, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1071-00) recommending that S.B. No. 2655, SD 2, HD 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 S.B. No. 2655, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Yonamine.

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

Representative Arakaki continued, stating:

"My reservations are on the definition of medical necessity and the detrimental effect it might have on children. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2655, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Menor and Hamakawa, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 1072-00) recommending that S.B. No. 2993, SD 2, 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 joint report of the Committees was adopted and S.B. No. 2993, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Menor and Hamakawa, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 1073-00) recommending that S.B. No. 2486, SD 2, 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 S.B. No. 2486, SD 2, HD 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 Auwae 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."

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 joint report of the Committees was adopted and S.B. No. 2486, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Auwae, Meyer, Moses and Rath voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representatives Morita and Takumi, for the Committees on Energy and Environmental Protection and Ocean Recreation and Marine Resources, presented a joint report (Stand. Com. Rep. No. 1074-00) recommending that S.B. No. 2611, 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 S.B. No. 2611, entitled: "A BILL FOR AN ACT RELATING TO HABITAT CONSERVATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1075-00) recommending that S.B. No. 2971, 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 S.B. No. 2971, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

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

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

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

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

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

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

Representative Whalen 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 S.B. No. 2971, 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 Herkes voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representatives Garcia and Yoshinaga, for the Committees on Public Safety and Military Affairs and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 1076-00) recommending that S.B. No. 2433, SD 2, 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 S.B. No. 2433, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRISONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine 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. 1077-00) recommending that S.B. No. 2420, SD 2, 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 S.B. No. 2420, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Yoshinaga and Menor, for the Committees on Labor and Public Employment and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1078-00) recommending that S.B. No. 2245, SD 1, 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 S.B. No. 2245, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL FEE SCHEDULES," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Yoshinaga and Herkes, for the Committees on Labor and Public Employment and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 1079-00) recommending that S.B. No. 2605, SD 1, 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 S.B. No. 2605, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representatives Yoshinaga and Herkes, for the Committees on Labor and Public Employment and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 1080-00) recommending that S.B. No. 2893, SD 1, 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 S.B. No. 2893, SD 1, HD 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."

Representative Stegmaier 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 joint report of the Committees was adopted and S.B. No. 2893, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM WAGE," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Rath voting no and Representatives Okamura, Pendleton and Takamine being excused.

Representatives Yoshinaga and Herkes, for the Committees on Labor and Public Employment and Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 1081-00) recommending that S.B. No. 2905, 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 S.B. No. 2905, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Yonamine.

Representative Halford 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 joint report of the Committees was adopted and S.B. No. 2905, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1082-00) recommending that S.B. No. 2040, SD 1, 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 S.B. No. 2040, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton and Takamine being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1083-00) recommending that S.B. No. 2448, SD 2, 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 S.B. No. 2448, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton 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. 1084-00) recommending that S.B. No. 2434, SD 2, 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 S.B. No. 2434, SD 2, HD 1, pass Second Reading and 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 Yamane then rose and asked the Clerk to register an aye vote with reservations 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 Rath then 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 an aye vote with reservations for him, and the Chair "so ordered."

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

Representative Chang 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 joint report of the Committees was adopted and S.B. No. 2434, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Second Reading and was referred to the Committee on Finance, with Representatives McDermott, Meyer and Rath voting no and Representatives Okamura, Pendleton 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. 1085-00) recommending that S.B. No. 2320, SD 1, 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 S.B. No. 2320, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A LONG-TERM CARE COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura, Pendleton 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. 1086-00) recommending that S.B. No. 2717, SD 1, 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 S.B. No. 2717, SD 1, HD 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 Okamura, Pendleton and Takamine being excused.

#### APPOINTMENT AND DISCHARGE OF CONFEREES

##### H.B. No. 71, HD 2, SD 1:

Discharged Representative P. Oshiro as lead Co-Chair.  
Discharged Representative Saiki as second Co-Chair.  
Discharged Representative Hamakawa as a member.  
Added Representative Hamakawa as lead Co-Chair.  
Added Representative Yamane as second Co-Chair.

##### H.B. No. 83, HD 1, SD 1:

Discharged Representative P. Oshiro as Chair.  
Discharged Representative Hamakawa as a member.  
Added Representative Hamakawa as Chair.

##### H.B. No. 140, SD 2:

Discharged Representative Saiki as a member.

##### H.B. No. 150, HD 2, SD 1:

Discharged Representative P. Oshiro as second Co-Chair.  
Added Representative Hamakawa as second Co-Chair.

##### H.B. No. 157, HD 2, SD 2, C.D. 1:

Discharged Representative Saiki as third Co-Chair.  
Added Representative Yamane as third Co-Chair.

##### H.B. No. 235, HD 2, SD 2:

Discharged Representative P. Oshiro as lead Co-Chair.  
Discharged Representative Saiki as second Co-Chair.  
Discharged Representative Hamakawa as a member.  
Added Representative Hamakawa as lead Co-Chair.  
Added Representative Suzuki as second Co-Chair.

##### H.B. No. 374, HD 2, SD 1:

Discharged Representative Saiki as a member.  
Added Representative Espero as a member.

##### H.B. No. 557, HD 2, SD 1:

Discharged Representative Saiki as second Co-Chair.  
Added Representative Espero as second Co-Chair.

##### H.B. No. 632, HD 2, SD 1:

Discharged Representative Saiki as a member.  
Added Representative Espero as a member.

##### H.B. No. 949, HD 2, SD 2:

Discharged Representative Saiki as a member.  
Added Representative Espero as a member.

##### H.B. No. 1006, HD 2, SD 2:

Discharged Representative P. Oshiro as lead Co-Chair.  
Added Representative Hamakawa as lead Co-Chair.

##### H.B. No. 1620, HD 1, SD 2:

Discharged Representative Saiki as a member.  
Added Representative Yamane as a member.

##### S.B. No. 176, HD 2:

Discharged Representative P. Oshiro as second Co-Chair.  
Added Representative Hamakawa as second Co-Chair.

##### S.B. No. 456, SD 2, HD 1:

Discharged Representative P. Oshiro as second Co-Chair.  
Added Representative Hamakawa as second Co-Chair.

##### S.B. No. 585, SD 1, HD 2:

Discharged Representative P. Oshiro as lead Co-Chair.  
Added Representative Hamakawa as lead Co-Chair.

##### S.B. No. 594, SD 1, HD 1, C.D. 1:

Discharged Representative P. Oshiro as Chair.  
Discharged Representative Hamakawa as a member.  
Added Representative Hamakawa as Chair.  
Added Representative Saiki as a member.

##### S.B. No. 605, SD 1, HD 2:

Discharged Representative P. Oshiro as second Co-Chair.  
Added Representative Hamakawa as second Co-Chair.

##### S.B. No. 825, SD 2, HD 2:

Discharged Representative P. Oshiro as second Co-Chair.  
Added Representative Hamakawa as second Co-Chair.

##### S.B. No. 1050, SD 2, HD 1:

Discharged Representative P. Oshiro as second Co-Chair.  
Discharged Representative Saiki as third Co-Chair.  
Added Representative Hamakawa as second Co-Chair.  
Added Representative Kawakami as third Co-Chair.

##### S.B. No. 1058, SD 2, HD 1:

Discharged Representative P. Oshiro as second Co-Chair.

Discharged Representative Saiki as third Co-Chair.  
Added Representative Hamakawa as second Co-Chair.  
Added Representative Kawakami as third Co-Chair.

**S.B. No. 1088, SD 1, HD 1:**

Discharged Representative P. Oshiro as second Co-Chair.  
Added Representative Hamakawa as second Co-Chair.

**S.B. No. 1089, SD 1, HD 1:**

Discharged Representative P. Oshiro as second Co-Chair.  
Added Representative Hamakawa as second Co-Chair.

**S.B. No. 1151, SD 1, HD 1:**

Discharged Representative P. Oshiro as second Co-Chair.  
Added Representative Hamakawa as second Co-Chair.

**S.B. No. 1212, SD 2, HD 1:**

Discharged Representative P. Oshiro as second Co-Chair.  
Added Representative Hamakawa as second Co-Chair.

**S.B. No. 1276, SD 1, HD 2:**

Discharged Representative Saiki as second Co-Chair.  
Added Representative Kawakami as second Co-Chair.

**S.B. No. 1379, SD 2, HD 1:**

Discharged Representative P. Oshiro as Chair.  
Discharged Representative Hamakawa as a member.  
Added Representative Hamakawa as Chair.  
Added Representative Saiki as a member.

**S.B. No. 1462, SD 1, HD 2:**

Discharged Representative P. Oshiro as lead Co-Chair.  
Discharged Representative Hamakawa as a member.  
Added Representative Hamakawa as Chair.  
Added Representative Saiki as a member.

**DISCHARGE OF CONFEREE**

**H.B. No. 1006, HD 2, SD 2:**

Discharged Representative Hamakawa as a member.

**ADJOURNMENT**

At 8:51 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m., Tuesday, March 28, 2000. (Representatives Okamura, Pendleton and Takamine were excused.)

## FORTIETH DAY

## Tuesday, March 28, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 11:43 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Father Paul J. Shaughnessy of the United States Navy, after which the Roll was called showing all members present with the exception of Representatives Menor and Okamura, who were excused.

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

## INTRODUCTIONS

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

Representative Thielen introduced her student "shadows" Ms. Ka Shuen Sze of Waiakea High School and Ms. Jeanette Zauner of Kalaheo High School.

At 11:48 o'clock a.m., Representative Oshiro asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:49 o'clock a.m.

Representative Yonamine introduced Ms. Lana Mito, Coordinator, Legislative Shadow Program, Department of Education; and this year's student "shadows": Mr. Justin Bagnall, Kalaheo High School (Rep. Pendleton); Ms. Tanya Baker, Aliamanu Intermediate School (Rep. Fox); Mr. Elson John Barba, Waipahu High School (Rep. Espero); Mr. Brandon Barker, Kahuku High and Intermediate School (Rep. Meyer); Ms. Katherine Burden, Wheeler Middle School (Rep. Lee); Ms. Michelle Ching, Aiea High School (Rep. Catalani); Ms. Frances Colon, Wheeler Middle School (Rep. Lee); Ms. Teresa Ann Day, Aiea High School (Rep. Takai); Mr. Walter De Gunya, Leilehua High School (Rep. Oshiro); Mr. Joseph Graham, Waipahu High School (Rep. Moses); Ms. Lily Ho, Aiea Intermediate School (Rep. Meyer); Ms. Vanessa Lee, Kaiser High School (Rep. Stegmaier); Ms. Lisa Llamas, Farrington High School (Rep. Abinsay); Ms. Tiffany Pei, Kalakaua Middle School (Rep. Kahikina); Mr. Devin Roth, Moanalua Middle School (Rep. Arakaki); Ms. Elyse Sugimoto, Moanalua Middle School (Rep. Arakaki); and Ms. Andrea Kelekolio, Waipahu Intermediate School (Rep. Espero).

Representative Kanoho introduced his student "shadow", Ms. Jennifer Ota of Kauai High and Intermediate School.

Representative Yamane introduced his student "shadow", Ms. Yan Liu of Waiakea High School.

Representative Herkes introduced his student "shadow", Ms. Aja Smith of Ka'u High School.

Representative Luke introduced her student "shadow", Ms. Danielle LeBlanc of Moanalua Middle School.

Representative Morita introduced her student "shadows" Ms. Camille Rockett and Ms. Jenney Tagorda of Baldwin High School.

Representative Nakasone introduced his student "shadows" Ms. Kristi Tintiangco and Mr. Dean Iwatake of Maui Waena Intermediate School.

Representative Hamakawa introduced his student "shadows" Ms. Jaia Jenkins-Rathbun and Mr. Ryan Gravela of Keaau High School.

Representative Santiago introduced his student "shadows" Ms. Rande Chang of Radford High School and Ms. Mari Ushiroda of Baldwin High School.

Representative Kaho'ohalahala introduced his student "shadows" Mr. Joshua Manglicmot, Ms. Ashley Cantrell and Ms. Maria Davis from Molokai High School.

Representative Meyer introduced her student "shadow", Mr. Ryan Nielson from Kahuku High and Intermediate School.

Representative Moses introduced his student "shadow", Ms. Katherine Thompson of Waipahu High School.

Representative Yoshinaga introduced her student "shadow", Ms. Svetlana Isko of Keaau High School.

Representative Leong introduced her student "shadow", Mr. Michael Quiett of Hookena School.

Representative Stegmaier introduced his student "shadow", Mr. Nathaniel Faggard of Pa'auilo School.

Representative Lee introduced her student "shadow", Ms. Sabrina Gustafson of Wheeler Middle School.

Representative Yonamine then thanked all of the students "shadows" for their participation.

Representative Meyer introduced Ms. Laura Allbrett of the Nalei Naau Alliance of Native Hawai'ian Charter Schools; Ms. Ku Kahakalau of the Kanu o ka 'Aina Charter School; Mr. Bill Woerner of the West Hawai'i Explorations Academy; and Mr. John Thatcher of the Connection School of Mountain View.

Representative Hamakawa introduced his very good friend, Mr. Wes Suwa and the Suwa family.

Representative Kaho'ohalahala introduced Mr. David Dods from the island of Maui.

Representative Oshiro introduced Mr. Robin Matsunaga, Ombudsman of the State of Hawai'i; Mr. Howard Kushner, Ombudsman from the Province of British Columbia, Canada; Ms. Susan Macara; and Master Lars Kushner.

## ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATION)

The following resolution (H.R. No. 181) was received and announced by the Clerk and the following action was taken:

H.R. No. 181, entitled: "HOUSE RESOLUTION HONORING AND COMMENDING THE CHILDREN AND YOUTH ADVOCATES OF 1999 FOR THE STEADFAST COMMITMENT TO ADVOCATING FOR THE CHILDREN AND YOUTH OF OUR STATE," was jointly offered by Representatives Arakaki and Lee.

On motion by Representative Arakaki, seconded by Representative Lee and carried, H.R. No. 181 was adopted, with Representatives Cachola, Goodenow, Okamura, Rath and Whalen being excused.

Representative Arakaki introduced Ms. Jeannie Reinhardt who was seated in the gallery.

Representative Takai introduced the following honorees who were seated on the House floor:

Ms. Patti-Jo Chong, representative, AT&T Cares Organization;

Ms. Bernice Wintermantel, Founder and Director, Operation Ohana United Children's Hope Program (O.U.C.H.);

Youth Pastor Mike Kai of the Hope Chapel-Kaneohe;

Ms. Kathleen M. Langtad, 1999 Outstanding Individual Adult Advocate for the Children and Youth of Hawai'i;

Mr. John Friedman, 1999 Outstanding Individual Adult Advocate for the Children and Youth of Hawai'i;

Ms. Katherine Palafox, mother of honoree, Ms. Debbie Toth-Dennis, 1999 Outstanding Individual Adult Advocate for the Children and Youth of Hawai'i; and

Ms. Rosie Sakamoto, 1999 Outstanding Individual Adult Advocate for the Children and Youth of Hawai'i.

At 12:09 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:21 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 a certain bill on Third Reading on the basis of a modified consent calendar. (Representatives Goodenow, Okamura, Souki and Whalen were excused.)

#### UNFINISHED BUSINESS

##### S.B. No. 2885:

Representative Case moved that S.B. No. 2885, pass Third Reading, seconded by Representative Yonamine.

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

"This is what we should strive to do more of. We should take the time to go through the statutes that we have, and get rid of regulations and matters we don't need. I think we have to thank the Lieutenant Governor for this measure. This is a good step forward and I hope to see many more bills of this nature. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 2885, entitled: "A BILL FOR AN ACT RELATING TO SANITATION," passed Third Reading by a vote of 47 ayes, with Representatives Goodenow, Okamura, Souki and Whalen being excused.

The Chair directed the Clerk to note that S.B. No. 2885, had passed Third Reading at 12:23 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Chang, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1087-00)

recommending that H.R. No. 144, 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. 144, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO ESTABLISH A TRANSITION PLAN TO TRANSFER THE FUNCTIONS AND RESPONSIBILITIES OF THE CONVENTION CENTER AUTHORITY TO THE HAWAII TOURISM AUTHORITY," was referred to the Committee on Finance, with Representatives Goodenow, Okamura, Souki and Whalen being excused.

Representative Chang, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1088-00) recommending that H.C.R. No. 164, 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. 164, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO ESTABLISH A TRANSITION PLAN TO TRANSFER THE FUNCTIONS AND RESPONSIBILITIES OF THE CONVENTION CENTER AUTHORITY TO THE HAWAII TOURISM AUTHORITY," was referred to the Committee on Finance, with Representatives Goodenow, Okamura, Souki and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1089-00) recommending that H.C.R. No. 25, 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. 25, entitled: "HOUSE CONCURRENT RESOLUTION COORDINATING POLICIES AND SERVICES FOR PUBLIC ASSISTANCE RECIPIENTS IN PUBLIC HOUSING," was referred to the Committee on Finance, with Representatives Goodenow, Okamura, Souki and Whalen being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1090-00) recommending that H.C.R. No. 88, 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.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE BE CONVENED TO ASSIST THE OFFICE OF INFORMATION PRACTICES ANALYZE HEALTH CARE INFORMATION ISSUES AND IMPLEMENT THE REQUIREMENTS OF CHAPTER 323C, HAWAII REVISED STATUTES," was referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Goodenow, Okamura, Souki and Whalen being excused.

Representative Chang, for the Committee on Tourism, presented reports (Stand. Com. Rep. No. 1091-00 and Stand. Com. Rep. No. 1092-00) recommending that H.R. No. 110, as amended in HD 1, and H.C.R. No. 126, as amended in HD 1, be adopted.

Representative Case moved that the reports of the Committee be adopted and H.R. No. 110, HD 1, and H.C.R. 126, HD 1, be adopted, seconded by Representative Yonamine.

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

"As long as the sponsoring Representative understands very clearly that the golf capital of Hawai'i is the island of Hawai'i, after winning that distinction in direct head-to-head competition with the county of Maui. This is not to be done by resolution but by golf competition so that we can claim the right to be known as the golf capital of the State of Hawai'i. Thank you."

Representative Espero rose to respond, stating:

"We except your challenge."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 110, HD 1, entitled: "HOUSE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE GOLF INDUSTRY IN HAWAII AND DESIGNATING THE EWA PLAINS/KAPOLEI REGION AS THE GOLF CAPITAL OF OAHU," and H.C.R. No. 126, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF THE GOLF INDUSTRY IN HAWAII AND DESIGNATING THE EWA PLAINS/KAPOLEI REGION AS THE GOLF CAPITAL OF OAHU," were adopted, with Representatives Goodenow, Okamura, Souki and Whalen being excused.

### THIRD READING

At 12:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:26 o'clock p.m.

#### **S.B. No. 2769, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2769, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REDUCING GREENHOUSE GAS EMISSIONS," passed Third Reading by a vote of 47 ayes, with Representatives Goodenow, Okamura, Souki and Whalen being excused.

The Chair directed the Clerk to note that S.B. No. 2769, had passed Third Reading at 12:27 o'clock p.m.

### ANNOUNCEMENTS

Representative Morita: "I request a waiver of the 48-hour notice for the Committee on Energy and Environmental Protection to meet on Thursday morning at 11:00 for reconsideration of decisions made on S.B. 2867 and for decision making only on H.C.R. 83 and H.R. 75," and the Chair "so ordered."

Representative Yoshinaga: "I would like to remind the Labor and Finance Committee members that we will continue our hearing at 1:30 p.m. in conference room 309."

Representative Espero: "I would like to invite the Legislators and their "shadows" to an informal discussion at 2:45 in conference room 429. This is just to have an informal, open discussion forum with our students so they can get to meet us and we can get to see their points of view. Thank you very much."

### ADJOURNMENT

At 12:28 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. tomorrow, Wednesday, March 29, 2000. (Representatives Goodenow, Okamura, Rath, Souki and Whalen were excused.)

## FORTY-FIRST DAY

Wednesday, March 29, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 11:43 o'clock a.m., with the Speaker presiding.

The invocation was delivered in song by Representatives Dennis A. Arakaki, Michael Puamamo Kahikina and Sol Kaho'ohalahala, after which the Roll was called showing all members present with the exception of Representatives Cachola, Kanoho, Menor, Okamura and Whalen, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 373 through 381) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 373, returning H.B. No. 1906, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF PSYCHOLOGISTS," which passed Third Reading in the Senate on March 28, 2000.

Sen. Com. No. 374, returning H.B. No. 2463, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES RECOGNITION," which passed Third Reading in the Senate on March 28, 2000.

Sen. Com. No. 375, returning H.B. No. 2464, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DUTIES OF THE BOARD OF NURSING," which passed Third Reading in the Senate on March 28, 2000.

Sen. Com. No. 376, returning H.B. No. 2486, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC LICENSURE REQUIREMENTS," which passed Third Reading in the Senate on March 28, 2000.

Sen. Com. No. 377, returning H.B. No. 2488, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETURN OF PRESCRIPTION DRUGS," which passed Third Reading in the Senate on March 28, 2000.

Sen. Com. No. 378, returning H.B. No. 2563, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," which passed Third Reading in the Senate on March 28, 2000.

Sen. Com. No. 379, returning H.B. No. 2761, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," which passed Third Reading in the Senate on March 28, 2000.

Sen. Com. No. 380, returning H.B. No. 1893, H.D. 1, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on March 28, 2000, in an amended form.

Sen. Com. No. 381, returning H.B. No. 1902, H.D. 1, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," which passed Third Reading in the Senate on March 28, 2000, in an amended form.

On motion by Representative Case, seconded by Representative Yonamine and carried, the House disagreed to the amendments made by the Senate to H.B. Nos. 1893, HD 1,

(SD 1); and 1902, HD 1, (SD 1), and requested a conference on the subject matter of said amendments. (Representatives Cachola, Kanoho, Okamura and Whalen were excused.)

## INTRODUCTIONS

Representative Herkes introduced Representative Brian Yamane's wife, Mrs. Jean Yamane, who works for the Judiciary.

Representative Yonamine introduced the following student "shadows" participating in the Legislative Shadow Program: Mr. Edileo Alcalie, Kalakaua Middle School (Rep. Ahu Isa); Ms. Bernadette Negre and Ms. Mary Jane Segundo, Farrington High School (Rep. Arakaki); Ms. Genevieve Miner, Campbell High School (Rep. Auwae); Mr. Keaka Cuizon, Ms. Kristy Kobayashi, Mr. Leroy Dikito, Jr., Ms. Nelly Calamayan, Pahoa High School, and Ms. Lianne Keohulua, Ka'u High School (Rep. Herkes); Ms. Aubrey Agcaoili, Aiea High School, Ms. Kendra Ing, Hilo High School (Rep. Kahikina); Mr. Lawrence Coyaso and Mr. Micah Pahukoa, Hana High School, and Ms. Leka Pua and Ms. Eileen Domingo, Lahaina Intermediate School (Rep. Kaho'ohalahala); Ms. Sheryl Okamura, Kauai High and Intermediate School (Rep. Kanoho); Ms. Katherine Eum and Ms. Palestina Gaopoa, Leilehua High School (Rep. Lee); Mr. Aaron Kozuki, Roosevelt High School (Rep. Luke); Ms. Caryn Corpuz-Yotsuda and Ms. Lisa Yamaguchi Townsend, Aiea Intermediate School (Rep. Meyer); Ms. Ashley Sylva, King Kekaulike Intermediate School (Rep. Morihara); Ms. Stacey Pladera, Baldwin High School (Rep. Morita); Ms. Sheryl Lynn Ide and Mr. Eric Watari, Konawaena Middle School (Rep. Moses); Mr. Matthew McLane, Leilehua High School (Rep. Oshiro); Ms. Leila Abuzalof, Ms. Julie Ann Maeda, and Ms. Miki Lee, Niu Valley Middle School (Rep. Stegmaier); Mr. Randy Kalei Puaatua and Ms. Teresa Ann Day, Aiea High School (Rep. Takai); and, Ms. Lily Ho, Aiea Intermediate School (Rep. Yoshinaga).

Representative Goodenow introduced Dr. Amy Agbayani from the University of Hawai'i "known for her work in civil rights, her work at U.H. and her involvement in local politics here in Hawai'i."

Representative Ahu Isa introduced two friends, Ms. Caroline Kaeo and Ms. Blossom Tyau.

The Chair introduced former Representative John Medeiros.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following resolutions and concurrent resolutions were re-referred to committee by the Speaker, as follows:

<u>H.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
111	Committee on Culture and the Arts
136	Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance
167	Committee on Education, then to the Committee on Finance
169	Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance

H.C.R.  
Nos.      Re-referred to:



- 19 Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance
- 57 Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance
- 117 Committee on Finance
- 127 Committee on Culture and the Arts
- 135 Committee on Culture and the Arts
- 199 Committee on Education, then to the Committee on Finance
- 201 Committee on Judiciary and Hawai'ian Affairs, then to the Committee on Finance

#### INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 182 and 183) were received and announced by the Clerk and the following actions taken:

H.R. No. 182, entitled: "HOUSE RESOLUTION CONGRATULATING DORIS M. CHING, Ed.D. AS THE NEWLY-APPOINTED PRESIDENT OF THE NATIONAL ASSOCIATION OF STUDENT PERSONNEL ADMINISTRATORS' BOARD OF DIRECTORS," was offered by Representative Yamane.

On motion by Representative Yamane, seconded by Representative Ito and carried, H.R. No. 182 was adopted with Representatives Cachola, Kanoho, Nakasone, Okamura and Whalen being excused.

Representative Yamane introduced the honoree, Dr. Doris M. Ching, Ed.D, the newly-appointed President of the National Association of Student Personnel Administrators' Board of Directors; and her guests seated in the gallery, Mr. Willie Ching, the honoree's husband; Ms. Tracie Okubo, Dr. Amy Agbayani, Ms. Blossom Tyau; and his wife, Mrs. Jean Yamane.

H.R. No. 183, entitled: "HOUSE RESOLUTION ACKNOWLEDGING THE ROLE OF DISTRICT 50 LIONS HAWAII AND LIONS CLUB INTERNATIONAL FOR HOSTING THE 83RD ANNUAL LIONS CLUBS INTERNATIONAL CONVENTION ON JUNE 19-23, 2000," was jointly offered by Representatives Ahu Isa, Chang, Auwae, Cachola, Case, Goodenow, Hamakawa, Ito, Luke, Rath, Santiago, Schatz, Souki, Stegmaier, Takumi and Yonamine.

On motion by Representative Ahu Isa, seconded by Representative Yamane and carried, H.R. No. 183 was adopted with Representatives Cachola, Chang, Kanoho, Morihara, Nakasone, Okamura and Whalen being excused.

Representative Ahu Isa introduced the following honorees: Mr. Melvin Nakamura, former District Governor, District 50 Lions Hawai'i; Mr. Roy Aoki, Vice District Governor, District 50 Lions Hawai'i; Mr. Alan Hayashi, Executive Director, Convention Center Authority; Mr. Tony Vericella, President and CEO, Hawai'i Visitors and Convention Bureau; Ms. Sandra Butler Moreno, Vice President of Meetings, Conventions and Visitors, Hawai'i Visitors and Convention Bureau; and Ms. H. Laurie Campbell, Senior Director of National Accounts, Hawai'i Visitors and Convention Bureau.

At 12:18 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:32 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 certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Cachola, Chang, Kanoho, McDermott, Morihara, Okamura, Takai and Whalen were excused.)

#### STANDING COMMITTEE REPORTS

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1093-00) recommending that S.B. No. 2906, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2906, entitled: "A BILL FOR AN ACT RELATING TO GARMENT INDUSTRY HOMEWORK," passed Third Reading by a vote of 43 ayes, with Representatives Cachola, Chang, Kanoho, McDermott, Morihara, Okamura, Takai and Whalen being excused.

Representatives Menor and Hamakawa, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 1094-00) recommending that S.B. No. 2024, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the joint report of the Committees was adopted and S.B. No. 2024, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RESEARCH ON CANCER STUDIES," passed Third Reading by a vote of 43 ayes, with Representatives Cachola, Chang, Kanoho, McDermott, Morihara, Okamura, Takai and Whalen being excused.

The Chair directed the Clerk to note that S.B. Nos. 2906 and 2024 had passed Third Reading at 12:33 o'clock p.m.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1095-00) recommending that H.C.R. No. 75, 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. 75, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO INCORPORATE INTO THE COUNTY BUILDING CODES PROVISIONS FOR DISABILITY ACCESSIBILITY," was referred to the Committee on Consumer Protection and Commerce, with Representatives Cachola, Chang, Kanoho, McDermott, Morihara, Okamura, Takai and Whalen being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1096-00) recommending that H.C.R. No. 189, as amended in HD 1, 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.C.R. No. 189, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A PUBLIC-PRIVATE INTERAGENCY WORKING GROUP TO HELP LOW-INCOME FAMILIES BECOME SELF-SUFFICIENT," was referred to the

Committee on Labor and Public Employment, with Representatives Cachola, Chang, Kanoho, McDermott, Morihara, Okamura, Takai and Whalen being excused.

Cachola, Chang, Kanoho, McDermott, Morihara, Okamura, Takai and Whalen were excused.)

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1097-00) recommending that H.R. No. 58, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 58, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO STUDY THE NEED FOR REGULATING THE ALARM INDUSTRY," was referred to the Committee on Legislative Management, with Representatives Cachola, Chang, Kanoho, McDermott, Morihara, Okamura, Takai and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1098-00) recommending that H.C.R. No. 65, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 65, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE NEED FOR REGULATING THE ALARM INDUSTRY," was referred to the Committee on Legislative Management, with Representatives Cachola, Chang, Kanoho, McDermott, Morihara, Okamura, Takai and Whalen being excused.

Representative Chang, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1099-00) recommending that H.R. No. 84, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 84, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION'S INTEREST IN HAVING A FUTURE ANNUAL MEETING OF THE AMERICAN PSYCHIATRIC ASSOCIATION IN HAWAII," was adopted, with Representatives Cachola, Chang, Kanoho, McDermott, Morihara, Okamura, Takai and Whalen being excused.

Representative Chang, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1100-00) recommending that H.C.R. No. 94, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 94, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION'S INTEREST IN HAVING A FUTURE ANNUAL MEETING OF THE AMERICAN PSYCHIATRIC ASSOCIATION IN HAWAII," was adopted, with Representatives Cachola, Chang, Kanoho, McDermott, Morihara, Okamura, Takai and Whalen being excused.

#### ADJOURNMENT

At 12:35 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. tomorrow, Thursday, March 30, 2000. (Representatives

## FORTY-SECOND DAY

Thursday, March 30, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 11:43 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Elder Edward Garfield, Reorganized Church of the Jesus Christ of Latter Day Saints, after which the Roll was called showing all members present with the exception of Representatives Goodenow, Halford, Leong, Menor, Meyer, Okamura, Pendleton, Schatz and Whalen, who were excused.

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

## INTRODUCTIONS

Representative Ito introduced students, teachers and advisors who are members of the Vocational Industrial Clubs of America (VICA).

Representative Ahu Isa introduced Mr. Buddy Director and Ms. Laverne Garfield.

Representative Kahikina introduced teachers from Nanakuli High School, Mr. Brian Achida and Mr. Amadeo Verzan, and classmate Mr. George Carter.

Representative Kaho'ohalahala introduced his student "shadows" Ms. Chantell Ono, Ms. Kelly Katiao and Ms. Vina Feberas of Lanai; and Ms. Noelani Ricard and Ms. Kalei Robia of Maui. Also introduced were VICA student participants from Lahaina Intermediate School.

Representative Morita introduced Mr. Rodney Yadao, former Kauai County Councilmember.

Representative Marumoto introduced Ms. Karinna Taloiaga and the Kalani High School VICA student participants.

Representative McDermott introduced Mr. Henry Arew, VICA instructor of Radford High School.

Representative Espero introduced students Mr. Troung Nguyen and Mr. Austin Jennings and their teacher, Mr. Walden Zane, Campbell High School VICA participants.

Representative Pendleton introduced Mr. Duane Graham and Mrs. Janice Graham of Oregon.

Representative Yonamine introduced students from Aiea Intermediate and their teacher, Mr. Wesley Koga.

Representative Pendleton introduced a very good friend, Mr. Edgar Edge.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following resolutions and concurrent resolutions were re-referred to committee by the Speaker, as follows:

**H.R.**  
**Nos.**

**Re-referred to:**

58 Committee on Consumer Protection and Commerce, then to the Committee on Finance

142 Committee on Economic Development and Business Concerns, then to the Committee on Finance

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

**H.C.R.**

**Nos.**

**Re-referred to:**

55 Committee on Water and Land Use

65 Committee on Consumer Protection and Commerce, then to the Committee on Finance

142 Committee on Education, then to the Committee on Labor and Public Employment

162 Committee on Economic Development and Business Concerns, then to the Committee on Finance

165 Committee on Finance

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

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 184 through 186) were received and announced by the Clerk and the following actions taken:

H.R. No. 184, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING THE VOLUNTEERS THAT PARTICIPATED IN THE HOPE FOR LITERACY PROGRAM AND FOR TOUCHING THE HEARTS AND MINDS OF HAWAII'S YOUTH," was jointly offered by Representatives Catalani and Ito.

On motion by Representative Catalani, seconded by Representative Ito and carried, H.R. No. 184 was adopted with Representatives Cachola, Goodenow, Herkes, Hiraki, Leong, Meyer, Nakasone, Okamura, Schatz, Whalen and Yoshinaga being excused.

Representative Catalani introduced the honoree, Ms. Beverly Wong who was seated on the House floor.

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

The House of Representatives reconvened at 12:11 o'clock p.m.

H.R. No. 185, entitled: "HOUSE RESOLUTION RELATING TO THE COMMENDATION OF HAWAII'S 1999 MODEL CHINESE FATHER AND MOTHER OF YEAR," was offered by Representative Chang.

On motion by Representative Chang, seconded by Representative Ahu Isa and carried, H.R. No. 185 was adopted with Representatives Cachola, Goodenow, Herkes, Hiraki, Morihara, Nakasone, Okamura, Schatz, Souki, Takai, Whalen and Yoshinaga being excused.

Representative Chang introduced the honoree, Representative Bertha F.K. Leong, 1999 Model Chinese Mother of the Year.

Representative Ahu Isa introduced the honoree, Mr. Daniel B.T. Lau, 1999 Model Chinese Father of the Year; and guests seated in the gallery, Mr. Danny Young, President, United Chinese Society; and Mr. Keith Lim, Vice-President, United Chinese Society.

Representative Marumoto introduced Representative Bertha F.K. Leong's family who was seated in the gallery, Ms. Ethel Ching, sister; Ms. Caroline Dang, daughter; Master Patrick Dang, grandson; Master Happy Dang, grandson; and Ms. Cristyn Dang, granddaughter.

H.R. No. 186, entitled: "HOUSE RESOLUTION RECOGNIZING PHYSICIANS OF THE STATE OF HAWAII IN HONOR OF NATIONAL DOCTORS' DAY ON MARCH 30, 2000," was offered by Representative Espero.

On motion by Representative Espero, seconded by Representative Santiago and carried, H.R. No. 186 was adopted with Representatives Cachola, Goodenow, Herkes, Hiraki, Kahikina, Morihara, Nakasone, Okamura, Schatz, Souki, Takai, Whalen and Yoshinaga being excused.

Representative Espero introduced the following honorees who were seated on the House floor:

Dr. Patricia Chinn, General Surgeon, St. Francis Hospital;

Dr. Herbert Chinn, Sr., Urologist, St. Francis Hospital;

Dr. Arleen Jouxson-Meyers, Pediatrician, Hawai'i Medical Associations Physician of the Year; and

Mrs. Maureen Lau, representing her husband, Dr. Lorrin Lau, Obstetrician.

### INTRODUCTIONS

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

Representative Oshiro introduced:

Nevada State Assemblyman, Mr. Lynn C. Hettrick;

California State Assemblywoman, Ms. Denise Moreno Decheny; and

Ms. Cheryl Duvauchelle of the Council on State Governments, Western Office.

Representative Chang introduced Ms. Angel Eads and Mr. Michael Eads, and their father Pastor Don Eads.

Representative Leong introduced the Niu Valley Intermediate School VICA student participants.

At 12:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m.

### STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Human Services and Housing, presented reports (Stand. Com. Rep. No. 1101-00 and Stand. Com. Rep. No. 1102-00) recommending that H.R. No. 151, as amended in HD 1, and H.C.R. No. 173, as amended in HD 1, be referred to the Committee on Finance.

Representative Case moved that the reports of the Committee be adopted and H.R. No. 151, HD 1, and H.C.R. 173, HD 1, be

referred to the Committee on Finance, seconded by Representative Yonamine.

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

"My reservations have to do with the concern raised by the Department of Human Services. We would be sending the wrong message to those who are in the position of making that move from welfare to work. The Department's position was strongly in opposition to creating another program before it is absolutely necessary. This may give people the impression that there would be another welfare program that followed the welfare to work period. For this reason I have reservations. I understand the intent behind this, certainly there is always a need for a 'safety net' but I would suggest that maybe we should change the language at some point from having the DHS developing a 'safety net' program, to developing a plan for such a program. Thank you."

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 151, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO DEVELOP A 'SAFETY NET' PROGRAM TO ASSIST PUBLIC ASSISTANCE RECIPIENTS WHO WILL BE EXHAUSTING THEIR LIFETIME LIMIT FOR FEDERAL WELFARE ASSISTANCE," and H.C.R. No. 173, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMANS SERVICES TO DEVELOP A 'SAFETY NET' PROGRAM TO ASSIST PUBLIC ASSISTANCE RECIPIENTS WHO WILL BE EXHAUSTING THEIR LIFETIME LIMIT FOR FEDERAL WELFARE ASSISTANCE," were referred to the Committee on Finance, with Representatives Cachola, Goodenow, Herkes, Hiraki, Kahikina, Lee, Menor, Nakasone, Okamura, Schatz, Souki, Takai, Takamine, Whalen and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1103-00) recommending that H.R. No. 165, 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. 165, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO EXPLORE HOME OWNERSHIP OPTIONS AT THE STATE-OWNED AND OPERATED PALOLO HOMES I AND II AND OTHER STATE-OWNED AND OPERATED HOUSING PROJECTS," was referred to the Committee on Finance, with Representatives Cachola, Goodenow, Herkes, Hiraki, Kahikina, Lee, Menor, Nakasone, Okamura, Schatz, Souki, Takai, Takamine, Whalen and Yoshinaga being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1104-00) recommending that H.C.R. No. 190, 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. 190, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO EXPLORE HOME OWNERSHIP OPTIONS AT THE STATE-OWNED AND OPERATED PALOLO HOMES I AND II AND OTHER STATE-OWNED AND OPERATED HOUSING PROJECTS," was referred to the Committee on Finance, with Representatives

Cachola, Goodenow, Herkes, Hiraki, Kahikina, Lee, Menor, Nakasone, Okamura, Schatz, Souki, Takai, Takamine, Whalen and Yoshinaga being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1105-00) recommending that H.R. No. 92, 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. 92, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE IMPACT THAT COMMERCIAL MARINE MAMMAL WATCHING TOURS MAY HAVE ON MARINE MAMMALS IN WATERS OFF THE WAIANAE COAST OF OAHU," was referred to the Committee on Finance, with Representatives Cachola, Goodenow, Herkes, Hiraki, Kahikina, Lee, Menor, Nakasone, Okamura, Schatz, Souki, Takai, Takamine, Whalen and Yoshinaga being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1106-00) recommending that H.C.R. No. 103, 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. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE IMPACT THAT COMMERCIAL MARINE MAMMAL WATCHING TOURS MAY HAVE ON MARINE MAMMALS IN WATERS OFF THE WAIANAE COAST OF OAHU," was referred to the Committee on Finance, with Representatives Cachola, Goodenow, Herkes, Hiraki, Kahikina, Lee, Menor, Nakasone, Okamura, Schatz, Souki, Takai, Takamine, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1107-00) recommending that H.R. No. 127, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 127, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DETERMINE WHETHER MOTOR VEHICLE REFORM UNDER ACT 251, SESSION LAWS OF HAWAII 1997, HAS IMPACTED CONSUMER ACCESS TO MEDICALLY REASONABLE, NECESSARY, AND APPROPRIATE REFERRAL TO MASSAGE THERAPY AND PHYSICAL THERAPY, AND IF THIS HAS CONTRIBUTED TO CONSUMER COST SAVINGS UNDER THE ACT," was adopted, with Representatives Cachola, Goodenow, Herkes, Hiraki, Kahikina, Lee, Menor, Nakasone, Okamura, Schatz, Souki, Takai, Takamine, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1108-00) recommending that H.C.R. No. 145, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 145, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DETERMINE WHETHER MOTOR VEHICLE REFORM UNDER ACT 251, SESSION LAWS OF HAWAII 1997, HAS IMPACTED CONSUMER ACCESS TO MEDICALLY REASONABLE, NECESSARY, AND APPROPRIATE REFERRAL TO MASSAGE THERAPY AND PHYSICAL THERAPY, AND IF THIS HAS CONTRIBUTED TO CONSUMER COST SAVINGS UNDER THE ACT," was adopted, with

Representatives Cachola, Goodenow, Herkes, Hiraki, Kahikina, Lee, Menor, Nakasone, Okamura, Schatz, Souki, Takai, Takamine, Whalen and Yoshinaga being excused.

#### ANNOUNCEMENTS

Representative Hamakawa: "I would like to request a waiver of the 48-hour hearing notice requirement to add S.B. 3051 to our 2:00 p.m. agenda for tomorrow afternoon" and the Chair "so ordered."

Representative Arakaki: "On behalf of your Chairs of the House Health and Education Committees, we would like to remind our committee members that we have a luncheon session with Dr. Howard Adelman of the School of Psychology at UCLA. Other members who may also be interested are welcome to join us. The topic of discussion will be the 'comprehensive student support system', which I think all of our schools are incorporating. The luncheon will be immediately following the completion of today's legislative session in room 309."

#### ADJOURNMENT

At 12:50 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. tomorrow, Friday, March 31, 2000. (Representatives Cachola, Goodenow, Herkes, Hiraki, Kahikina, Lee, Menor, Nakasone, Okamura, Schatz, Souki, Takai, Takamine, Whalen and Yoshinaga were excused.)

## FORTY-THIRD DAY

Friday, March 31, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 11:42 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Felipe P. Abinsay, Jr., after which the Roll was called showing all members present with the exception of Representatives Kaho'ohalahala, Meyer, Morihara, Okamura, Whalen and Yoshinaga, who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 173) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 173, transmitting copies of the 1999 Report on the Juvenile Justice State Advisory Council prepared by the Office of Youth Services, pursuant to Section 223 (a) (3) (D) (ii) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 382 through 384) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 382, returning H.B. No. 2185, HD 2, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on March 31, 2000.

Sen. Com. No. 383, returning H.B. No. 2490, HD 1, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," which passed Third Reading in the Senate on March 31, 2000.

On motion by Representative Case, seconded by Representative Yonamine and carried the House disagreed to the amendments made by the Senate to H.B. Nos. 2185, HD 2 (SD 1); and 2490, HD 1 (SD 1), and requested a conference on the subject matter of said amendments. (Representatives Kaho'ohalahala, Meyer, Morihara, Okamura, Whalen and Yoshinaga were excused.)

Sen. Com. No. 384, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bill:

S.B. No. 2024, HD 1, entitled: "RELATING TO MEDICAL RESEARCH ON CANCER STUDIES"

## INTRODUCTIONS

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

Representative Lee introduced Mr. Richard Poirier, Chair of the Mililani/Waipio/Melemanu Neighborhood Board and husband of the Hawai'i Nurses Association Awardee, Mrs. Marion Poirier; Ms. Nancy McGuckin and Ms. Stephanie Monet from the Hawai'i Nurses Association; and Mr. Randolph

Hack, NAMI (National Alliance for the Mentally Ill) Oahu Board of Directors.

Representative Suzuki introduced Ms. Jacqueline Ojaya, a ninth grade student from Indonesia attending Salt Lake Intermediate School.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following resolution and concurrent resolution were referred to committee by the Speaker, as follows:

H.R.No.Re-referred to:

172 Committee on Culture and the Arts

H.C.R.No.Re-referred to:

204 Committee on Culture and the Arts

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 187 and 188) were received and announced by the Clerk and the following actions taken:

H.R. No. 187, entitled: "HOUSE RESOLUTION HONORING CAROL E. WINTERS, PH.D, RN; MARGARITA RIVERA, FNP, MSN, MPH, RN; DALE ALLISON, PH.D, APRN; MARION POIRIER, MA, RN; LEO ROBERTS, RN, AND IRENE ROBERTS, RN, FOR THEIR OUTSTANDING CONTRIBUTIONS TO THE NURSING PROFESSION," was jointly offered by Representatives Lee and Saiki.

On motion by Representative Lee, seconded by Representative Saiki and carried, H.R. No. 187 was adopted, with Representatives Kahikina, Kaho'ohalahala, Morihara, Nakasone, Okamura, Whalen and Yamane being excused.

Representative Saiki introduced the Hawai'i Nurses Association Awardees: Mr. Leo Roberts, RN, and Mrs. Irene Roberts, RN, recipients of the Ruth Kemble Award for Volunteer Service; and Ms. Dale Allison, Ph.D., APRN, recipient of the 1999 Advanced Practice Nurse of the Year Award.

Representative Menor introduced the Hawai'i Nurses Association Awardee: Mrs. Marion Poirier, MA, RN, recipient of the 1999 Administrator of the Year Award.

Representative Lee introduced the Hawai'i Nurses Association Awardees: Ms. Margarita Rivera, FNP, MSN, MPH, RN, recipient of the Excellence in Practice Award; and Ms. Carol E. Winters, Ph.D., RN, recipient of the 1999-2000 Nurse of the Year Award.

H.R. No. 188, entitled: "HOUSE RESOLUTION HONORING FIVE AMERICAN MOTHERS FOR THEIR CONTRIBUTIONS TO CHILDREN, FAMILY, COMMUNITY AND STATE," was jointly offered by Representatives Meyer, Oshiro and Takai.

On motion by Representative Meyer, seconded by Representative Oshiro and carried, H.R. No. 188 was adopted with Representatives Catalani, Goodenow, Kahikina,

Kaho'ohalahala, Luke, Morihara, Nakasone, Okamura, Rath, Schatz, Takumi and Whalen being excused.

Representative Meyer introduced the President of the Hawai'i Chapter of American Mothers Inc., Mrs. Lianna A. McMillan, who was seated on the House floor, and her family: husband, Mr. Lyle McMillan; and children, Amalie, Bryce, Colby, Arianna, Jeremy, Jeren and Alyssa, who were seated in the gallery.

Representative Meyer then introduced the following Hawai'i Chapter of American Mothers Inc. Awardee: Hawai'i State Young Mother of the Year 2000, Mrs. Susan Noanoa Cravens Kunz, who was seated on the House floor, and her family: husband, Mr. Steve Kunz; children, Karen, Mark, Rachael, Evan, Jamie, Auriol and Keanalanimeleokekai; and their Aunt Joyce McKercher, who were seated in the gallery.

Representative Oshiro introduced the following Hawai'i Chapter of the American Mothers Inc. Awardee: Mother of the Year 2000, Mrs. Cheryl Ann Wailani Flores Chun, who was seated on the House floor, and her family: husband, Mr. Clayton Chun, and children Tara, Taran, Temple, Ti, Treasure, Truly, Truman and Trustin, who were seated in the gallery.

Representative Takai introduced the following Hawai'i Chapter of the American Mothers Inc. Awardee: Hawai'i State Honor Mother of the Year 2000, Mrs. Aileen Mehealani Hamamoto Ai, who was seated on the House floor, and her family: son Chad, Jr. (CJ); and mother, Mrs. Aileen Hamamoto, who were seated in the gallery.

Representative Takai then introduced the following Hawai'i Chapter of the American Mothers Inc. Awardee: State Merit Mother of the Year 2000, Mrs. Amy Arakawa Endo, who was seated on the House floor, and her family: husband, Mr. Edwin Endo; and son, Eddie; and her guests, father, Mr. Barney Arakawa, and friend from the American Optometric Association, Ms. Lisa Letoto, who were seated in the gallery.

At 12:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:26 o'clock p.m.

#### STANDING COMMITTEE REPORTS

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. 1109-00) recommending that H.C.R. No. 13, 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. 13, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF SUBMERGED LANDS AT DUKE KAHANAMOKU BEACH AT WAIKIKI, HONOLULU, OAHU, FOR PIER PURPOSES," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1110-00) recommending that H.C.R. No. 151, 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. 151, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A COMPREHENSIVE MASTER PLAN FOR KOKEE AND WAIMEA CANYON STATE PARKS," was referred to the

Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1111-00) recommending that H.C.R. No. 203, 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. 203, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING ALL STATE AND COUNTY AGENCIES TO ASSIST THE HEAD START PROGRAM TO OBTAIN LAND AND OTHER RESOURCES," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1112-00) recommending that H.R. No. 27, 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. 27, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A HAWAII FARMER'S MARKET," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1113-00) recommending that H.C.R. No. 24, 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. 24, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A HAWAII FARMER'S MARKET," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1114-00) recommending that H.R. No. 164, as amended in HD 1, 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.R. No. 164, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A PUBLIC-PRIVATE INTERAGENCY WORKING GROUP TO HELP LOW-INCOME FAMILIES BECOME SELF-SUFFICIENT," was referred to the Committee on Labor and Public Employment, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 1115-00) recommending that H.R. No. 8, 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.R. No. 8, HD 1, entitled: "HOUSE RESOLUTION REQUESTING CONTINUED DISCUSSION FOR A COMPREHENSIVE REVIEW OF CURRENT CHILD PROTECTION LAWS," was referred to

the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 1116-00) recommending that H.C.R. No. 10, 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. 10, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONTINUED DISCUSSION FOR A COMPREHENSIVE REVIEW OF CURRENT CHILD PROTECTION LAWS," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representatives Arakaki and Garcia, for the Committees on Human Services and Housing and Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1117-00) recommending that H.C.R. No. 67, 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. 67, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO INITIATE A COLLABORATIVE EFFORT WITH PRIVATE DEVELOPERS AND THE MILITARY TO DEVELOP AND ANALYZE OPTIONS TO PROVIDE LOW-INCOME HOUSING TO THE CIVILIAN AND MILITARY POPULATIONS," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1118-00) recommending that H.R. No. 72, 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. 72, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO DETERMINE THE MOST EFFICIENT WAY TO EDUCATE THE PEOPLE OF HAWAII ABOUT ORGAN DONATION AND HOW TO DISPEL THE MISCONCEPTIONS THAT PREVENT ORGAN DONATION," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1119-00) recommending that H.R. No. 3, 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. 3, entitled: "HOUSE RESOLUTION SUPPORTING CONTINUED FUNDING OF HAWAII HEALTHY START WITH GENERAL FUND APPROPRIATIONS," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1120-00) recommending that H.C.R. No. 4, 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. 4, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CONTINUED FUNDING OF HAWAII HEALTHY START WITH GENERAL FUND APPROPRIATIONS," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Santiago, for the Committee on Health, presented reports (Stand. Com. Rep. No. 1121-00 and Stand. Com. Rep. No. 1122-00) recommending that H.R. No. 99 and H.C.R. No. 110, be referred to the Committee on Judiciary and Hawai'ian Affairs.

Representative Case moved that the reports of the Committee be adopted and H.R. No. 99 and H.C.R. No. 110, be referred to the Committee on Judiciary and Hawai'ian Affairs, seconded by Representative Yonamine.

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

"Mr. Speaker, these resolutions have to do with convening a task force to study the implications of increased access to sterile syringes. I think we all believe that we need to address the crime problem, making sure that people aren't picking up diseases through syringes which are contaminated. This is something we want to address.

"My concern, Mr. Speaker, is that we need make sure at the same time that we do this, we need to make sure that we're doing everything to get people off drugs altogether. The last thing we want to do is to facilitate a person dying of an overdose from a sterile syringe. So sterile syringes are only half the equation because even with a sterile syringe you can do damage, you can die from illicit drug use. We also don't want to be in a position, as a state Legislature, we don't want to be in a position of being accused of aiding and abetting illicit drug use through this program.

"So at the same time that we support making sure that syringes and those kinds of things are addressed, we also want to do everything we can, Mr. Speaker, to make sure people aren't doing drugs at all. That's my reservation on this measure. Thank you, Mr. Speaker."

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

"I'd like to reassure the members that, in fact, this provides an access for referral to substance abuse treatment. And if there is anything this legislative body has been accused of, it has been leading the nation in a program that other states have tried emulate because of the success we have had in lowering our numbers of the spreading of disease and, in fact, helping many of these substance abusers get the help that they need.

"I have been to countless meetings where I had been questioned, as the Health Chair of this body, to the accolades of other states who say, they wish they could get these programs started in their state. The words of the previous speaker are very heartfelt. I do agree that we do not want, in any way, to encourage substance abuse. And I reassure him that this program does anything but that. Thank you, Mr. Speaker."

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

"One of the problems that I had with this program is it's not a needle-by-needle exchange. My experience, in my district, is that they give them out by the boxes. In doing so, I think that they are promoting the use of hard drugs. The needle exchange programs travel throughout my district so they can stay away from the police. There is a parking lot right in the middle of the whole town that was covered with needles, accessible to children. So the management of the program is suspect, in my view. I would hope that when the study is conducted that they



will look into the management of the program because I have some serious concerns about it."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 99, entitled: "HOUSE RESOLUTION CONVENING A TASK FORCE TO STUDY THE IMPLICATIONS OF INCREASED ACCESS TO STERILE SYRINGES," and H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO STUDY THE IMPLICATIONS OF INCREASED ACCESS TO STERILE SYRINGES," were referred to the Committee on Judiciary and Hawai'ian Affairs, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representatives Santiago and Ito, for the Committees on Health and Education, presented a joint report (Stand. Com. Rep. No. 1123-00) recommending that H.R. No. 90, 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.R. No. 90, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND EDUCATION TO ASSESS THE PREVALENCE OF HEAD LICE AND THE CURRENT USE OF CHEMICAL TREATMENT FOR HEAD LICE IN HAWAII'S SCHOOLS," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representatives Santiago and Ito, for the Committees on Health and Education, presented a joint report (Stand. Com. Rep. No. 1124-00) recommending that H.C.R. No. 101, 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. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND EDUCATION TO ASSESS THE PREVALENCE OF HEAD LICE AND THE CURRENT USE OF CHEMICAL TREATMENT FOR HEAD LICE IN HAWAII'S SCHOOLS," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representatives Santiago and Arakaki, for the Committees on Health and Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 1125-00) recommending that H.C.R. No. 51, 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. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO REQUIRE DETAILED JUSTIFICATION FROM THE HAWAII HEALTH SYSTEMS CORPORATION IN ANY CERTIFICATE OF NEED PROPOSAL TO REDUCE LONG-TERM CARE BEDS," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representatives Santiago and Arakaki, for the Committees on Health and Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 1126-00) recommending that H.C.R. No. 196, 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. 196, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DEVELOP AND IMPLEMENT A STATEWIDE, COMPREHENSIVE, AND EFFECTIVE

WORKING PLAN FOR PLACING QUALIFIED PERSONS WITH DISABILITIES IN THE MOST INTEGRATED SETTINGS POSSIBLE AND TO KEEP WAITING LISTS THAT MOVE AT A REASONABLE PACE," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 1127-00) recommending that H.R. No. 152, 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.R. No. 152, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY FUNDING SOURCES FOR THE EXPANSION OF EARLY CHILDHOOD EDUCATION AND CARE SERVICES," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 1128-00) recommending that H.C.R. No. 174, 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. 174, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY FUNDING SOURCES FOR THE EXPANSION OF EARLY CHILDHOOD EDUCATION AND CARE SERVICES," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1129-00) recommending that H.R. No. 171, 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. 171, entitled: "HOUSE RESOLUTION ENCOURAGING ALL STATE AND COUNTY AGENCIES TO ASSIST THE HEAD START PROGRAM TO OBTAIN LAND AND OTHER RESOURCES," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1130-00) recommending that H.R. No. 130, 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. 130, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A CITIZENS' ADVISORY COMMISSION TO REVIEW THE STATE'S ALA WAI GOLF COURSE REVITALIZATION PLAN," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1131-00) recommending that H.C.R. No. 148, 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. 148, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A CITIZENS' ADVISORY COMMISSION TO REVIEW THE STATE'S ALA WAI GOLF COURSE REVITALIZATION PLAN," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1132-00) recommending that H.R. No. 83, 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. 83, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A TEN-YEAR PLAN FOR TEACHER EDUCATION ON THE NEIGHBOR ISLANDS," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1133-00) recommending that H.C.R. No. 93, 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. 93, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A TEN-YEAR PLAN FOR TEACHER EDUCATION ON THE NEIGHBOR ISLANDS," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1134-00) recommending that H.R. No. 96, 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. 96, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII SPACE GRANT COLLEGE IN CONJUNCTION WITH THE UNIVERSITY OF HAWAII AT HILO, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO EXPAND THE SPACE CAMP PROGRAM ON THE BIG ISLAND," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1135-00) recommending that H.C.R. No. 107, 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. 107, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII SPACE GRANT COLLEGE IN CONJUNCTION WITH THE UNIVERSITY OF HAWAII AT HILO, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO EXPAND THE SPACE CAMP PROGRAM ON THE BIG ISLAND," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1136-00)

recommending that H.R. No. 166, 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. 166, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT PLANS BE DEVELOPED TO IDENTIFY POSSIBLE LOCATIONS FOR THE JOHN A. BURNS SCHOOL OF MEDICINE," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Morihara, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1137-00) recommending that H.C.R. No. 198, 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. 198, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT PLANS BE DEVELOPED TO IDENTIFY POSSIBLE LOCATIONS FOR THE JOHN A. BURNS SCHOOL OF MEDICINE," was referred to the Committee on Finance, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1138-00) recommending that H.R. No. 111, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 111, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was adopted, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1139-00) recommending that H.C.R. No. 127, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 127, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was adopted, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Takai, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1140-00) recommending that H.C.R. No. 135, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 135, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A SISTER STATE-RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE PROVINCE OF YUNNAN OF THE PEOPLE'S REPUBLIC OF CHINA," was adopted, with Representatives

Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented reports (Stand. Com. Rep. No. 1141-00 and Stand. Com. Rep. No. 1142-00), recommending that H.R. No. 46, and H.C.R. No. 41, be adopted.

Representative Case moved that the reports of the Committee be adopted and H.R. No. 46, and H.C.R. No. 41, be adopted, seconded by Representative Yonamine.

Representative Kaho'ohalahala rose to speak in support of the measures, stating:

"Thank you, Mr. Speaker. I just would like to thank all of the members of the House of Representatives for supporting these two resolutions that are seeking federal recognition for the native Hawai'ian people. Just in light of a lot of the recent challenges that have come forth, I hope you understand that this is the reason why this kind of support is needed in the Congress of the United States and that it will help to bring it into its proper place, and allow the Hawai'ian people, for the first time, to look at their own self-governance. I thank you all for your support. Mahalo."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 46, entitled: "HOUSE RESOLUTION SUPPORTING FEDERAL RECOGNITION OF A HAWAIIAN NATION," and H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING FEDERAL RECOGNITION OF A HAWAIIAN NATION," were adopted, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1143-00) recommending that H.R. No. 71, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 71, entitled: "HOUSE RESOLUTION COMMEMORATING THE CENTENNIAL OF THE ORGANIC ACT," was adopted, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1144-00) recommending that H.C.R. No. 27, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION COMMEMORATING THE CENTENNIAL OF THE ORGANIC ACT," was adopted, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1145-00) recommending that H.R. No. 139, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 139, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ADOPT RULES TO REGULATE THE IMPORTATION OF CACAO BEANS INTO THE STATE," was adopted, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1146-00) recommending that H.C.R. No. 159, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 159, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ADOPT RULES TO REGULATE THE IMPORTATION OF CACAO BEANS INTO THE STATE," was adopted, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

Representative Takai, for the Committee on Culture and the Arts, presented reports (Stand. Com. Rep. No. 1147-00 and Stand. Com. Rep. No. 1148-00) recommending that H.R. No. 172, as amended in HD 1, and H.C.R. No. 204, as amended in HD 1, be adopted.

Representative Case moved that the reports of the Committee be adopted and H.R. No. 172, HD 1, and H.C.R. No. 204, HD 1, be adopted, seconded by Representative Yonamine.

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

Representative Yoshinaga's remarks are as follows:

"I rise in support of these measures and ask that the members support the Honolulu Japanese Chamber of Commerce (HJCC) in conjunction with the HJCC celebration of its Centennial anniversary. The Chamber is committed to working effectively with other organizations in the community. Its proven track record will assure its ability to accomplish the celebration activities that underscore the HJCC's commitment to revitalize the Mo'ili'ili area and rededicate the Chamber's history for the benefit of the younger generation and all members of the community. A review of the target population served by their request shows their dedication of purpose: the people of Hawai'i, primarily those interested in promoting international relations; goodwill; and business relations with Japan; the Mo'ili'ili area and areas to include the University of Hawai'i and the East-West Center; the Japan Top 30 Companies in Hawai'i that provided over 15,000 jobs in the community; and the diverse membership of the Chamber.

"The Honolulu Japanese Chamber of Commerce has greatly contributed for 100 years to our State as an organization serving the diverse economic, social and cultural needs of four generations of Japanese in Hawai'i as well as the larger island society. I believe their request is a most worthy one and your support will show the State's appreciation for their goodwill and continuing efforts.

"Thank you for your consideration on this matter."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 172, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE HONOLULU JAPANESE CHAMBER OF COMMERCE IN ITS CENTENNIAL YEAR," and H.C.R. No. 204, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HONOLULU JAPANESE CHAMBER OF COMMERCE IN ITS CENTENNIAL YEAR," were adopted with, with Representatives Kahikina, Meyer, Morihara, Nakasone and Okamura being excused.

## ANNOUNCEMENTS

Representative Thielen rose to wish her colleagues a Happy April Fool's Day to be celebrated on Saturday, April 1, 2000

and offered her humorous observations with regard to legislative activities.

Representative Herkes: "Back to the real world. As you know, on Tuesday, when Dr. Buzz Aldrin is here, there's going to be a program in the morning from 8:30 o'clock a.m. to about 11:00 o'clock for the benefit of school children grades four through eight. It's going to be very interesting. The kids are involved in space studies. They're going to have their displays here, and they can interact with Dr. Aldrin. There is more room in the auditorium for those members whose children or grandchildren are in elementary or intermediate school. We'd be happy to have them if you'll just call my office. We need their names and their schools so the schools can be recognized. We would also ask that they be accompanied by an adult and have name tags. So we would encourage more children to attend this event. Thank you."

Representative Santiago: "Thank you, Mr. Speaker. Some of you may have already seen the memo that I sent out, but on Monday, right after session, we will be having an announcement regarding the Puerto Rican Centennial Celebration and the kick-off of our annual event. We will be offering lunch for all the members. But for those of you who do intend to come and partake of the ethnic foods that are being prepared this weekend, we do need a headcount. So I would please ask you to call my office to let us know. Thank you, Mr. Speaker."

Representative Takai: "Thank you, Mr. Speaker. I just wanted to make an announcement regarding the House Foodbank Drive and just make mention of the fact that we are going to have that Walk/Run in a few days. And the deadline for waiver forms is today. Also I believe this is going to go on till Friday, April 14, 2000. So I'd encourage all the members as well as the staff people to participate in a whole slew of different activities in encouraging support for this effort. Thank you very much."

Representative Kanoho: "Thank you, Mr. Speaker. I would like to thank Representative Thielen for her resolution which was spoken with the true wisdom of the Party that she represents."

Representative Thielen: "Thank you, Mr. Speaker. I would like to acknowledge all the wonderful Democrats that helped to participate in putting in some of the 'whereas' clauses. Thank you very much."

#### ADJOURNMENT

At 12:40 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., Monday, April 3, 2000. (Representatives Chang, Goodenow, Kahikina, Morihara, Nakasone, Okamura, Saiki, Souki and Yamane were excused.)

## FORTY-FOURTH DAY

Monday, April 3, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 11:41 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Terry Nui Yoshinaga, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Cachola, Halford, Kaho'ohalahala, Okamura, Rath, Stegmaier and Whalen, who were excused.

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

## INTRODUCTIONS

Representative Takai introduced students from Pearl Ridge Elementary School and their teacher Mr. Neil Honda.

Representative Santiago introduced the Puerto Rican Community Centennial Celebration Commissioners: Ms. Faith Evans, Chair; Ms. Nancy Ortiz, Vice-Chair; Ms. Norma Carr; Mr. LeRoy Corniel; Dr. Austin Dias; Ms. Patricia Koga; Ms. Eleanor Morita; Ms. Karen Motosue; Mr. Raymond Pagan; Mr. Joe Perez; Mr. Angel Santiago-Cruz; and Mr. Jose Villa. Also, Mr. Daniel Sanchez, President, United Puerto Rican Association; Ms. Shirley L. Colon, President, Puerto Rican Heritage Society; Ms. Dolores Bio, Maui Puerto Rican Association; Mr. Robert Castillo, Director, Kauai Chapter, Puerto Rican Heritage Society; Mr. Anthony Dias, Director, Hawai'i Chapter, Puerto Rican Heritage Society; Ms. Eve Sumic, President, Kohala Puerto Rican Association; and Ms. Karen Yasui and Mr. Jason Oshiro of Clarence Lee & Associates.

Representative Thielen introduced former Lieutenant Governor Jean King, and Mr. Richard Port.

Representative Oshiro introduced Mr. Tom Gill, Mr. Kekoa Kaapu, and Mrs. Ah Quon McElrath.

Representative Takumi introduced Mr. Wayne Cahill and Ms. Lucy Witeck of the Hawai'i Newspaper Guild.

Representative Leong introduced Ms. Blaise Souza and Ms. Wilma Farrell from Aina Haina.

## ANNOUNCEMENT

Representative Case made an early announcement to inform the Majority Members of a Majority Caucus immediately following today's floor session.

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 174) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 174, transmitting copies of An Inquiry into Youth Crime and Violence in Hawai'i.

## SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 385) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 385, informing the House that on March 30, 2000, the Senate disagreed to the amendments proposed by the House in S.B. 2769, HD 1. A letter transmitted on March 30, 2000, inadvertently reflected the wrong bill number, S.B. 2024, HD 1.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following resolutions and concurrent resolutions were re-referred to committee by the Speaker, as follows:

H.R.  
Nos.Re-referred to:

- 47 Committee on Human Services and Housing, then to the Committee on Finance
- 108 Committee on Education
- 117 Committee on Water and Land Use, then to the Committee on Finance

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

- 42 Committee on Human Services and Housing, then to the Committee on Finance
- 62 Committee on Labor and Public Employment, then to the Committee on Finance
- 123 Committee on Education
- 133 Committee on Water and Land Use, then to the Committee on Finance
- 184 Jointly to the Committee on Human Services and Housing and the Committee on Labor and Public Employment, then to the Committee on Finance

The following Senate Bill was re-referred to committee by the Speaker, as follows:

S.B.  
No.Re-referred to:

- 2112 Committee on Finance

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 189 and 190) were received and announced by the Clerk and the following actions taken:

H.R. No. 189, entitled: "HOUSE RESOLUTION RECOGNIZING THE FORTY-EIGHTH ANNUAL CHERRY BLOSSOM FESTIVAL AND CONGRATULATING VAIL SOYO MATSUMOTO AS THE 2000 CHERRY BLOSSOM QUEEN, MEMBERS OF HER COURT, AND FESTIVAL ORGANIZERS," was jointly offered by Representatives Takai and Marumoto.

On motion by Representative Takai, seconded by Representative Marumoto and carried, H.R. No. 189 was adopted with Representatives Ahu Isa, Cachola, Catalani, Halford, Herkes, Kaho'ohalahala, Luke, Nakasone, Okamura, Rath, Stegmaier and Takumi being excused.

Representative Takai introduced Mr. Leo R. Asuncion, President of the Honolulu Japanese Junior Chamber of Commerce, who was seated in the gallery.

Representative Marumoto introduced the following honorees who were seated on the House floor:

Ms. Vail Soyo Matsumoto, Queen of the year 2000 Cherry Blossom Festival;

Ms. Neysa Dee Park, First Princess of the year 2000 Cherry Blossom Festival;

Ms. Sheri Reiko Sakagawa, Princess of the year 2000 Cherry Blossom Festival;

Ms. Vicky Ayako Toma, Princess of the year 2000 Cherry Blossom Festival;

Ms. Shirley Yamauchi, Princess and Miss Congeniality of the year 2000 Cherry Blossom Festival; and

Ms. Shelliann Aiko Kawamoto, Princess and Miss Popularity of the year 2000 Cherry Blossom Festival.

H.R. No. 190, entitled: "HOUSE RESOLUTION HONORING THE WORLD WAR II VETERANS OF THE 100TH INFANTRY BATTALION (SEPARATE) AND THE 442ND REGIMENTAL COMBAT TEAM," was offered by Representative Yoshinaga.

On motion by Representative Yoshinaga, seconded by Representative Oshiro and carried, H.R. No. 190 was adopted with Representatives Ahu Isa, Cachola, Catalani, Halford, Herkes, Kaho'ohalahala, Luke and Nakasone being excused.

At this time Representative Yoshinaga introduced the following honorees who were seated on the House floor:

Mr. Don Shimazu, President of the 442nd Veterans Club;

Mr. Shigeo Kawamoto, member of the 442nd Veterans Club;

Mr. Don Matsuda, President of Club 100;

Mr. Sakae Takahashi, member of Club 100; and

Mr. Rikio Tsuda, member of Club 100.

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 12:23 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1149-00) recommending that S.B. No. 2750, SD 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 S.B. No. 2750, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, INFORMATION AND COMMUNICATION SERVICES DIVISION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Meyer, Okamura, Rath, Whalen and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1150-00) recommending that S.B. No. 2858, SD 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 S.B. No. 2858, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE MEDICAL ASSISTANCE PROGRAM," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Meyer, Okamura, Rath, Whalen and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1151-00) recommending that S.B. No. 2877, SD 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 S.B. No. 2877, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD AND ADOLESCENT MENTAL HEALTH," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Meyer, Okamura, Rath, Whalen and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1152-00) recommending that S.B. No. 2791, 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 S.B. No. 2791, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO PAY THE SHARE OF HEALTH INSURANCE CARRIER REFUND AND RATE CREDIT AMOUNTS DUE TO THE FEDERAL GOVERNMENT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Meyer, Okamura, Rath, Whalen and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1153-00) recommending that S.B. No. 2883, SD 2, 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 S.B. No. 2883, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE'S MEDICAID HOME AND COMMUNITY BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED OR MENTALLY RETARDED PROGRAM," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Meyer, Okamura, Rath, Whalen and Yoshinaga being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1154-00) recommending that H.R. No. 62, 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. 62, entitled: "HOUSE

RESOLUTION ADOPTING AND ACHIEVING A POLICY GOAL THAT BY THE YEAR 2004 NINETY PERCENT OF STUDENTS IN PUBLIC ELEMENTARY SCHOOLS READ AT OR ABOVE GRADE LEVEL BY THE END OF THE THIRD GRADE," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1155-00) recommending that H.C.R. No. 71, 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. 71, entitled: "HOUSE CONCURRENT RESOLUTION ADOPTING AND ACHIEVING A POLICY GOAL THAT BY THE YEAR 2004 NINETY PERCENT OF STUDENTS IN PUBLIC ELEMENTARY SCHOOLS READ AT OR ABOVE GRADE LEVEL BY THE END OF THE THIRD GRADE," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1156-00) recommending that H.R. No. 109, 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. 109, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A METHOD BY WHICH STUDENTS MAY PROVIDE FEEDBACK TO TEACHERS REGARDING THEIR EDUCATION IN THE CLASSROOM," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1157-00) recommending that H.C.R. No. 124, 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. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A METHOD BY WHICH STUDENTS MAY PROVIDE FEEDBACK TO TEACHERS REGARDING THEIR EDUCATION IN THE CLASSROOM," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1158-00) recommending that H.R. No. 143, 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. 143, HD 1, entitled: "HOUSE RESOLUTION URGING CPR TRAINING IN HIGH SCHOOLS," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1159-00) recommending that H.C.R. No. 163, 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. 163, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CPR TRAINING IN HIGH SCHOOLS," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1160-00) recommending that H.C.R. No. 152, be referred to the Committee on Legislative Management.

Representative Case moved that the report of the Committee be adopted and H.C.R. No. 152, be referred to the Committee on Legislative Management, seconded by Representative Yonamine.

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

"What this measure calls for is for each one of us as legislators to do all that we can in our own communities for our own community schools. I have been sitting on the Education Committee for many years and I have realized that we really have a chance to be a catalyst for change in our own districts by working and encouraging people to come out for School and Community Based Management meetings. Our SCBM's are lagging in most of our schools and I would like to encourage the best possible performance on the part of everyone involved. I commend the individuals who thought of authoring this resolution and I appreciate it very much. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 152, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING LEGISLATORS TO FOSTER COMMUNITY SUPPORT OF PUBLIC SCHOOLS," was referred to the Committee on Legislative Management, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1161-00) recommending that H.R. No. 142, 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. 142, entitled: "HOUSE RESOLUTION ASSESSING THE COSTS AND BENEFITS OF ESTABLISHING AN ANNUAL RETAIL TAX HOLIDAY IN HAWAII," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1162-00) recommending that H.C.R. No. 162, 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. 162, entitled: "HOUSE CONCURRENT RESOLUTION ASSESSING THE COSTS AND BENEFITS OF ESTABLISHING AN ANNUAL RETAIL TAX HOLIDAY IN HAWAII," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

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

Com. Rep. No. 1163-00) recommending that H.C.R. No. 84, 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. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A RULE DRAFTING POLICY TASK FORCE," was referred to the Committee on Consumer Protection and Commerce, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1164-00) recommending that H.R. No. 18, 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. 18, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF LEGISLATION FOR THE REGULATION OF THE PROFESSION OF CERTIFIED PUBLIC ACCOUNTANCY THAT IS CONSISTENT WITH THE STANDARDS OF THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS AND THE UNIFORM ACCOUNTANCY ACT AS RECOMMENDED BY THE NATIONAL ASSOCIATION OF STATE BOARDS OF ACCOUNTANCY," was referred to the Committee on Consumer Protection and Commerce, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1165-00) recommending that H.C.R. No. 18, 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. 18, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF LEGISLATION FOR THE REGULATION OF THE PROFESSION OF CERTIFIED PUBLIC ACCOUNTANCY THAT IS CONSISTENT WITH THE STANDARDS OF THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS AND THE UNIFORM ACCOUNTANCY ACT AS RECOMMENDED BY THE NATIONAL ASSOCIATION OF STATE BOARDS OF ACCOUNTANCY," was referred to the Committee on Consumer Protection and Commerce, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1166-00) recommending that H.C.R. No. 81, be referred to the Committee on Legislative Management.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 81, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE THIRD FRIDAY OF SEPTEMBER AS LEGISLATORS BACK-TO-SCHOOL DAY IN HAWAII," was referred to the Committee on Legislative Management, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1167-00)

recommending that H.C.R. No. 186, 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. 186, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION TO ALLOW OUTRIGGER CANOE PADDLING TO BE A SANCTIONED SCHOOL SPORT STATEWIDE," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1168-00) recommending that H.R. No. 17, 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. 17, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE INCORPORATION OF CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN STANDARDS IN ALL NEW AND RENOVATED BUILDINGS OF THE PUBLIC SCHOOL AND LIBRARY SYSTEMS," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1169-00) recommending that H.C.R. No. 17, 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. 17, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INCORPORATION OF CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN STANDARDS IN ALL NEW AND RENOVATED BUILDINGS OF THE PUBLIC SCHOOL AND LIBRARY SYSTEMS," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1170-00) recommending that H.C.R. No. 78, 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. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF DEVELOPING SEVEN FALLS AND ADJOINING AREAS INTO A TOURIST ATTRACTION," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1171-00) recommending that H.C.R. No. 192, 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. 192, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION INTO THE ACQUISITION OF NO. 1



CAPITOL DISTRICT BY THE STATE," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1172-00) recommending that H.R. No. 37, 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. 37, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE STATE OF HAWAII TO ACQUIRE TWO PARCELS OF LAND ADJACENT TO LIMAHULI STREAM ON THE ISLAND OF KAUAI FOR THE PRESERVATION OF IMPORTANT CULTURAL RESOURCES AND THEIR INCORPORATION INTO HA'ENA STATE PARK," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1173-00) recommending that H.R. No. 73, 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. 73, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ACQUIRE KAWAEWAE HEIAU IN KANEOHE, OAHU, AND TO PURSUE PLACING THE SITE ON THE STATE HISTORIC REGISTER," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1174-00) recommending that H.C.R. No. 79, 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. 79, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ACQUIRE KAWAEWAE HEIAU IN KANEOHE, OAHU, AND TO PURSUE PLACING THE SITE ON THE STATE HISTORIC REGISTER," was referred to the Committee on Finance with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1175-00) recommending that H.R. No. 137, 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. 137, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH SERVICE PROVIDERS AND THE DEPARTMENT OF HEALTH TO DETERMINE A REASONABLE RENTAL FEE TO IMPROVE INFRASTRUCTURE ON THE WAIMANO TRAINING SCHOOL AND HOSPITAL GROUNDS," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1176-00) recommending that H.C.R. No. 39, 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. 39, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH SERVICE PROVIDERS AND THE DEPARTMENT OF HEALTH TO DETERMINE A REASONABLE RENTAL FEE TO IMPROVE INFRASTRUCTURE ON THE WAIMANO TRAINING SCHOOL AND HOSPITAL GROUNDS," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1177-00) recommending that H.C.R. No. 31, 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. 31, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE STATE OF HAWAII TO ACQUIRE TWO PARCELS OF LAND ADJACENT TO LIMAHULI STREAM ON THE ISLAND OF KAUAI FOR THE PRESERVATION OF IMPORTANT CULTURAL RESOURCES AND THEIR INCORPORATION INTO HA'ENA STATE PARK," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1178-00) recommending that H.R. No. 4, 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. 4, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEVELOPMENT OF PROTOCOLS AND THE SPECIAL TRAINING OF PARAMEDICS IN THE TREATMENT OF DOMESTIC VIOLENCE PATIENTS," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1179-00) recommending that H.C.R. No. 5, 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. 5, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF PROTOCOLS AND THE SPECIAL TRAINING PARAMEDICS IN THE TREATMENT OF DOMESTIC VIOLENCE PATIENTS," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1180-00) recommending that H.C.R. No. 111, 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. 111, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A PROGRAM AND FINANCIAL AUDIT OF THE DEPARTMENT OF HEALTH'S ADULT MENTAL HEALTH DIVISION," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1181-00) recommending that H.C.R. No. 193, 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. 193, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA TO LEAD THE NATION AND IMMEDIATELY ADDRESS THE PROBLEM OF HIGH COST OF PRESCRIPTION DRUGS FOR ALL AMERICANS," was referred to the Committee on Consumer Protection and Commerce, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1182-00) recommending that H.C.R. No. 38, 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. 38, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO REVIEW AND EVALUATE THE LICENSING REQUIREMENTS FOR PSYCHOLOGISTS," was referred to the Committee on Consumer Protection and Commerce, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1183-00) recommending that H.R. No. 75, 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. 75, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A SURVEY TO ASSESS THE AVAILABILITY AND POSSIBLE BARRIERS OF NATIVE HAWAIIAN PLANTS IN LOCAL NURSERIES FOR USE IN PUBLIC LANDSCAPING PROJECTS AND/OR OTHER COMMERCIAL PROJECTS," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1184-00) recommending that H.C.R. No. 83, 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. 83, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SURVEY TO ASSESS THE AVAILABILITY AND POSSIBLE BARRIERS OF NATIVE HAWAIIAN PLANTS IN LOCAL NURSERIES FOR USE IN PUBLIC LANDSCAPING PROJECTS AND/OR COMMERCIAL PROJECTS," was referred to the Committee on Finance, with

Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1185-00) recommending that H.R. No. 125, 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. 125, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A WORKING GROUP TO IDENTIFY POTENTIAL SOURCES OF PERMANENT DEDICATED FUNDING AND FUNDING NEEDS OF THE NATURAL AREA RESERVES SYSTEM," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1186-00) recommending that H.C.R. No. 143, 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. 143, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A WORKING GROUP TO IDENTIFY POTENTIAL SOURCES OF PERMANENT DEDICATED FUNDING AND FUNDING NEEDS OF THE NATURAL AREA RESERVES SYSTEM," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1187-00) recommending that H.R. No. 124, as amended in HD 1, 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.R. No. 124, HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES GOVERNMENT TO TAKE APPROPRIATE ACTION TO ADDRESS THE SERIOUS ENVIRONMENTAL AND PUBLIC HEALTH PROBLEMS POSED BY THE TOXIC WASTES LEFT BEHIND AT FORMER UNITED STATES MILITARY INSTALLATIONS IN THE PHILIPPINES," was referred to the Committee on Public Safety and Military Affairs, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1188-00) recommending that H.C.R. No. 141, as amended in HD 1, 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.C.R. No. 141, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO TAKE APPROPRIATE ACTION TO ADDRESS THE SERIOUS ENVIRONMENTAL AND PUBLIC HEALTH PROBLEMS POSED BY THE TOXIC WASTES LEFT BEHIND AT FORMER UNITED STATES MILITARY INSTALLATIONS IN THE PHILIPPINES," was referred to the Committee on Public Safety and Military Affairs, with Representatives Ahu

Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1189-00) recommending that H.R. No. 105, 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. 105, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO CREATE A MASTER PLAN FOR FLOOD MITIGATION FOR WAIMANALO," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1190-00) recommending that H.C.R. No. 120, 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. 120, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO CREATE A MASTER PLAN FOR FLOOD MITIGATION FOR WAIMANALO," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1191-00) recommending that H.R. No. 153, 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. 153, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO ISSUE AN ADMINISTRATIVE DIRECTIVE IN ACCORDANCE TO THE PRESIDENT OF THE UNITED STATES'S EXECUTIVE ORDER 13123, GREENING THE GOVERNMENT THROUGH EFFICIENT ENERGY MANAGEMENT," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1192-00) recommending that H.C.R. No. 175, 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. 175, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO ISSUE AN ADMINISTRATIVE DIRECTIVE IN ACCORDANCE TO THE PRESIDENT OF THE UNITED STATES'S EXECUTIVE ORDER 13123, GREENING THE GOVERNMENT THROUGH EFFICIENT ENERGY MANAGEMENT," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep.

No. 1193-00) recommending that H.R. No. 6, 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. 6, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1194-00) recommending that H.C.R. No. 7, 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. 7, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1195-00) recommending that H.C.R. No. 8, 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. 8, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO STUDY THE FEASIBILITY OF ESTABLISHING A DRUG COURT IN THE THIRD DISTRICT," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1196-00) recommending that H.C.R. No. 57, 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. 57, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY CONCERNING CRIMINAL HISTORY RECORD CHECKS," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1197-00) recommending that H.R. No. 117, 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. 117, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE HAWAII TOURISM AUTHORITY DISCUSS THE CONDITIONS OF SELECTED STATE PARK RESTROOM FACILITIES," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1198-00)

recommending that H.C.R. No. 133, 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. 133, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE HAWAII TOURISM AUTHORITY DISCUSS THE CONDITIONS OF SELECTED STATE PARK RESTROOM FACILITIES," was referred to the Committee on Finance, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath, Takai and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented reports (Stand. Com. Rep. No. 1199-00 and Stand. Com. Rep. No. 1200-00) recommending that H.R. No. 80 and H.C.R. No. 87, be adopted.

Representative Case moved that the reports of the Committee be adopted and H.R. No. 80 and H.C.R. No. 87, be adopted, seconded by Representative Yonamine.

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

"These are very important resolutions because they stand for very basic principles in our democracy, which are that more information is better than less, and that a diversity of opinion is much better than homogeneity. These resolutions simply ask the owner of the Honolulu Star-Bulletin to do everything possible to maintain the Honolulu Star-Bulletin in operation and thus preserve two statewide daily newspapers in Hawai'i. These resolutions are not about whether the Star-Bulletin is a better newspaper than the Advertiser, or vice-versa, or whether either of them is better than any other media outlet in Hawai'i. They are about maintaining a system of checks and balances in the media, and they are about expressing the joint bipartisan consensus of this House that consolidation of the media industry that is going on nationally and the risk of monopolization of information, and more importantly, thought, is one of the principal threats to our representative democracy today. So I ask all members to support these resolutions and to also join me in expressing a debt of gratitude to the organization Save Our Star-Bulletin, again a broad, joint, bipartisan consensus within our community, which kept this issue in the forefront of the public debate and has taken the laboring oar in trying to maintain the Star-Bulletin as a viable daily. Thank you."

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

"It is not often that a politician stands up in support of a media publication. It is only because, some of us believe that the papers and television broadcasts take unfair note of the actions that we do here at the Legislature. But then again they are not in the business of promoting politicians, a political party, or a particular point of view. They actually represent what we are led to believe, to be the independent voice and thought of the public. For the very same concerns raised by the previous speaker, these two resolutions are very important in that Hawai'i has also become a model of sorts for the rest of the nation, when it comes to the preservation of independent editorial voices. I note for the membership the actions taken by a judge with respect to the impending sale of the San Francisco Chronicle. That jurisdiction has encouraged them to look to Hawai'i to see what inspiration they can take from the battle that is being waged against the closure of the Honolulu Star-Bulletin. I believe for the very same reasons that the previous speaker has mentioned, that these two resolutions are very important and that we should seek further support for them as it moves along. Thank you."

Representative Pendleton then rose to speak in support of the measure, and asked that the remarks of Representatives Case and Garcia be entered into the Journal as his own and the Chair "so ordered". (By reference only.)

Representative Pendleton continued, stating:

"One of the most exciting classes I took in law school was on the First Amendment. One of the things that we learned in that class was that the marketplace of ideas requires various actors and parties to be involved because a single voice is no market at all. One of the most important things we do here in this body, is gather information and disseminate information. This would include information about issues that affect our families and information about intricacies of various bills. The Star-Bulletin plays a crucial role in order to bring information to us and to take information to our constituents about what is going on here at the legislature. Because of this I am in strong support of this measure.

"As the gentlemen from Manoa Valley said, it is not that one paper is better than the other, but we do know that two papers is better than just one, and therefore it is very, very important to do everything that we can to keep competition in the marketplace of ideas. More importantly is the effort to make sure we have more than one newspaper to bring our ideas here and to take ideas to the public.

"I learned a great deal from the Judiciary and Hawai'ian Affairs hearing the other day and it was very helpful to have individuals who were involved with Save Our Star-Bulletin to share with us the various facts and intricacies of what is going on. One of the questions that I asked during the hearing was, 'Is there more that we can do other than just pass a resolution?' The answer in short was 'Not at this point'. I would at least like to see this body stand strong in making sure that we do everything that we can both in terms of public policy and in just speaking out, using our offices as pulpits at which to preach of the value of having a diversity of views and ideas. Thank you very much, Mr. Speaker."

Representative Saiki then rose to declare a potential conflict of interest, stating:

"I work for a law office that represents the Save Our Star-Bulletin organization", and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 80, entitled: "HOUSE RESOLUTION URGING LIBERTY NEWSPAPERS TO CONTINUE PUBLICATION OF THE HONOLULU STAR-BULLETIN AND TO ACTIVELY SEEK A BUYER TO PRESERVE TWO INDEPENDENT DAILY NEWSPAPERS IN THE COMMUNITY," and H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION URGING LIBERTY NEWSPAPERS TO CONTINUE PUBLICATION OF THE HONOLULU STAR-BULLETIN AND TO ACTIVELY SEEK A BUYER TO PRESERVE TWO INDEPENDENT DAILY NEWSPAPERS IN THE COMMUNITY," were adopted with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen being excused.

Representative Takumi, for the Committee on Ocean Recreation and Marine Resources, presented reports (Stand. Com. Rep. No. 1201-00 and Stand. Com. Rep. No. 1202-00) recommending that H.R. No. 91 and H.C.R. No. 102, be adopted.

Representative Case moved that the reports of the Committee be adopted and H.R. No. 91 and H.C.R. No. 102, be adopted, seconded by Representative Yonamine.

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

"This legislative measure aimed at protecting baby monk seals in the Northwestern Hawai'ian Islands, tries to do so by focusing its efforts on one factor that is believed to be the cause of juvenile monk seal mortality. By singling out just one of the seals' food sources, a source whose importance in the seals' diet is not yet determined. This measure ignores other well documented causes of monk seal mortality. The result is a measure that reflects this Legislature's unwillingness to consider the tougher questions in favor of a resolution that is simplistic and easy to enact.

"Monk seals are opportunistic feeders. Scientific data shows that they eat lobsters as well as many other fish. What the data does not show us is, what percent of their diet is made up of lobsters. It speculates that in some areas the percentage could be significant. The measure before this House today is predicated on this speculation. On speculation alone we are passing this resolution which will put many fisherman out of work. Our Committee heard testimony on this measure of other scientific data that is based on direct observation, not speculation. Shark predation and aggressive behavior by male monk seals are known, observable causes of juvenile monk seal mortality which can be quantified. These two factors which account for the majority of young monk seal deaths, are ignored entirely in this resolution.

"Sharks are opportunistic feeders also. Monk seals and turtles are among their favorite diet items. Sharks patrol the beaches where monk seals whelp and where the pups are raised. Data from direct observation, not speculation, but watching and counting has shown that sharks account for up to 50 percent of the juvenile monk seal mortalities in areas off the whelping beaches. These are significant mortality percentages not addressed in the measure before you today. The Marine Mammal Commission and Monk Seal Recovery Team have both asked for controlled shark removal programs to help the endangered Hawai'ian monk seal.

"Monk seals themselves are another observed documented factor in the mortality of their own young. Aggressive adult males engage in the behavior of mobbing females and mounting juvenile animals. Some adult females die because of this behavior. But this is most damaging to the young who are crushed and drowned. In 1997, eight young pups at French Frigate Shoals were seen to have died from being attacked by aggressive males. In a paper presented at the Marine Mammal Conference in 1999, the observed result of removing aggressive males from Laysan Island to Johnston Atoll was a decrease in mounting injury and death of juveniles on the island. Shark removal and seal translocation are more expensive and effective ways of dealing with the problem of juvenile monk seal mortality than closing the lobster fishery.

"In opposing this measure I do not mean to indicate that this is a case of needing to wait for more data before making a decision. Rather, it is a case of this Legislature ignoring data which is placed in front of us in favor of enacting a more economic gesture aimed at solving the problem instead of a solution based on known causes of juvenile monk seal mortality. Thank you, Mr. Speaker."

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

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

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

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

Representative Souki 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 asked that the remarks of Representative Meyer be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

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."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 91, entitled: "HOUSE RESOLUTION REQUESTING THE NATIONAL MARINE FISHERIES SERVICE TO CLOSE THE NORTHWESTERN HAWAIIAN ISLANDS LOBSTER FISHERY TO PROTECT THE ENDANGERED HAWAIIAN MONK SEAL," and H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NATIONAL MARINE FISHERIES SERVICE TO CLOSE THE NORTHWESTERN HAWAIIAN ISLANDS LOBSTER FISHERY TO PROTECT THE ENDANGERED HAWAIIAN MONK SEAL," were adopted with Representatives Halford, Kanoho, Leong, Marumoto, Meyer, Moses, Pendleton and Souki voting no and Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1203-00) recommending that H.C.R. No. 75, HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 75, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO INCORPORATE INTO THE COUNTY BUILDING CODES PROVISIONS FOR DISABILITY ACCESSIBILITY," was adopted, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1204-00) recommending that H.R. No. 44, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 44, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE SUPPORT OF THE TWENTIETH LEGISLATURE OF THE STATE OF HAWAII FOR THE RESPONSIBLE USE OF AGRICULTURAL BIOTECHNOLOGY FOR THE BENEFIT OF HAWAII'S PEOPLE," was adopted, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1205-00) recommending that H.C.R. No. 37, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 37, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPPORT OF THE TWENTIETH LEGISLATURE OF THE STATE OF HAWAII FOR THE RESPONSIBLE USE OF AGRICULTURAL BIOTECHNOLOGY FOR THE BENEFIT OF HAWAII'S PEOPLE," was adopted, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1206-00) recommending that H.R. No. 116, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 116, entitled: "HOUSE RESOLUTION ENCOURAGING STATE AGENCIES TO WORK COOPERATIVELY TO ALLOW PUBLIC ACCESS TO HAIKU STAIRS," was adopted, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1207-00) recommending that H.C.R. No. 132, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING STATE AGENCIES TO WORK COOPERATIVELY TO ALLOW PUBLIC ACCESS TO HAIKU STAIRS," was adopted, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen being excused.

Representative Cachola, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1208-00) recommending that H.C.R. No. 55, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO PROVIDE A STATUS REPORT ON THE RELOCATION OF THE CITY AND COUNTY OF HONOLULU'S BASEYARD FACILITIES FROM THE KAKAAKO MAKAI AREA," was adopted, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1209-00) recommending that S.B. No. 2283, SD 1, 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 S.B. No. 2283, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1210-00) recommending that S.B. No. 2766, SD 1, 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 S.B. No. 2766, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen being excused.

Representative Yonamine moved to keep the Journal open until 6:00 o'clock p.m. this legislative day for the purpose of receiving Standing Committee Reports and House Resolutions and House Concurrent Resolutions attached thereto, seconded by Representative Pendleton and carried. (Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen were excused.)

Representative Yonamine then moved that all Standing Committee Reports received by the Clerk up to 6:00 o'clock p.m. this legislative day be adopted and that the House Resolutions and House Concurrent Resolutions attached thereto proceed to their designated committees, seconded by Representative Pendleton and carried. (Representatives Ahu Isa, Cachola, Herkes, Kaho'ohalahala, Luke, Okamura, Rath and Whalen were excused.)

At 12:40 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Standing Committee Reports.

#### STANDING COMMITTEE REPORTS

The following Standing Committee Reports (Stand. Com. Rep. Nos. 1211 through 1261) were received in the Clerk's Office up to 6:00 o'clock p.m. this legislative day and in accordance with the motion made earlier, said Standing Committee Reports were adopted and all House Resolutions and House Concurrent Resolutions accompanying said Standing Committee Reports were referred to the committees designated on said Standing Committee Reports:

Stand. Com. Rep. No. 1211-00 (HSH/EDN) was adopted and H.R. No. 63, as amended in HD 1, entitled: "HOUSE RESOLUTION EXPEDITING THE FINAL PLANNING AND IMPLEMENTATION OF ACT 367, SESSION LAWS OF HAWAII, 1989," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1212-00 (HSH/EDN) was adopted and H.C.R. No. 72, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPEDITING THE FINAL PLANNING AND IMPLEMENTATION OF ACT 367, SESSION LAWS OF HAWAII, 1989," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1213-00 (HSH) was adopted and H.R. No. 65, as amended in HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF THE ATTORNEY GENERAL AND THE DEPARTMENT OF JUSTICE TO CONDUCT AN INVESTIGATION INTO THE "PETER BOY" KEMA CASE," was referred to the Committee on Judiciary and Hawai'ian Affairs.

Stand. Com. Rep. No. 1214-00 (HSH) was adopted and H.C.R. No. 74, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF THE ATTORNEY GENERAL AND THE DEPARTMENT OF JUSTICE TO CONDUCT AN INVESTIGATION INTO THE "PETER BOY" KEMA CASE," was referred to the Committee on Judiciary and Hawai'ian Affairs.

Stand. Com. Rep. No. 1215-00 (HLT) was adopted and H.R. No. 134, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING A PLAN TO IMPROVE

EMERGENCY SERVICES IN THE HANA, MAUI, COMMUNITY," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1216-00 (HLT) was adopted and H.C.R. No. 155, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PLAN TO IMPROVE EMERGENCY SERVICES IN THE HANA, MAUI, COMMUNITY," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1217-00 (EDB/HED) was adopted and H.R. No. 86, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII INSTITUTE OF PUBLIC AFFAIRS TO CONDUCT A PUBLIC POLICY REPORT ON HAWAII AND THE NEW ECONOMY," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1218-00 (EDB/HED) was adopted and H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII INSTITUTE OF PUBLIC AFFAIRS TO CONDUCT A PUBLIC POLICY REPORT ON HAWAII AND THE NEW ECONOMY," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1219-00 (HLT/PSM) was adopted and H.R. No. 68, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO REQUIRE A SOCIAL IMPACT STATEMENT TO BE SUBMITTED FOR ANY PROPOSED YOUTH FACILITY INVOLVING MENTAL HEALTH OR PUBLIC SAFETY IN A COMMUNITY," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1220-00 (HLT/PSM) was adopted and H.C.R. No. 77, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO REQUIRE A SOCIAL IMPACT STATEMENT TO BE SUBMITTED FOR ANY PROPOSED YOUTH FACILITY INVOLVING MENTAL HEALTH OR PUBLIC SAFETY IN A COMMUNITY," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1221-00 (AGR) was adopted and H.R. No. 147, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF AGRICULTURE TO STREAMLINE PROCEDURES TO FACILITATE IMPORTATION OF MICROORGANISM," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1222-00 (AGR) was adopted and H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF AGRICULTURE TO STREAMLINE PROCEDURES TO FACILITATE IMPORTATION OF MICROORGANISMS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1223-00 (EDN) was adopted and H.R. No. 106, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN FOR THE DELIVERY OF SPEECH AND LANGUAGE SERVICES THAT IS CONSISTENT WITH ITS COMPREHENSIVE STUDENT SUPPORT SYSTEM," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1224-00 (EDN) was adopted and H.C.R. No. 121, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN FOR THE DELIVERY OF SPEECH AND LANGUAGE SERVICES THAT IS CONSISTENT WITH ITS COMPREHENSIVE STUDENT SUPPORT SYSTEM," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1225-00 (EDN) was adopted and H.R. No. 167, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN ASSESSMENT OF THE GOALS AND OBJECTIVES OF THE A-PLUS PROGRAM AND INCLUDING RECOMMENDATIONS FOR ITS IMPROVEMENT IN CONJUNCTION WITH THE COMPREHENSIVE STUDENT SUPPORT SYSTEM," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1226-00 (EDN) was adopted and H.C.R. No. 199, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE GOALS AND OBJECTIVES OF THE A-PLUS PROGRAM AND INCLUDING RECOMMENDATIONS FOR ITS IMPROVEMENT IN CONJUNCTION WITH THE COMPREHENSIVE STUDENT SUPPORT SYSTEM," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1227-00 (EDN) was adopted and H.C.R. No. 142, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PROPOSED COMPENSATION SCHEDULE FOR HIGH SCHOOL COACHES," was referred to the Committee on Labor and Public Employment.

Stand. Com. Rep. No. 1228-00 (HED) was adopted and H.R. No. 163, as amended in HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE ESTABLISHMENT OF A RESEARCH INSTITUTE AND A MASTER OF ARTS PROGRAM AT THE UNIVERSITY OF HAWAII AT MANOA CENTER FOR HAWAIIAN STUDIES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1229-00 (HED) was adopted and H.C.R. No. 188, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE ESTABLISHMENT OF A RESEARCH INSTITUTE AND A MASTER OF ARTS PROGRAM AT THE UNIVERSITY OF HAWAII AT MANOA CENTER FOR HAWAIIAN STUDIES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1230-00 (EDN/HED) was adopted and H.R. No. 138, entitled: "HOUSE RESOLUTION REQUESTING AN ANALYSIS OF CURRENT AND COMPARATIVE PATTERNS OF PUBLIC SCHOOL FINANCING," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1231-00 (EDN/HED) was adopted and H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ANALYSIS OF CURRENT AND COMPARATIVE PATTERNS OF PUBLIC SCHOOL FINANCING," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1232-00 (EDN/HED) was adopted and H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES INITIATE A COLLABORATIVE PARTNERSHIP TO IMPROVE SERVICES FOR ADULTS AND EXPAND OPPORTUNITIES FOR HIGH SCHOOL STUDENTS THAT WILL RESULT IN SUBSTANTIVE OUTCOMES FOR THE TWO ENTITIES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1233-00 (HSH/PSM) was adopted and H.R. No. 2, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A SYSTEM TO IDENTIFY AND PROVIDE SERVICES AND SUPPORT FOR CHILDREN OF INCARCERATED PARENTS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1234-00 (HSH/PSM) was adopted and H.C.R. No. 3, as amended in HD 1, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A SYSTEM TO IDENTIFY AND PROVIDE SERVICES AND SUPPORT FOR CHILDREN OF INCARCERATED PARENTS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1235-00 (HSH) was adopted and H.R. No. 47, as amended in HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING EXPANSION OF A STATE WEB SITE ENTITLED "FOR THE SAKE OF THE CHILDREN" FOR PUBLIC ACCESS INFORMATION PURPOSES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1236-00 (HSH) was adopted and H.C.R. No. 42, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING EXPANSION OF A STATE WEB SITE ENTITLED "FOR THE SAKE OF THE CHILDREN" FOR PUBLIC ACCESS INFORMATION PURPOSES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1237-00 (HSH/HLT) was adopted and H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A PUBLIC-PRIVATE INTERAGENCY GROUP TO EXAMINE WAYS TO ADVOCATE THE CAPTURE AND MAXIMIZATION OF FEDERAL FUNDS TO SUPPORT HAWAII'S HEALTH AND HUMAN SERVICES PROGRAMS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1238-00 (PSM) was adopted and H.R. No. 70, as amended in HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES NAVY TO RELOCATE FROM THE ISLAND OF VIEQUES, PUERTO RICO AND RETURN THE LAND TO THE MUNICIPALITY OF VIEQUES FOR CIVILIAN USES," was referred to the Committee on Judiciary and Hawai'ian Affairs.

Stand. Com. Rep. No. 1239-00 (PSM) was adopted and H.C.R. No. 64, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES NAVY TO RELOCATE FROM THE ISLAND OF VIEQUES, PUERTO RICO AND RETURN THE LAND TO THE MUNICIPALITY OF VIEQUES FOR CIVILIAN USES," was referred to the Committee on Judiciary and Hawai'ian Affairs.

Stand. Com. Rep. No. 1240-00 (PSM) was adopted and H.R. No. 15, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE GENDER SPECIFIC AND COMMUNITY BASED SERVICES FOR WOMEN OFFENDERS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1241-00 (PSM) was adopted and H.C.R. No. 15, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE GENDER SPECIFIC AND COMMUNITY BASED SERVICES FOR WOMEN OFFENDERS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1242-00 (PSM) was adopted and H.C.R. No. 20, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPPORT OF THE STATE AND COUNTY ADMINISTRATIONS TO IMPLEMENT EVENTS PLANNED BY THE 50TH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION AND HONORING THE 50TH ANNIVERSARY OF THE KOREAN WAR," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1243-00 (PSM/EDB) was adopted and H.C.R. No. 191, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE

UNITED STATES NAVY TO INCREASE THE WORKLOAD AND EMPLOYMENT AT PEARL HARBOR NAVAL SHIPYARD AND TO PROVIDE A BRIEFING ON THE FUTURE WORKLOAD PLANS FOR PEARL HARBOR NAVAL SHIPYARD," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1244-00 (HSH/HLT) was adopted and H.R. No. 79, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONDUCT A COMPREHENSIVE REVIEW OF ALL PROGRAMS IN THE STATE FOR, AND THE BENEFITS RECEIVED BY, HAWAII'S ELDERS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1245-00 (HSH/HLT) was adopted and H.C.R. No. 86, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONDUCT A COMPREHENSIVE REVIEW OF ALL PROGRAMS IN THE STATE FOR, AND THE BENEFITS RECEIVED BY, HAWAII'S ELDERS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1246-00 (HSH/LAB) was adopted and H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE TO REVIEW AND REPORT ON THE BENEFITS AND FEASIBILITY OF COLLABORATIVE HEALTH CARE PURCHASING ARRANGEMENTS BETWEEN HAWAII QUEST AND THE HAWAII PUBLIC EMPLOYEES HEALTH FUND," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1247-00 (OMR/WLU) was adopted and H.R. No. 57, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES AND EACH COUNTY TO ENTER INTO LONG-TERM LEASES AND DEVELOPMENT AGREEMENTS WITH HAWAIIAN CANOE CLUBS THAT DESIRE TO MAKE IMPROVEMENTS TO THEIR EXISTING TENANCIES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1248-00 (OMR/WLU) was adopted and H.R. No. 54, entitled: "HOUSE RESOLUTION ENCOURAGING THE STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A COMMUNITY BASED SUBSISTENCE FISHING AREA AT HA'ENA ON THE ISLAND OF KAUAI," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1249-00 (OMR/WLU) was adopted and H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A COMMUNITY BASED SUBSISTENCE FISHING AREA AT HA'ENA ON THE ISLAND OF KAUAI," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1250-00 (OMR/WLU) was adopted and H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES AND EACH COUNTY TO ENTER INTO LONG-TERM LEASES AND DEVELOPMENT AGREEMENTS WITH HAWAIIAN CANOE CLUBS THAT DESIRE TO MAKE IMPROVEMENTS TO THEIR EXISTING TENANCIES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1251-00 (LAB) was adopted and H.R. No. 164, HD 1, as amended in HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A PUBLIC-PRIVATE INTERAGENCY WORKING GROUP TO HELP LOW-INCOME FAMILIES BECOME SELF-SUFFICIENT," was referred to the Committee on Finance.



Stand. Com. Rep. No. 1252-00 (LAB) was adopted and H.C.R. No. 189, HD 1, as amended in HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A PUBLIC-PRIVATE INTERAGENCY WORKING GROUP TO HELP LOW-INCOME FAMILIES BECOME SELF-SUFFICIENT," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1253-00 (LAB) was adopted and H.C.R. No. 62, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE ECONOMIC IMPACT OF INSTITUTING A LIVING WAGE FOR ALL PERSONS EMPLOYED BY A PRIVATE COMPANY UNDER A STATE CONTRACT," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1254-00 (LAB) was adopted and H.R. No. 40, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A UNIVERSAL MEDICAL FEE SCHEDULE FOR THE PREPAID HEALTH INSURANCE SYSTEM, THE MEDICAL PORTION OF THE NO-FAULT AUTOMOBILE INSURANCE SYSTEM, AND THE MEDICAL PORTION OF THE WORKERS' COMPENSATION INSURANCE SYSTEM IN HAWAII, AND DETERMINING UNIVERSAL PAYMENT POLICIES, RECOGNIZED PROVIDERS, AND POLICIES REGARDING PAYMENT FOR SUPPLIES," was referred to the Committee on Consumer Protection and Commerce.

Stand. Com. Rep. No. 1255-00 (LAB) was adopted and H.C.R. No. 34, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A UNIVERSAL MEDICAL FEE SCHEDULE FOR THE PREPAID HEALTH INSURANCE SYSTEM, THE MEDICAL PORTION OF THE NO-FAULT AUTOMOBILE INSURANCE SYSTEM, AND THE MEDICAL PORTION OF THE WORKERS' COMPENSATION INSURANCE SYSTEM IN HAWAII, AND DETERMINING UNIVERSAL PAYMENT POLICIES, RECOGNIZED PROVIDERS, AND POLICIES REGARDING PAYMENT FOR SUPPLIES," was referred to the Committee on Consumer Protection and Commerce.

Stand. Com. Rep. No. 1256-00 (EEP/CPC) was adopted and H.R. No. 154, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO ADDRESS AND CONSIDER ADDITIONAL DEMAND SIDE MANAGEMENT ISSUES IN RELATED, PENDING, OR NEW COMMISSION DOCKETS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1257-00 (EEP/CPC) was adopted and H.C.R. No. 176, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO ADDRESS AND CONSIDER ADDITIONAL DEMAND SIDE MANAGEMENT ISSUES IN RELATED, PENDING, OR NEW COMMISSION DOCKETS," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1258-00 (EEP/CPC) was adopted and H.R. No. 156, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUIRING THE PUBLIC UTILITIES COMMISSION TO RESOLVE AVOIDED COST ISSUES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1259-00 (EEP/CPC) was adopted and H.C.R. No. 178, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUIRING THE PUBLIC UTILITIES COMMISSION TO RESOLVE AVOIDED COST ISSUES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1260-00 (HSH/JHA) was adopted and H.R. No. 115, as amended in HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONTINUE THE DOMESTIC VIOLENCE WORKING GROUP ESTABLISHED IN 1999 BY THE HAWAII STATE LEGISLATURE AND EXPAND THE MEMBERSHIP OF THE GROUP," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1261-00 (HSH/JHA) was adopted and H.C.R. No. 131, as amended in HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONTINUE THE DOMESTIC VIOLENCE WORKING GROUP ESTABLISHED IN 1999 BY THE HAWAII STATE LEGISLATURE AND EXPAND THE MEMBERSHIP OF THE GROUP," was referred to the Committee on Finance.

#### ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 4, 2000.

## FORTY-FIFTH DAY

**Tuesday, April 4, 2000**

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 11:40 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Ricky Aoki from Leeward Community Church, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Arakaki, Garcia, Hiraki, Menor, Meyer, Okamura, Stegmaier and Takamine, who were excused.

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

## DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 23) was received by the Clerk and was placed on file:

Dept. Com. No. 23, from Mr. Mike McCartney, Director, Department of Human Resources Development, State of Hawai'i transmitting the following: Hawai'i State Government Executive Branch Workforce Profile 1998.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 386 through 388) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 386, transmitting S.C.R. No. 19, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING A MISSILE DEFENSE SYSTEM FOR HAWAII," which was adopted by the Senate on April 3, 2000.

Sen. Com. No. 387, returning H.B. No. 1869, HD 1, (SD 1) entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," which passed Third Reading in the Senate on April 3, 2000, in an amended form.

On motion by Representative Case, seconded by Representative Yonamine and carried the House disagreed to the amendments made by the Senate to H.B. No. 1869, HD 1 (SD 1), and requested a conference on the subject matter of said amendments. (Representatives Ahu Isa, Arakaki, Garcia, Hiraki, Menor, Meyer, Okamura, Stegmaier and Takamine were excused.)

Sen. Com. No. 388, informing the House that on March 31, 2000, the Senate agreed to the amendments proposed by the House to Senate Bill No. 2024, HD 2, and that said bill passed Final Reading on April 3, 2000:

At 11:46 o'clock a.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 11:49 o'clock a.m.

## INTRODUCTIONS

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

Representative Pendleton introduced students from Trinity Christian School in Maunawili.

Representative Stegmaier introduced a group of fifth grade students from Hahaione Elementary School, accompanied by their teacher Ms. Susan Kusanoki.

## ORDER OF THE DAY

## STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1262-00) recommending that H.R. No. 55, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 55, entitled: "HOUSE RESOLUTION ENCOURAGING THE COUNTIES OF THE STATE OF HAWAII TO ADOPT THE STANDARDS FOR RESIDENTIAL BUILDINGS IN THE MODEL ENERGY CODE TO APPLY TO ALL NEW RESIDENTIAL REAL PROPERTY," was adopted, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1263-00) recommending that H.C.R. No. 54, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE COUNTIES OF THE STATE OF HAWAII TO ADOPT THE STANDARDS FOR RESIDENTIAL BUILDINGS IN THE MODEL ENERGY CODE TO APPLY TO ALL NEW RESIDENTIAL REAL PROPERTY," was adopted, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1264-00) recommending that H.C.R. No. 44, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 44, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RESOLUTION URGING THE HAWAII NURSES' ASSOCIATION AND THE HEALTHCARE ASSOCIATION OF HAWAII TO BEGIN DISCUSSIONS TO IDENTIFY PROBLEMS AND PROVIDE SOLUTIONS FOR ACUTE-CARE ISSUES RELATING TO PATIENT SAFETY, NURSING CARE, AND THE POTENTIAL NURSING SHORTAGE," was adopted, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1265-00) recommending that H.R. No. 129, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 129, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING AND ENCOURAGING BICYCLING AND WALKING AS VIABLE CHOICES FOR TRANSPORTATION, RECREATION, AND HEALTH MAINTENANCE," was adopted, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1266-00)

recommending that H.C.R. No. 147, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 147, HD 1 entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING BICYCLING AND WALKING AS VIABLE CHOICES FOR TRANSPORTATION, RECREATION, AND HEALTH MAINTENANCE," was adopted, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented reports (Stand. Com. Rep. No. 1267-00 and Stand. Com. Rep. No. 1268-00) recommending that H.R. No. 128, as amended in HD 1, and H.C.R. No. 146, as amended in HD 1, be adopted.

Representative Case moved that the reports of the Committee be adopted and H.R. No. 128, HD 1, and H.C.R. No. 146, HD 1, be adopted, seconded by Representative Yonamine.

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

"Mr. Speaker, testimony on this bill from the Attorney General's Office -- this one and another one on the same day -- said that they didn't want to be put in a position where they were deciding policy matters for the Legislature. That, as a Legislature, if we decide in order to help stimulate the economy to force Administrative agencies to pick up the speed realizing that people, investors, have a limited amount of time that they're going to let their money be tied up and not producing anything. There needs to be certain benchmarks that they can count on that they'll have a decision yes or no on.

"These resolutions, basically, are 'sour grapes' from a sector of the Legislature that does not oppose that original bill as passed. It does not take a fair and even handed look at the situation. In reading the resolutions, they clearly point out, as in the testimony from one of the testifiers, that it's basically taking another swipe at the automatic permit approval process that we enacted the other year.

"Mr. Speaker, I would agree with the Attorney General's Office that we should not be asking another body to be making policy decisions for us. We should have the character and the strength of will to make those decisions for ourselves and to stand by them and to look at them if there is abuse or if there are problems, always be willing to adjust and make corrections. But it's not for us to hand the ball to another body to make that decision. Furthermore, it was very clear from the testimony that at this point there have been no problems. There have been no errors and for us to be looking at something to try and find mistakes in a process that's just getting started, I think is inappropriate. I vote no on both of them."

Representative Rath then rose to speak in opposition to the measures, stating:

"Mr. Speaker, I concur with the former speaker that this seeks to challenge a bill already passed by this body. The automatic approval bill is very important for business investment, but more importantly, it sends a signal to the government agencies that they must act with due speed. Especially, when it's not their money. They haven't earned it, and they haven't borrowed it, but they have control over it.

"I think it doesn't say that these agencies have to approve any permits. It simply says that they have to hear them and take action on them within a specific period of time. I think everybody here feels that is reasonable. So the mandate is placed upon the government under the automatic approval bill to produce results quickly and in a business like manner. There's nothing wrong with that, Mr. Speaker. Thank you."

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

"Briefly, I supported the automatic permit approval bill and would continue to support the automatic permit approval bill and would, therefore, oppose any attempt to repeal that bill outright. But it is very clear from the legislative history on that measure, from two years ago, and that legislative history is referenced in this resolution, that there are issues that remain to be resolved.

"I'm speaking particularly of the quorum requirements where we do have a continuing problem and where we do need to eventually find a better solution than what is on the books right now. I don't deem these resolutions as delegating my policy making responsibility in any way. I'm simply asking for an in depth interim look at this objective and to be presented with options which I can then exercise my responsibility as a legislator, to make a choice on. But again, this is not, to make a resolution which is designed, in my mind at least, to lead to a repeal of automatic permit approvals. Thank you."

Representative Saiki then rose to speak in support of the measures, stating:

"To be very brief because I'd just like to clarify the record for edification of the members. The Attorney General supported these resolutions and his only concern was that the Attorney General's Office not be required to complete the studies. For that reason, your Committee revised the resolutions to request that the Legislative Reference Bureau conduct the studies. Thank you."

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

"Mr. Speaker, I believe that I have not heard any major concerns that have been brought to my attention with the particular measure that was passed a couple of years ago. I see no reason to include the Attorney General as far as reviewing this. It will only continue to stall the measure. We have a reputation of not being exactly a pro-business Legislature. This will only add to that particular concern that the business world has about Hawai'i. Thank you very much."

Representative Whalen then rose to speak in rebuttal, stating:

"Thank you, Mr. Speaker. Second time around here. Regarding this matter, I would note that we did amend it to LRB. The policy considerations that were noted by one of the prior speakers was that they felt it would be inappropriate in the AG's role as defending the State in law suits to be pointing out areas where we could potentially be sued. And that's what they said in their opinion what this study would be doing is pointing out areas where the State could be sued by various organizations who would be opposed to approving permits. You can draw your own conclusions as to who they would be.

"One of the major problems, as a matter of fact, really the only problem that we're faced with is the quorum, where there's certain Board members that are required to be recused because of their interest. There was a bill that was put in to get rid of the ridiculous quorum requirements, but it died. This legislative body, House and Senate, does not seem to be able to get together on it and that is really the only thing. We already know the answer. We already tried to deal with the problem. The bill, however, like I said did not pass.

"It's an issue that's not new. It's nothing that the automatic permit approval brought to light. It's an issue that hopefully one day we would be able to get corrected. But again the policy issue is we're asking the LRB to point out areas where the State can be sued for this sort of thing. In fact, if you look on page 2 where it talks about what they're asking LRB to do is to compare permit approval in case law and statutes in other

states about how they deal with it. But there's no comparison with all the levels of bureaucracy that someone has to go through in the State of Hawai'i in terms of all the different agencies, the different land use, local, and the county and everything else, building permit, the fire code. You name it under the sun it takes to do anything in this State, there's no comparison of that. It's merely, and again the Attorney General did say they support this but they don't want to be the ones -- I don't know why they support it when in their testimony they specifically said what this study is going to do is point out areas where there potentially could be law suits -- and they didn't want to be the ones to be in a position to be pointing them out and defending them at the same time.

"Again, I don't think we've given the process any time at all to be going back and looking at how we shoot holes in it. Thank you."

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

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

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

Representative Moses 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 measures, stating:

"Thank you, Mr. Speaker. Some of the problems that need to be addressed by our own Legislative Reference Bureau are outlined in the resolution itself. I would direct all of the members to read that and see why we need that information to come back to us.

"No State agency met the December 31, 1999 deadline to adopt rules pertaining to automatic permit approval. Where does this leave the different counties that are represented by legislators here? Well, for one, the Corporation Council for the City and County of Honolulu has stated that the automatic permit approval could apply to permits and licenses -- liquor licenses, whatever you name it -- even though rules are not in place.

"So we have set a bill into place without the regulatory underpinnings for that bill and we definitely, as legislators, need a report from our own Legislative Reference Bureau to give us the information on what we need to do to make sure that this will operate properly. Thank you, Mr. Speaker."

Representative Whalen then rose and stated:

"Mr. Speaker, I'm sorry I know it's inappropriate and if I need somebody to yield their time, I would ask for one of my colleagues to do so, but I would like to..."

The Chair interrupted Representative Whalen, stating:

"Representative Whalen, I believe you have stood up twice and if any of your colleagues would like to yield, I will allow you to continue."

Representative Fox yielded his time to Representative Whalen.

Representative Whalen continued, stating:

"Thank you, Mr. Speaker and colleagues. This rulemaking stuff is 'shibai' because if you will recall, the bill required the agency itself to set its time limit by the rulemaking process. So if they have not set up any rules to set the time limit, there is no automatic permit approval. We didn't pick a number out of a hat. So to keep pointing to agencies that have not set up the rules, well again, it's the problem of government and it is being nonresponsive to those people who need to get permits.

"But there will be no approval until in their rules they set the time limit. So if there's no rules, there's no time limit, there's no automatic approval. So again, I point to the fact that again this is -- well I'll let it go at that. Thank you, Mr. Speaker."

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

Representative Thielen then rose to speak in rebuttal, stating:

"Mr. Speaker, again in support. I would just refer the member from South Kona to the third 'whereas' in the resolution that there is a legal opinion from the Corporation Council of the City and County of Honolulu that states that the automatic permit approval process could apply, right now, to permits and licenses even though rules aren't in place. So we do have a muddle and as with many other situations where we've asked our Legislative Reference Bureau to check into things and give us further information, I think this resolution is very appropriate. Thank you."

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

"I'm convinced, I believe. A no vote for me please."

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

Representative Espero then rose and asked the Clerk to register a no vote for him, 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 Fox 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 reports of the Committee were adopted and H.R. No. 128, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A LEGAL REVIEW OF CONCERNS REGARDING AUTOMATIC PERMIT APPROVAL," and H.C.R. No. 146, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A LEGAL REVIEW OF CONCERNS REGARDING AUTOMATIC PERMIT APPROVAL," were adopted, with Representatives Cachola, Espero, Fox, Goodenow, Halford, Herkes, Kanoho, Leong, Moses, Pendleton, Rath, Souki, Whalen and Yamane voting no and Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1269-00) recommending that H.C.R. No. 52, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 52, HD 1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING

THE DEPARTMENT OF EDUCATION TO FACILITATE AND ASSIST EFFORTS TO STRENGTHEN AND EVALUATE EXISTING STUDENT LEADERSHIP PROGRAMS," was adopted, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs, presented reports (Stand. Com. Rep. No. 1270-00 and Stand. Com. Rep. No. 1271-00) recommending that H.R. No. 45, as amended in HD 1, and H.C.R. No. 40, as amended in HD 1, be adopted.

Representative Case moved that the reports of the Committee be adopted and H.R. No. 45, HD 1, and H.C.R. No. 40, HD 1, be adopted, seconded by Representative Yonamine.

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 45, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE SECRETARY OF VETERANS AFFAIRS AND CONGRESSIONAL LEADERS TO WORK TOWARD ALLOWING FILIPINO-AMERICAN VETERANS TO BE INTERRED IN NATIONAL OR STATE VETERANS CEMETERIES," and H.C.R. No. 40, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SECRETARY OF VETERANS AFFAIRS AND CONGRESSIONAL LEADERS TO WORK TOWARD ALLOWING FILIPINO-AMERICAN VETERANS TO BE INTERRED IN NATIONAL OR STATE CEMETERIES," were adopted, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1272-00) recommending that H.R. No. 38, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 38, HD 1 entitled: "HOUSE RESOLUTION RELATING TO THE SELECTION OF AN OFFICIAL TROPICAL FRUIT OF THE STATE OF HAWAII," was adopted, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1273-00) recommending that H.C.R. No. 32, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 32, HD 1 entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE SELECTION OF AN OFFICIAL TROPICAL FRUIT OF THE STATE OF HAWAII," was adopted, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1274-00) recommending that H.R. No. 39, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 39, HD 1 entitled: "HOUSE RESOLUTION RELATING TO THE SELECTION OF AN OFFICIAL TROPICAL FRUIT JUICE OF THE STATE OF HAWAII," was adopted, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1275-00) recommending that H.C.R. No. 33, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 33, HD 1 entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE SELECTION OF AN OFFICIAL TROPICAL FRUIT JUICE OF THE STATE OF HAWAII," was adopted, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1276-00) recommending that S.B. No. 3129, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1276-00 and S.B. No. 3129, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of S.B. No. 3129, 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. 1277-00) recommending that S.B. No. 2333, SD 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 S.B. No. 2333, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1278-00) recommending that S.B. No. 2711, SD 1, HD 1, pass Third Reading.

By unanimous consent, action was deferred one day.

### THIRD READING

#### S.B. No. 2750, SD 1:

By unanimous consent, action was deferred one day.

#### S.B. No. 2858, SD 1:

By unanimous consent, action was deferred one day.

#### S.B. No. 2877, SD 1:

By unanimous consent, action was deferred one day.

### ANNOUNCEMENT

Representative Hamakawa rose and requested a waiver of the 48 hour hearing notice requirement for the following bills which will be reconsidered by the Committee: Senate Bill Nos. 915, SD 1; 2635, SD 1; and 3038, SD 1, HD 1; and further requested that Senate Bill Nos. 3045, SD 1, HD 1; and 2982, SD 1, which were deferred will be up for decision making only this afternoon at 2:00 o'clock p.m., and the Chair "so ordered."

### ADJOURNMENT

At 12:05 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. tomorrow, Wednesday, April 5, 2000. (Representatives

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Ahu Isa, Chang, Hiraki, Okamura and Yoshinaga were excused.)

## FORTY-SIXTH DAY

**Wednesday, April 5, 2000**

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 11:40 o'clock a.m., with the Vice Speaker presiding.

The invocation was delivered by Representative Brian Y. Yamane, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Goodenow, Halford, Kahikina, Menor, Meyer, Morihara, Okamura, Pendleton, Say, Stegmaier and Takamine who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 175) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 175, transmitting copies of the year 2000 Report to the Governor on Hawai'i Workforce Development prepared by the Hawai'i State Workforce Development Council, pursuant to Section 202-2, Hawai'i Revised Statutes, as amended.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 389 and 390) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 389, transmitting S.C.R. No. 51, entitled: "SENATE CONCURRENT RESOLUTION URGING LIBERTY NEWSPAPERS TO CONTINUE PUBLICATION OF THE HONOLULU STAR-BULLETIN AND TO ACTIVELY SEEK A BUYER TO PRESERVE TWO INDEPENDENT DAILY NEWSPAPERS IN THE COMMUNITY," which was adopted by the Senate on April 4, 2000.

Sen. Com. No. 390, returning H.B. No. 2123, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND TIPS OF EMPLOYEES," which passed Third Reading in the Senate on April 4, 2000.

## INTRODUCTION

Representative Santiago introduced students of the Student Government Academy accompanied by their teachers: Mrs. Toni Augustine; Ms. Kathy Matsuda; Ms. Cheryl Lee; Ms. Lisa Yanase and Ms. Marilyn Keau; and parent, Ms. Twila Richvalsky.

## ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 191 and 192) were received and announced by the Clerk and the following actions taken:

H.R. No. 191, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING THE KAUAI ISLAND UTILITY CO-OP AND ITS CHAIR GREGG

GARDINER, VICE CHAIR ROBBY RASK, SECRETARY MARK HUBBARD, TREASURER JAMES MAYFIELD, AND MEMBERS ON THE CELEBRATED AND HISTORIC OCCASION OF ITS ACQUISITION OF KAUAI ELECTRIC COMPANY," was jointly offered by Representatives Kanoho, Kawakami and Morita.

On motion by Representative Kanoho, seconded by Representative Kawakami and carried, H.R. No. 191 was adopted with Representatives Cachola, Halford, Meyer, Nakasone, Okamura, Pendleton, Rath and Say being excused.

Representative Kawakami introduced the honorees who were seated on the House floor:

Mr. Gregg Gardiner, Chairman of the Kauai Island Utility Co-op; and

Mr. Robby Rask, Vice-Chairman of the Kauai Island Utility Co-op.

Representative Kanoho introduced guests of the honorees who were seated in the gallery:

Ms. Laurie Ebesu of Kauai Electric Company;

Mr. Alan Oshima, of Oshima Chun Fong & Chung; and

Mr. Steve Golden of The Gas Company.

H.R. No. 192, entitled: "HOUSE RESOLUTION PROCLAIMING APRIL, 2000 AS ORGAN, TISSUE, AND EYE DONATION AWARENESS MONTH," was jointly offered by Representatives Abinsay, Arakaki, Cachola, Santiago, Lee, Leong, Espero, Kahikina, Chang, Yamane, Garcia, Ito, Say and Yonamine.

On motion by Representative Abinsay, seconded by Representative Arakaki and carried, H.R. No. 192 was adopted with Representatives Cachola, Halford, Nakasone, Okamura, Pendleton, Rath, Say and Whalen being excused.

Representative Abinsay introduced the following honorees who were seated on the House floor:

Ms. Robyn Kaufman, Executive Director of the Organ Donor Center of Hawai'i;

Mr. Harris Melemai, heart transplant recipient;

Mr. Jeffrey De Guzman, father of an organ donor;

Mr. Tony Sagayadoro, Local Program Director of the Minority Organ Tissue Transplant Education Program (MOTTEP); and

Mr. Glen Hayashida, Executive Director of the National Kidney Foundation of Hawai'i.

Representative Kanoho introduced Dr. Young Paik, Director of the Hawai'i Bone Marrow Donor Registry, who was seated in the gallery.

Representative Stegmaier introduced Mr. Bill Burson of the Hawai'i Lions Eye Bank, who was seated in the gallery.

At 12:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

**UNFINISHED BUSINESS****Stand. Com. Rep. No. 1278-00 and S.B. No. 2711, SD 1, HD 1:**

By unanimous consent, action was deferred one day.

**S.B. No. 2750, SD 1:**

By unanimous consent, action was deferred one day.

**S.B. No. 2858, SD 1:**

By unanimous consent, action was deferred one day.

**S.B. No. 2877, SD 1:**

By unanimous consent, action was deferred one day.

**STANDING COMMITTEE REPORTS**

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1279-00) recommending that S.B. No. 2527, SD 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 S.B. No. 2527, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Cachola, Hamakawa, Kanoho, Meyer, Okamura, Pendleton, Saiki, Say, Souki, Whalen and Yoshinaga being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1280-00) recommending that S.B. No. 2814, SD 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 S.B. No. 2814, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Cachola, Hamakawa, Kanoho, Meyer, Okamura, Pendleton, Saiki, Say, Souki, Whalen and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1281-00) recommending that S.B. No. 2621, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1281-00 and S.B. No. 2621, SD 1, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of S.B. No. 2621, SD 1, HD 2, were made available to the members of the House.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1282-00) recommending that S.B. No. 2849, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1282-00 and S.B. No. 2849, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of S.B. No. 2849, HD 1, were made available to the members of the House.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep.

No. 1283-00) recommending that S.B. No. 3079, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1283-00 and S.B. No. 3079, HD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of S.B. No. 3079, HD 1, were made available to the members of the House.

**THIRD READING****S.B. No. 2791, HD 1:**

By unanimous consent, action was deferred one day.

**S.B. No. 2883, SD 2, HD 1:**

By unanimous consent, action was deferred one day.

**S.B. No. 2283, SD 1, HD 1:**

By unanimous consent, action was deferred one day.

**S.B. No. 2766, SD 1, HD 1:**

By unanimous consent, action was deferred one day.

**S.B. No. 2333, SD 2:**

By unanimous consent, action was deferred one day.

**ANNOUNCEMENT**

Representative Takai: "I just wanted to remind the members that today is Wednesday, April 5th and it is also the day for the House Foodbank walk/run. It will be at 4:00 p.m. around the Capitol building. If you are not a participant, I would like to encourage you to join us. I am pretty sure that many of you have staffmembers who will be participating and if you choose not to walk or run, please come out to encourage the staff. Thank you very much, I think we are doing very well and let's all keep up the good work. Thank you."

**ADJOURNMENT**

At 12:33 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Thursday, April 6, 2000. (Representatives Arakaki, Cachola, Hamakawa, Kanoho, Meyer, Okamura, Pendleton, Saiki, Souki, Whalen and Yoshinaga were excused.)



## FORTY-SEVENTH DAY

Thursday, April 6, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 11:40 o'clock a.m., with the Vice Speaker presiding.

The invocation was delivered by Representative David A. Pendleton and Pastor Myronie Talento from the Hawai'i Conference of Seventh-Day Adventists, after which the Roll was called showing all members present with the exception of Representatives Cachola, Goodenow, Herkes, Menor, Meyer, Okamura, Say, Stegmaier and Takamine, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 176 and 177) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 176, informing the House that on April 3, 2000, he signed the following bill into law:

House Bill No. 2526, HD 1, as Act 3, entitled: "RELATING TO USED OIL."

Gov. Msg. No. 177, transmitting copies of the following: Commission on Persons with Disabilities Annual Report, 1998-1999.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 391 and 392) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 391, returning H.B. No. 1934, HD 2 (SD 1) entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," which passed Third Reading in the Senate on April 5, 2000, in an amended form.

Sen. Com. No. 392, returning H.B. No. 2485, HD 1 (SD 1) entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FOR PSYCHOLOGIST LICENSURE," which passed Third Reading in the Senate on April 5, 2000, in an amended form.

On motion by Representative Case, seconded by Representative Yonamine and carried, the House disagreed to the amendments made by the Senate to H.B. Nos. 1934, HD 2 (SD 1); and 2485, HD 1 (SD 1), and requested a conference on the subject matter of said amendments. (Representatives Cachola, Goodenow, Herkes, Menor, Meyer, Okamura, Saiki, Say, Stegmaier and Takamine were excused.)

## INTRODUCTION

The following introduction was made to the members of the House:

Representative Takumi, on behalf of Representatives Espero, Takai, Yonamine, and himself, introduced students from Pearl City Elementary School, accompanied by their teachers, Ms. Elizabeth Nishimura and Ms. Iris Miyata.

At 11:49 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:23 o'clock p.m., the Speaker assumed the rostrum.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following resolution and concurrent resolution were re-referred to committee by the Speaker, as follows:

H.R.  
No.      Re-referred to:  
150      Committee on Finance

H.C.R.  
No.      Re-referred to:  
172      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 certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Herkes, Menor, Meyer, Morihara, Okamura and Rath were excused.)

## UNFINISHED BUSINESS

**Stand. Com. Rep. No. 1278-00 and S.B. No. 2711, SD 1, HD 1:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2711, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

"Thank you, Mr. Speaker. Basically, the bill is a good bill with the exception of one section which, I believe, violates the separation of powers between the Executive and Legislative Branches.

"If you turn to your Committee Report, it is on page 1 and in subsection 2. This will reduce 'unauthorized and excessive regulation through Legislative Management Committee oversight of agency rulemaking with excising rules that exceed statutory authority.'

"Mr. Speaker, we know that an agency cannot adopt rules and regulations that exceed the statutory authority. If they do, those regulations can be challenged in the courts and they will be struck down by the courts. This sets a Legislative Management Committee up to oversee what the Administration is doing; what the Executive Branch is doing. This is where we really violate the separation of powers.

"Once we pass a law, we have no better involvement or no better interest in that law than does every citizen in the State of Hawai'i. We don't get to hang on to it and say, 'We're going to go ahead and see what you, Executive Branch, do to implement the law that we pass.'

"I believe that this bill, which has other very good parts, will end up being vetoed by the Governor because of this provision. In the past, when we have tried to 'shoehorn' our way into the

Executive Branch's territory, the Governor has vetoed those measures. So I would suggest that if this bill does go forward to Conference Committee that the conferees eliminate the language which violates the separation of powers. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2711, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," passed Third Reading by a vote of 45 ayes, with Representatives Herkes, Hiraki, Menor, Meyer, Morihara and Okamura being excused.

The Chair directed the Clerk to note that S.B. No. 2711, had passed Third Reading at 12:25 o'clock p.m.

**S.B. No. 2750, SD 1:**

By unanimous consent, action was deferred one day.

**S.B. No. 2858, SD 1:**

By unanimous consent, action was deferred one day.

**S.B. No. 2877, SD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2877, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD AND ADOLESCENT MENTAL HEALTH," passed Third Reading by a vote of 46 ayes, with Representatives Herkes, Menor, Meyer, Morihara and Okamura being excused.

**S.B. No. 2791, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2791, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO PAY THE SHARE OF HEALTH INSURANCE CARRIER REFUND AND RATE CREDIT AMOUNTS DUE TO THE FEDERAL GOVERNMENT," passed Third Reading by a vote of 46 ayes, with Representatives Herkes, Menor, Meyer, Morihara and Okamura being excused.

The Chair directed the Clerk to note that S.B. Nos. 2877 and 2791 had passed Third Reading at 12:27 o'clock p.m.

**S.B. No. 2883, SD 2, HD 1:**

By unanimous consent, action was deferred one day.

**S.B. No. 2283, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2283, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 46 ayes, with Representatives Herkes, Menor, Meyer, Morihara and Okamura being excused.

**S.B. No. 2766, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2766, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Third Reading by a vote of 46 ayes, with Representatives Herkes, Menor, Meyer, Morihara and Okamura being excused.

**S.B. No. 2333, SD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2333, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS PROPERTY REGIMES," passed Third

Reading by a vote of 46 ayes, with Representatives Herkes, Menor, Meyer, Morihara and Okamura being excused.

The Chair directed the Clerk to note that S.B. Nos. 2283, 2766 and 2333 had passed Third Reading at 12:28 o'clock p.m.

**Stand. Com. Rep. No. 1276-00 and S.B. No. 3129, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3129, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HEALING PRACTICES," passed Third Reading by a vote of 45 ayes, with Representatives Herkes, Menor, Meyer, Morihara, Okamura and Souki being excused.

The Chair directed the Clerk to note that S.B. No. 3129, had passed Third Reading at 12:28 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1284-00) recommending that H.R. No. 65, HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 65, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF THE ATTORNEY GENERAL AND THE DEPARTMENT OF JUSTICE TO CONDUCT AN INVESTIGATION INTO THE 'PETER BOY' KEMA CASE," was adopted, with Representatives Herkes, Menor, Meyer, Morihara, Okamura and Souki being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1285-00) recommending that H.C.R. No. 74, HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 74, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF THE ATTORNEY GENERAL AND THE DEPARTMENT OF JUSTICE TO CONDUCT AN INVESTIGATION INTO THE 'PETER BOY' KEMA CASE," was adopted, with Representatives Herkes, Menor, Meyer, Morihara, Okamura and Souki being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented reports (Stand. Com. Rep. No. 1286-00 and Stand. Com. Rep. No. 1287-00) recommending that H.R. No. 69, as amended in HD 1, and H.C.R. No. 63, as amended in HD 1, be adopted.

Representative Case moved that the reports of the Committee be adopted and H.R. No. 69, HD 1, and H.C.R. No. 63, HD 1, be adopted, seconded by Representative Yonamine.

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

Representative Takumi's remarks are as follows:

"Mr. Speaker, I stand in support of these resolutions.

"Anyone who is familiar with the history of nuclear testing knows that the Marshall Islanders bore the brunt of its devastating effects. Listen to some of the voices we heard in testimonies:

'My grandparents were among the people who were removed from Bikini in the mid 1940's in order for the U.S. military to do nuclear testing on our island. The people of Bikini were told that they would return to their homeland soon after. With this belief in mind, they left their island. But the military was not truthful because until this day we have not gone back to Bikini.' (Valentina Bobo)

'I am from Rongelap Atoll in the Marshall Islands. Once I was a healthy young lady, but over the years, I have developed thyroid cancer which is associated with exposure to radiation. I have borne a child who is mentally and physically handicapped.' (Chiyoiko Tamayose)

'I was an eyewitness to the hydrogen bomb called "Bravo" which was tested on Bikini. The radioactive cloud was blown southeast and fell on the inhabitants of Rongelap, Utrik and other smaller atolls. Children who were playing outside started to cry. They felt a burning sensation on their bodies. People began to feel as if thousands of needles were poking their bodies, they could not sleep or eat! Many of them started to lose their hair, they developed blisters and sores all over their bodies.' (Almira Matayoshi)

"Mr. Speaker, there were other testimonies which put a human face on what happened as a result of these tests. The compensation that the Marshallese received from the U.S. was woefully inadequate to deal with the loss suffered.

"There are those who say that these resolutions are worded too strongly. I will say that the people of the Marshalls have been extremely patient. I will also say that there is no way that they will ever fully recover from lost lives and ruined islands.

"We have a moral and financial obligation to provide redress so that basic medical and social needs can be met. Thank you."

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

Representative Lee's remarks are as follows:

"Mr. Speaker, I rise to speak in support of House Concurrent Resolution 63 which requests our Congressional Delegation to work for an apology to the people of the Republic of the Marshall Islands and to seek increased compensation to the people for their deaths, injuries and medical care as a result of the nuclear testing there.

"Mr. Speaker, during the second world war the Communist dictator Joseph Stalin said contemptuously, 'How many divisions does the Pope have?'

"Mr. Stalin is gone, and so is Communism, indeed the Soviet Union itself.

"The Pope and the Catholic Church endure because they have moral authority.

"Just a few weeks ago, Pope John visited Israel, Palestine and Jordan -- the Holy Land -- on his pilgrimage. Pope John made an apology for the transgressions throughout the centuries which the Catholic Church had committed against those not of its faith.

"That apology is both historic and sacred. There were no outcries against making an apology. The criticism was that it was not specific enough.

"The United States of America does have many, many divisions. But its strength does not lie solely in its divisions.

"The United States is an idealistic country. Imperfect as it may be, as we mortals are ourselves, the United States has earned a moral authority by acting on principles.

"Greatness in a country, and indeed, of a person individually, is the ability to admit a mistake and make amends.

"In the last decade, the United States apologized for the internment of American citizens who just happened to be Japanese, and made reparations to the survivors. Our Congressional Delegation, notably Senator Spark Matsunaga, made that possible. (I am proud to have known Senator Matsunaga and had him in my home in Manila for dinner along with three Ambassadors.)

"Just a few years ago, the United States apologized to the Hawai'ians for the illegal overthrow of the Hawai'ian monarchy. Our Congressional Delegation, led by Senator Dan Akaka, made that possible.

"Before us is a resolution calling for an apology to the people of the Republic of the Marshall Islands for the nuclear testing which the United States conducted over their houses -- thatched huts they may be but still their homes. Houses can be rebuilt. Lives cannot be relived. Injuries take long to heal, and scars remain.

"The Marshalls are our neighbors. The ocean separates us but the ocean connects us. We as neighbors have an obligation to our neighbors, particularly because we are in a position to do something positive.

"So let us ask our Congressional Delegation to continue their work in righting and redressing the wrongs that mortal beings have wrought."

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

"My reservations don't go to the substance of the resolution. It goes to the form in which it was written. There are a couple of 'whereas' clauses in there that are quite anti-American. I'm not sure that that's our role. I believe we should be a bit more diplomatic in our requesting Congress and the President to act. For those reasons, I have reservations."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 69, HD 1, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE APPROPRIATE MEASURES IN THE UNITED STATES CONGRESS CALLING FOR AN APOLOGY TO THE PEOPLE OF THE REPUBLIC OF THE MARSHALL ISLANDS FOR INJURIES SUSTAINED BY MARSHALL ISLANDERS AS A RESULT OF UNITED STATES NUCLEAR TESTING, AND INCREASED FUNDING IN THE RENEGOTIATED COMPACT OF FREE ASSOCIATION AS JUST COMPENSATION FOR NUCLEAR-RELATED INJURIES AND DEATHS AND EXPANDED MEDICAL CARE FOR AFFECTED MARSHALL ISLANDERS," and H.C.R. No. 63, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE APPROPRIATE MEASURES IN THE UNITED STATES CONGRESS CALLING FOR AN APOLOGY TO THE PEOPLE OF THE REPUBLIC OF THE MARSHALL ISLANDS FOR INJURIES SUSTAINED BY MARSHALL ISLANDERS AS A RESULT OF UNITED STATES NUCLEAR TESTING, AND INCREASED FUNDING IN THE RENEGOTIATED COMPACT OF FREE ASSOCIATION AS JUST COMPENSATION FOR NUCLEAR-RELATED INJURIES AND DEATHS AND EXPANDED MEDICAL CARE FOR AFFECTED MARSHALL ISLANDERS," were adopted, with Representatives Herkes, Menor, Meyer, Morihara, Okamura and Souki being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep.

No. 1288-00) recommending that H.R. No. 131, as amended in HD 1, be adopted

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 131, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO WORK WITH AREA RESIDENTS TO DEVELOP USE OPTIONS FOR THE STADIUM BOWL-O-DROME PROPERTY," was adopted, with Representatives Herkes, Menor, Meyer, Morihara, Okamura and Souki being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1289-00) recommending that H.C.R. No. 149, as amended in HD 1, be adopted

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.C.R. No. 149, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO WORK WITH AREA RESIDENTS TO DEVELOP USE OPTIONS FOR THE STADIUM BOWL-O-DROME PROPERTY," was adopted, with Representatives Herkes, Menor, Meyer, Morihara, Okamura and Souki being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1290-00) recommending that S.B. No. 2121, SD 1, 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 S.B. No. 2121, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OBSOLETE LAWS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1291-00) recommending that S.B. No. 915, SD 1, 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 S.B. No. 915, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CANDIDATE VACANCIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1292-00) recommending that S.B. No. 2147, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Case moved that the report of the Committee be adopted and S.B. No. 2147, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, the purpose or intent of this measure probably had to do with campaign finance reform. I'd be happy to support a true campaign finance reform bill, but I'm not sure

that that's really what this bill is. Let me explain why I have reservations.

"Mr. Speaker, before I proceed, for the sake of efficiency if the Clerk would note that the entire Republican Caucus is going to vote 'with reservations' on this measure. Some members may speak on this measure as well," and the Chair "so ordered."

"Mr. Speaker, if one looks at the bill itself, beginning with section 1, we see that this bill, relating to campaign spending reform, goes into effect in a manner that doesn't affect the present election. It'll affect only the next election in the year 2002. Then, Mr. Speaker, if we look at section 5 -- interestingly enough, Mr. Speaker -- what happens is that this bill is repealed after the 2002 elections. So the bill applies only to one election, the 2002 election.

"Now, knowing that it applies only to that election, let's see what this bill does, Mr. Speaker, and this is where my reservations come into play.

"If you look at the lines there on page 1, you see the portions being deleted referenced to subsections relating to the limits applying to members of the Senate and to other races. I think one way to characterize this bill, Mr. Speaker, is as a Senate incumbent retention bill. And why is that? The reason is Senators have already been holding fundraisers. So the money they raise they keep.

"Let's say they get re-elected in 2000. If all the Senators are up in 2002, the people who are challengers against the Senators have to live by the rules of this bill, which reduces the amount that they can raise. If you look at it, it will be a \$2,000 limit. So the Senators will have been able during the interim to use the current law to their benefit as incumbents. All the challengers would have to play by the lower limits.

"That looks like it dramatically and adversely impacts any kind of Senate challenger. Because of those reasons, Mr. Speaker, I really think that this is not reform. I don't know what the original intent of this bill is, but at least the House, at least the House Republican Caucus, we're not interested in passing a bill that's essentially a Senate incumbent retention bill or in any way try to disadvantage the challengers.

"What we need is true campaign finance reform, true campaign spending reform, not measures that disadvantage new candidates. We want to encourage participation under the democratic process. We want to have challengers who have the same playing field. That's the kind of message we want to send. We want to encourage people to get involved in public service. Not say, 'We're going to pass this bill and this is the way it's going to operate. And if you're a challenger, tough luck, too bad you weren't already an incumbent.'

"But I think the way the bill is enacted and the way it's subsequently repealed and the affect that it has really make it suspicious. So for those reasons, at this time, I have strong reservations and may change my vote either way depending on how this bill works out. Thank you, Mr. Speaker."

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

"Mr. Speaker, I would like to vote no on this measure and just to add to that for a moment without going on too long, hopefully. If you note, the reason I'm saying it now is because we have the Committee Report. The Committee Report notes that the reason for reducing the amounts is because of the shorter terms, the two-year terms of the Senators because of reapportionment.

"It doesn't make any sense because the Senators have a much smaller district than the Governor and Lieutenant Governor, but they have the same terms. They each have four years. You can get \$6,000 in a Governor's race. You can get \$4,000 in the

Senate, \$2,000 in the House. What's the difference? Geography. The geography doesn't change no matter how many years you're in office. You still have to put on the same campaign over the same larger distance. So to equate it to time is totally irrelevant.

"Secondly, just to pound home the point, it makes absolutely no sense in this election that we're talking about, when all the Senators are up for election, that we're going to be reducing the available money. Certainly, the only effect you could see that it does is it helps the incumbents, who've already developed a campaign war chest, to have that financial advantage over challengers. For those reasons, Mr. Speaker, not being able to find anything of substance for why we should do this thing, I'll vote no."

The Chair then directed the Clerk to note the change in vote of Representative Whalen from an 'aye with reservations' to a 'no.'

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2147, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Rath and Whalen voting no, and Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1293-00) recommending that S.B. No. 2151, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Case moved that the report of the Committee be adopted and S.B. No. 2151, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Yonamine.

Representative Rath 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 with reservations, stating:

"Thank you, Mr. Speaker. Normally I'm one of those who votes strongly in favor of these types of bills. I do have a concern though, Mr. Speaker, and it's addressed on page 1 of the bill which states, 'the chief of police of each county shall conduct inquiries into the mental health histories.' And then it goes on, 'of all persons who own...firearms.'

"Mr. Speaker, I'm concerned about how that inquiry will be conducted. What affect it might have on the privacy of health records. Even more important, whether or not it would deter someone who might want to seek mental health assistance from doing so knowing that then those records would be subject to disclosure.

"So I know that the proponents of the bill are trying to accomplish something that I think is very worthwhile. I just have that one concern and that's my reservation. Thank you."

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

"Thank you, Mr. Speaker. I think this bill has several problems. One is that it's a 'make work' project in my view. This is giving the chiefs of our various police departments a lot of work. This is a bureaucratic exercise in my view. In addition to that, this bill is asking that owners of guns would

comment regarding whether they could possess guns, whether they're felons or not. That information is already accessible to the police departments. They don't need to ask for that. They have access to that information.

"Another problem with this bill, Mr. Speaker, is that this bill is asking for activity regarding those who already comply with the law, good citizens. It does nothing to affect those who choose to hold guns illegally, and likely, will do nothing to diminish the amount of guns in our community that are held illegally and which are responsible for most of the criminal use of guns in our State.

"I'll leave it at that for brevity sake, Mr. Speaker, but please record a no vote."

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

Representative Kahikina continued, stating:

"And also to add that, as you and I know, Mr. Speaker, cars kill just as much or even more than guns. Perhaps, in the near future, we'll be asking people before they get their license to submit to a mental study. So for those reasons, Mr. Speaker, I oppose this bill."

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

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

Representative Ahu Isa 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 asked that the remarks of Representative Halford be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2151, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ahu Isa, Auwae, Chang, Goodenow, Halford, Ito, Kahikina, Leong, Moses, Pendleton and Rath voting no, and Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1294-00) recommending that S.B. No. 2154, SD 1, 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 S.B. No. 2154, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1295-00) recommending that S.B. No. 2352, SD 2, 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 S.B. No. 2352, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER OFFENSES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1296-00) recommending that S.B. No. 2480, SD 1, 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 S.B. No. 2480, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1297-00) recommending that S.B. No. 2535, 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 S.B. No. 2535, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1298-00) recommending that S.B. No. 2666, SD 1, 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 S.B. No. 2666, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1299-00) recommending that S.B. No. 2667, 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 S.B. No. 2667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NO CANDIDATES FILED FOR AN ELECTIVE OFFICE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1300-00) recommending that S.B. No. 2670, 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 S.B. No. 2670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1301-00) recommending that S.B. No. 2930, SD 2, 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 S.B. No. 2930, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1302-00) recommending that S.B. No. 3133, SD 1, 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 S.B. No. 3133, SD 1, HD 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, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1303-00) recommending that S.B. No. 2477, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Case moved that the report of the Committee be adopted and S.B. No. 2477, SD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Yonamine.

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

"In that bill, what it does is it requires all those running for OHA trustee to be of Hawai'ian descent. It seems like the issue was fairly decided under our present scheme for the Office of Hawai'ian Affairs. The issue again has been decided and I think we're not really solving anything, just kind of placating to some people who are demanding some assurances. What needs to be done is a general overhaul. So I really don't think this solves anything."

Representative Rath 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 S.B. No. 2477, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs presented a report (Stand. Com. Rep. No. 1304-00) recommending that S.B. No. 2465, SD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2465, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY," passed Third Reading by a vote of 43 ayes, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1305-00) recommending that S.B. No. 2635, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2635, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Third Reading by a vote of 43 ayes, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1306-00) recommending that S.B. No. 2924, SD 1, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2924, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OPEN MEETINGS," passed Third Reading by a vote of 43 ayes, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1307-00) recommending that S.B. No. 3038, SD 1, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3038, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 43 ayes, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs presented a report (Stand. Com. Rep. No. 1308-00) recommending that S.B. No. 3073, SD 2, HD 1, pass Third Reading.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3073, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVING," passed Third Reading by a vote of 43 ayes, with

Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura, Souki and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 2465, 2635, 2924, 3038 and 3073 had passed Third Reading at 12:43 o'clock p.m.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1309-00) recommending that S.B. No. 3194, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1309-00 and S.B. No. 3194, SD 2, HD 2, was deferred; and in accordance with Article III, Section 15, of the Constitution of the State of Hawai'i, printed copies of S.B. No. 3194, SD 2, HD 2, were made available to the members of the House.

### THIRD READING

#### S.B. No. 2527, SD 2:

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2527, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 44 ayes, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura and Souki being excused.

#### S.B. No. 2814, SD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2814, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 44 ayes, with Representatives Arakaki, Herkes, Menor, Meyer, Morihara, Okamura and Souki being excused.

The Chair directed the Clerk to note that S.B. Nos. 2527 and 2814 had passed Third Reading at 12:44 o'clock p.m.

At 12:44 o'clock p.m., Representative Takamine asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m.

### ANNOUNCEMENTS

Representative Takamine rose to request waiver of the 48 hour notice requirement for the purpose of hearing the following: S.B. Nos. 2897, SD 1, HD 1; 2716, SD 1; 2354, SD 1, HD 1; and 851, SD 2, HD 2 (proposed); and for the purpose of decision making only on the following: S.B. Nos. 2433, SD 2, HD 1; 3026, SD 1; 2166, HD 1; 2729, SD 1, HD 1; 2993, SD 2, HD 2; 426, SD 2, HD 2 (proposed); and 873, SD 1, HD 1; and for the purpose of reconsidering the decision made on S.B. No. 2657, SD 2, HD 1, which will be taken up on Agenda 2 of the House Finance Committee hearing at 3:15 o'clock p.m. in Room 308, and the Chair "so ordered."

Representative Takamine also requested waiver of the 48 hour notice requirement for the purpose of hearing S.B. No. 2369, SD 1, which will be added to the Joint Committee on Labor and Public Employment and Finance hearing at 4:45 o'clock p.m. in Room 309, and the Chair "so ordered."

Representative Lee rose and requested waiver of the 48 hour notice requirement for the purpose of hearing S.B. No. 96; and for the purpose of decision making only on S.B. No. 498, and the Chair "so ordered."

Representative Lee: "May I make another announcement also. I would like, on behalf of the members of the House to wish Representative Catalani happy birthday."

Representative Takai: "Mr. Speaker, I'd just like to give an update as to what we did yesterday for those of you who weren't available. We had the first ever walk/run. With you, Mr. Speaker, at the helm, we had 84 participants. I'd like to just recognize the Representatives who did do the walk or run. Representatives Abinsay, Herkes, Hiraki, Lee, Leong, Marumoto, Meyer, Morihara, Morita, Oshiro, Santiago, Yoshinaga, yourself, Mr. Speaker, and yours truly.

"In addition, we had our Chief Clerk, the Assistant Chief Clerk and Mr. Ken Takayama from LRB and a whole slew of other staff people. Eighty-four participants in total, and believe it or not, we had pledges in the amount of over \$3,700, and we have not received all the pledge forms. I'd encourage everyone to, first of all, turn in your pledge forms. But also to get those pledges in by the deadline.

"I'd also like to recognize especially Representative Santiago. He did do the ten laps. I believe Representatives Lee and Morita did as well, as well as Representatives Yoshinaga and Abinsay. Did you do the ten? I just had to check to make sure. Anyway, Representative Santiago, believe it or not, has on his pledge form a little bit more than \$600. So that's pretty impressive. So we have to encourage him to bring all of that money in. I'd like to also recognize and thank Representative Morihara who is not here, but he was the brain child of this event.

"Finally, I'd like to thank Mr. Kendall Matsuyoshi from my office who has been working very hard on our behalf of the Foodbank. Thank you very much."

Representative Yoshinaga: "This is just an announcement that yours truly won the category of politician winner for the Aloha Run/Walk and it was in the MidWeek. And there was another male politician whose name I did not recognize. So I challenge anybody for next year's walk. But I think I walked it just under three hours. So that's the time to beat in the politician category."

Representative Kawakami: "Just one announcement. I want to remind everyone that the Blood Donor Program is April 12, 2000. The Senate has decided to challenge us. They've signed up 20 people. Well, we've signed up 30, but you know how many people we have in this House. So let's make it 100 percent or close to it. Thank you very much."

Representative Hamakawa rose and requested waiver of the 48 hour notice requirement for the purpose of hearing S.B. No. 2438; H.C.R. Nos. 16, 46 and 47; and H.R. Nos. 16, 49, 47 and 50, which will be heard on the 2:00 o'clock p.m. agenda this afternoon, and the Chair "so ordered".

Representative Lee: "Mr. Speaker, I think I forgot to mention when I was asking for the waiver that the hearing would be held at 6:00 o'clock p.m. for CPC."

The Chair then made the following statement:

"I would like to apologize to all of you for this past Tuesday's error that I made on the rostrum in regards to recognition of Representative Whalen. I believe the rules state that Representative Whalen should have had only two opportunities to debate the issue. And the yield that was given by one of our colleagues should not have been accepted as part of the overall process that we went through. But like in anything else, it's a learning experience for all of us and I just wanted to convey my apologies and the fact that I wanted to clarify this error that came up."

At 12:52 o'clock p.m., on motion by Representative Yonamine, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 5:00 o'clock p.m. tomorrow, Friday, April 7, 2000. (Representatives Arakaki, Herkes, Kanoho, Menor, Meyer, Morihara, Okamura, Souki and Takai were excused.)

**ADJOURNMENT**



## FORTY-EIGHTH DAY

Friday, April 7, 2000

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 5:16 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Katie Grace Estorgio, Legislative Aide to Representative Roy Takumi, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Case, Chang, Herkes, Hiraki, Kahikina, Kaho'ohalahala, Menor, Meyer, Moses, Okamura, Rath, Takamine and Whalen, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 178 through 180) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 178 informing the House that on April 4, 2000, the following bills were signed into law:

House Bill No. 2762 as Act 4, entitled: "RELATING TO ISLAND BURIAL COUNCILS";

House Bill No. 2551, HD 1, as Act 5, entitled: "RELATING TO THE CORRECTION OF THE APPLICABLE FISCAL YEAR FOR THE APPROPRIATION TO BE EXPENDED BY THE DEPARTMENT OF HEALTH IN SECTION 6 OF ACT 304, SESSION LAWS OF HAWAII 1999"; and

House Bill No. 2022 as Act 6, entitled: "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".

Gov. Msg. No. 179, informing the House of corrections to his letter regarding House bills previously signed into law on April 4, 2000:

House Bill No. 2022 as Act 4, entitled: "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"; and

House Bill No. 2762 as Act 6, entitled: "RELATING TO ISLAND BURIAL COUNCILS."

Gov. Msg. No. 180, requesting consideration of additional operating budget requests to House Bill No. 1900, HD 1, the Supplemental State Budget.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 393 through 405) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 393, returning H.B. No. 2020, entitled: "A BILL FOR AN ACT RELATING TO OBSOLETE LAWS," which passed Third Reading in the Senate on April 6, 2000.

Sen. Com. No. 394, returning H.B. No. 2021, entitled: "A BILL FOR AN ACT RELATING TO ACT 316, SESSION LAWS OF HAWAII 1993, AS AMENDED BY ACT 157, SESSION LAWS OF HAWAII 1995; AND TO ACT 278, SESSION LAWS OF HAWAII 1999," which passed Third Reading in the Senate on April 6, 2000.

Sen. Com. No. 395, transmitting S.C.R. No. 123, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO COMPLY WITH EXISTING LAW AND REGULATIONS TO PREVENT THE EMPLOYMENT OF PERSONS WITH CRIMINAL CONVICTIONS IN POSITIONS WHICH PLACE THEM IN CLOSE PROXIMITY TO CHILDREN," which was adopted by the Senate on April 6, 2000.

Sen. Com. No. 396 returning H.B. No. 1691, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 7, 2000.

Sen. Com. No. 397 returning H.B. No. 2457, entitled: "A BILL FOR AN ACT RELATING TO VETERANS LOANS," which passed Third Reading in the Senate on April 7, 2000.

Sen. Com. No. 398 returning H.B. No. 2495, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 7, 2000.

Sen. Com. No. 399 returning H.B. No. 303, HD 2, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO IDENTIFICATION," which passed Third Reading in the Senate on April 7, 2000, in an amended form.

Sen. Com. No. 400 returning H.B. No. 1873, HD 2, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 7, 2000, in an amended form.

Sen. Com. No. 401 returning H.B. No. 1955, HD 2, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION," which passed Third Reading in the Senate on April 7, 2000, in an amended form.

Sen. Com. No. 402 returning H.B. No. 2062, HD 2, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," which passed Third Reading in the Senate on April 7, 2000, in an amended form.

Sen. Com. No. 403 returning H.B. No. 2066, HD 1, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII FACILITIES USE REVOLVING FUND," which passed Third Reading in the Senate on April 7, 2000, in an amended form.

Sen. Com. No. 404 returning H.B. No. 2432, HD 1, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING TAX CREDIT," which passed Third Reading in the Senate on April 7, 2000, in an amended form.

Sen. Com. No. 405 returning H.B. No. 2492, HD 1, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 7, 2000, in an amended form.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the House disagreed to the amendments made by the Senate to H.B. Nos. 303, HD 2 (SD 1); 1873, HD 2 (SD 1); 1955, HD 2 (SD 1); 2062, HD 2 (SD 1); 2066, HD 1 (SD 1); 2432, HD 1 (SD 1); and 2492, HD 1 (SD 1), and requested a conference on the subject matter of said amendments. (Representatives Arakaki, Case, Chang, Herkes, Hiraki, Kaho'ohalahala, Menor, Meyer, Moses, Okamura, Rath, Takai and Whalen were excused.)

### ORDER OF THE DAY

#### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were referred to committee by the Speaker, as follows:

#### S.C.R.

#### Nos.      Referred to:

- 51      Committee on Judiciary and Hawai'ian Affairs
- 123     Committee on Education, then to the Committee on Judiciary and Hawai'ian Affairs

#### UNFINISHED BUSINESS

##### **S.B. No. 2750, SD 1:**

By unanimous consent, action was deferred one day.

##### **S.B. No. 2858, SD 1:**

By unanimous consent, action was deferred one day.

##### **S.B. No. 2883, SD 2, HD 1:**

By unanimous consent, action was deferred one day.

##### **Stand. Com. Rep. No. 1281-00 and S.B. No. 2621, SD1, HD 2:**

By unanimous consent, action was deferred one day.

##### **Stand. Com. Rep. No. 1282-00 and S.B. No. 2849, HD 1:**

By unanimous consent, action was deferred one day.

##### **Stand. Com. Rep. No. 1283-00 and S.B. No. 3079, HD 1:**

By unanimous consent, action was deferred one day.

#### STANDING COMMITTEE REPORTS

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1310-00) recommending that S.B. No. 2205, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2205, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1311-00) recommending that S.B. No. 3192, SD 1,

pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 3192, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1312-00) recommending that S.B. No. 2278, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2278, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1313-00) recommending that S.B. No. 2293, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2293, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1314-00) recommending that S.B. No. 2562, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2562, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1315-00) recommending that S.B. No. 2819, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2819, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1316-00) recommending that S.B. No. 2001, SD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2001, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY TORT LIABILITY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1317-00) recommending that S.B. No. 2438, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the report of the Committee be adopted and S.B. No. 2438, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

Representative Thielen 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 S.B. No. 2438, entitled: "A BILL FOR AN ACT RELATING TO JUDGMENTS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen voting no and Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1318-00) recommending that S.B. No. 2982, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2982, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1319-00) recommending that S.B. No. 862, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the report of the Committee be adopted and S.B. No. 862, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

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

Representative Thielen then rose and 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 an aye vote with reservations for her, and the Chair "so ordered."

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

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

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

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

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

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

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

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

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

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

Representative Yonamine 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 S.B. No. 862, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL USE OF MARIJUANA," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Auwae, McDermott and Pendleton voting no and Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1320-00) recommending that S.B. No. 3190, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 3190, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1321-00) recommending that S.B. No. 2058, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2058, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1322-00) recommending that S.B. No. 2194, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2194, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1323-00) recommending that S.B. No. 2521, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2521, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL SERVICE CONTRACTS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1324-00) recommending that S.B. No. 2736, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2736, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1325-00) recommending that S.B. No. 2872, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2872, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1326-00) recommending that S.B. No. 2938, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2938, SD 1, HD 1, 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 Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1327-00) recommending that S.B. No. 2946, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2946, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION APPEALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Ito, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1328-00) recommending that S.B. No. 2470, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2470, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representatives Ito and Yoshinaga, for the Committees on Education and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 1329-00) recommending that S.B. No. 2830, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and S.B. No. 2830, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT OF SCHOOL PRINCIPALS AND VICE PRINCIPALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1330-00) recommending that S.B. No. 2563, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2563, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representatives Menor and Hamakawa, for the Committees on Consumer Protection and Commerce and Judiciary and

Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 1331-00) recommending that S.B. No. 3117, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the joint report of the Committees be adopted and S.B. No. 3117, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

Representative Halford 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 joint report of the Committees was adopted and S.B. No. 3117, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representatives Menor and Hamakawa, for the Committees on Consumer Protection and Commerce and Judiciary and Hawai'ian Affairs, presented a joint report (Stand. Com. Rep. No. 1332-00) recommending that S.B. No. 2467, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the joint report of the Committees be adopted and S.B. No. 2467, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

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

"My plea is to those of you in the Majority Caucus to please take a look at this handyman forfeiture bill. It's the unlicensed contractor forfeiture bill, Mr. Speaker. This would allow the state administration to confiscate a handyman's tools. I should disclose that I am from a licensed contracting family and I oppose the bill.

"I'd like to make just two quick points. If the Majority Members can take a look at this measure when it is before you. Look at the bill carefully and get your colleagues, who happen to be attorneys, to give you an analysis. If we pass the bill our laws are going to give drug dealers and drug manufacturers more due process than we would give the handyman. Take a look at it, it is really a violation of civil rights and it's a very poor bill. Most especially it is a very poor bill in today's economy.

"There is a Supreme Court case that states if an unlicensed contractor performs work, even if the owner of the property knew that the contractor was unlicensed, that the owner does not have to pay the unlicensed contractor one cent for the materials or labor. So, I don't think we could have a stronger message out there and I don't think we need to resort to confiscating a carpenter's tools. Thank you."

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

"My good and old friend is 28 years-old and has a child. He trims trees for a living and he's had a difficult time getting a license in what he considers a 'protectionist' climate. I would hate to see him lose his truck and all of his equipment. I think that's too harsh."

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

"Out in the district of Waianae, there are a lot of people who are without jobs and feel that any job they can get is very important to them. Thank you."

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

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

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

Representative Pendleton 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."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 2467, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNLICENSED CONTRACTORS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Auwae, Halford, Kahikina, Pendleton, Schatz and Thielen voting no and Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1333-00) recommending that S.B. No. 2430, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the report of the Committee be adopted and S.B. No. 2430, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

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

"I am tired of seeing this politically correct nonsense being put in front of my nose everytime. Again, Mr. Speaker, we are codifying in law, and we are putting into the statute, and we're legitimizing. It's one slippery slope. If we say these behaviors are all equal then what is to stop anyone from saying in the schools, you have to present everything on one equal plane. None is morally better than the other, they are all equal. That is what we are doing here today. And shame on us in ten years from now these actions that we are taking will come back to haunt us. This is the same type of thinking that has outlawed 'ladies' nights' in the State of Hawai'i. The same group of people. There is no 'ladies' nights,' did you know that? Why? Because it is politically incorrect, somebody is getting discriminated against. Mr. Speaker, this stuff is nonsense and I want to thank the Judiciary Committee for the steady stream of pro-family legislation that they have been putting out this session. It really warms my heart.

"I had the opportunity and good fortune to bump into the former Judiciary Chair at court earlier this week. I was talking to him about this type of legislation that is coming through."

At 5:30 o'clock p.m., Representative Oshiro asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:32 o'clock p.m.

Representative McDermott continued, stating:

"I lost my train of thought. Mr. Speaker, ten years from now our kids are going to be affected by this. It's all because we're saying in the law that there is no difference. In this bill, on

page 1, line 13 it states: 'Sexual orientation means having a preference for heterosexuality, homosexuality, or bisexuality or having a history of any one or more of these preferences.' I guess that includes polymorph and group love and if you have property and you don't want to lend it out because it's against your moral values, your moral core, what you believe in as a human being. But now we're saying that it really doesn't matter. We are going to equate all behaviors as morally equal.

"As a result of us doing this, we are codifying into law, and the lawyers on that side know it, that this has long-term impacts that are going to come back to haunt us. We are doing it inch by inch. I want to know, Mr. Speaker, who has been lobbying for this bill? Who has been testifying for it? I haven't seen them, Mr. Speaker. Maybe they wanted to skip my office, maybe they knew how I felt about this. Mr. Speaker, you're tired of hearing me say this and I'm tired of saying it, but we keep getting it shoved down our throats by the Judiciary Chair and the body doesn't want and I am tired of it. Thank you."

At 5:34 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 5:35 o'clock p.m.

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

"I believe that we are exposing ourselves to more litigation and I will reserve my more compelling testimony for Third Reading."

Representative Arakaki then rose and asked the Clerk to register an aye vote with reservations 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 Auwae then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered."

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

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

Representative Morihara 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 support of the measure with reservations, stating:

"I would like to explain, just to differ from the tone of my disagreement with my colleague from Aliamanu/Foster Village. I would like to say that I appreciate the effort that the Judiciary

Chair and Vice Chair have made to put together legislation that specifically deals with various issues that they feel are important. I admire their craftsmanship and their willingness to make changes to better suit the problems that they feel need to be addressed.

"However, I believe in the case of this legislation, I have concerns about the practical applicability of this law. In particular, in my own mind with the renting situation, which I had an experience with myself. I think ultimately the decision of who to rent to, in the case of people who are equally able and look to be good tenants, the decision should rest with the individual property owner. I need to continue to reflect on this measure. I did support the earlier measure a few years ago to provide protection from discrimination in regard to employment for homosexuals. Because of that I would like to see if that falls in the same kind of law or if this is a different situation. So for these reasons I am voting in support but with reservations. Thank you."

Representative Pendleton then rose to ask for a ruling on a potential conflict of interest, stating:

"I am a licensed minister with a church which has parsonages and rental units and this law may apply to that church," and the Chair ruled "no conflict."

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

"The Vice Chair and the Chair have worked very hard to try to address all of the concerns of the members. They have made calls and sought to find language that addresses those concerns. In looking at the particular language and how it might impact church landlords, I feel that there is a particular amendment to the bill that is not quite comprehensive enough to avoid future litigation. For those reasons I have to rise in opposition. Thank you."

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

"The church and religious purposes exemption is too narrow and it needs fixing in Conference Committee. Thank you."

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

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

Representative Abinsay 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 S.B. No. 2430, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Auwae, Ito, Kahikina, Meyer, McDermott and Pendleton voting no and Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1334-00) recommending that S.B. No. 2088, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2088, entitled: "A BILL FOR AN ACT RELATING TO SHORT-TERM INVESTMENT OF

STATE MONEYS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1335-00) recommending that S.B. No. 2542, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2542, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1336-00) recommending that S.B. No. 2942, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2942, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING REPORTING DATES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1337-00) recommending that S.B. No. 2947, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 2947, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF TAX INFORMATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Takamine, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1338-00) recommending that S.B. No. 426, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the report of the Committee be adopted and S.B. No. 426, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

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

"We were given a the chance in Finance Committee to deal with the issue of prolonging the Convention Center Authority, which was created for the purpose of citing and building a convention center and has outlived its usefulness. The compromise would have allowed for a six month transition. It had another good feature to it. It would provide for an expansion of the Hawai'i Tourism Authority Board and would have allowed members from the Convention Center Authority Board to be moved to the Hawai'i Tourism Authority Board, which would have both broadened the reach of the Tourism Authority Board and provided the expertise to oversee the Convention Center.

"This is a very reasonable compromise that was offered by the Department of Business, Economic Development and

Tourism. It was backed by the Hawai'i Tourism Authority and seemed the way to go. Instead we have this bill before us and I think that if we defeat this bill and go directly to transition that we can get through the transition stage quite fine with the procedures worked out by DBEDT. Thank you, Mr. Speaker."

Representative Halford 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 S.B. No. 426, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Fox voting no and Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representatives Yoshinaga and Takamine, for the Committees on Labor and Public Employment and Finance, presented a joint report (Stand. Com. Rep. No. 1339-00) recommending that S.B. No. 3002, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the joint report of the Committees be adopted and S.B. No. 3002, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

Representative McDermott rose and asked the Clerk to register a no vote for him, 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 Halford then rose and asked the Clerk to register an aye vote with reservations 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 joint report of the Committees was adopted and S.B. No. 3002, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Auwae, McDermott and Meyer voting no and Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representatives Yoshinaga and Takamine, for the Committees on Labor and Public Employment and Finance, presented a joint report (Stand. Com. Rep. No. 1340-00) recommending that S.B. No. 3003, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the joint report of the Committees be adopted and S.B. No. 3003, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

Representative Halford 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 joint report of the Committees was adopted and S.B. No. 3003, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes,

Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representatives Yoshinaga and Takamine, for the Committees on Labor and Public Employment and Finance, presented a joint report (Stand. Com. Rep. No. 1341-00) recommending that S.B. No. 2369, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the joint report of the Committees be adopted and S.B. No. 2369, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

Representative Halford 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 joint report of the Committees was adopted and S.B. No. 2369, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representatives Yoshinaga and Takamine, for the Committees on Labor and Public Employment and Finance, presented a joint report (Stand. Com. Rep. No. 1342-00) recommending that S.B. No. 2326, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the joint report of the Committees be adopted and S.B. No. 2326, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

Representative Halford 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 joint report of the Committees was adopted and S.B. No. 2326, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE BENEFITS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representatives Yoshinaga and Takamine, for the Committees on Labor and Public Employment and Finance, presented a joint report (Stand. Com. Rep. No. 1343-00) recommending that S.B. No. 2802, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the joint report of the Committees be adopted and S.B. No. 2802, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

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

Representative Ahu Isa then rose and asked the Clerk to register an aye vote with reservations for her, 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 S.B. No. 2802, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," passed Second

Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representatives Yoshinaga and Takamine, for the Committees on Labor and Public Employment and Finance, presented a joint report (Stand. Com. Rep. No. 1344-00) recommending that S.B. No. 2859, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yonamine moved that the joint report of the Committees be adopted and S.B. No. 2859, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

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

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

"We had an opportunity to look at a bill that went much farther toward granting the kind of civil service reform that the Governor envisioned when he came and talked to us in January. It is a disappointment to me that we were never provided the opportunity to support those many reform measures contained in the Governor's original proposal that were carried over into S.B. 2859, SD 1. Thank you."

Representative Marumoto rose to speak in support of the measure "with strong reservations," stating:

"I think it is misnamed in the Order of the Day and it is by no means a reform. At the First Crossover deadline the Majority Leader had labeled it an embarrassingly bad bill and it still is. It has not improved one bit. If anything, it is weaker."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 2859, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented reports (Stand. Com. Rep. No. 1345-00 and Stand. Com. Rep. No. 1346-00) recommending that H.R. No. 16 and H.C.R. No. 16, be adopted.

Representative Yonamine moved that the reports of the Committee be adopted and H.R. No. 16 and H.C.R. No. 16, be adopted, seconded by Representative Garcia.

Representative Lee rose in support of the measure and asked that her comments and an article from the Honolulu Advertiser be inserted into the Journal and the Chair "so ordered."

Representative Lee's remarks are as follows:

"Hawai'i is in a unique position to combat the trafficking of women and children. Currently, it is estimated that 1,500 women and children are prostitutes in Honolulu, with several hundred of those being under the age of 18."

"Trafficking is such a pervasive problem worldwide, that the only effective way of combating the practice is to do so with an international consensus. The United States has been working individually to strengthen border control; to make enforcement of current laws more effective; and has been working with non-governmental organizations to improve victim-prevention and alert potential victims."



"International trafficking is not something remote to those of us in Hawai'i. Not only have we seen women and children illegally brought here from Asian countries to be forced into prostitution here in Honolulu, but because of our unique geography in relation to the mainland U.S. and Asia, we are in the midst of the trafficking. We should support U.S. efforts to eliminate this slavery, and encourage continued efforts to finally eradicate it.

"We are at the dawn of a new century. We must free these victims from a criminal practice that belongs in the dark past. It is hard to believe in this day and age, something so sinister still exists."

Representative Lee submitted the following newspaper article:

**CIA report details hidden trade  
in human slavery.**

**ASSOCIATED PRESS**

NEW YORK -- As many as 50,000 women and children from Asia, Latin America and Eastern Europe are brought to the United States under false pretenses each year and forced to work as prostitutes, abused laborers or servants, according to a CIA report, the New York Times reported today.

The 79-page report -- "International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery" -- paints a broad picture of this hidden trade and of the difficulties that government agencies face in fighting it, the Times said.

Completed in November, the report is based on more than 150 interviews with government officials, law enforcement officers, victims and experts in the United States and abroad, as well as investigative documents and a review of international literature on the subject.

Law enforcement officials have seen episodic evidence for years of trafficking in immigrant women and children, some as young as 9 years old.

But the report says that officers generally do not like to take on these cases because they are difficult to investigate and prosecute. What is more, it says, the nation does not have sufficient laws aimed at the problem, meaning the penalties often are insubstantial, according to the newspaper.

While the report is not classified, it has not been made public. Another government official who wanted the report's findings publicized provided a copy to the Times.

Two years ago, Attorney General Janet Reno chartered an interagency task force, saying: "We are not interested in containing modern-day slavery; we want to eradicate it."

The report mentions many efforts to fight the problem, but also many barriers to doing so.

Over the last two years, while as many as 100,000 victims poured into the United States, where they were held in bondage, federal officials estimated that the government prosecuted cases involving no more than 250 victims.

The report describes case after case of foreign women who answered advertisements for au pair, sales clerk, secretarial or waitress jobs in the United States but found, once they arrived, that the jobs did not exist.

Instead they were taken prisoner, held under guard and forced into prostitution or peonage. Some were, in fact, sold to brothel owners, the report says.

Frank Loy, undersecretary of state for global affairs, told a congressional subcommittee in February: "It seems

incomprehensible that at the dawn of the 21st century, the primitive and barbaric practice of buying and selling human beings occurs at all. Yet international trafficking in persons ... is widespread and, by all indications, a growing reality."

The countries that are the primary sources for traffickers are Thailand, Vietnam, China, Mexico, Russia and the Czech Republic, the report says.

The Honolulu Advertiser  
Sunday, April 2, 2000

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 16, entitled: "HOUSE RESOLUTION SUPPORTING FEDERAL EFFORTS TO COMBAT TRAFFICKING IN WOMEN AND CHILDREN," and H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING FEDERAL EFFORTS TO COMBAT TRAFFICKING IN WOMEN AND CHILDREN," were adopted, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented reports (Stand. Com. Rep. No. 1347-00 and Stand. Com. Rep. No. 1348-00) recommending that H.R. No. 49 and H.C.R. No. 46, be adopted.

Representative Yonamine moved that the reports of the Committee be adopted and H.R. No. 49 and H.C.R. No. 46, be adopted, seconded by Representative Garcia.

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

Representative Lee's remarks are as follows:

"The United Nations General Assembly has already passed numerous resolutions calling for the members of the Taliban regime to cease their violations of human rights. Right now the women in Afghanistan most comply with draconian laws imposed by the Taliban, under the cloak of religion.

"In 1998, the U.S. annual human rights report produced by The State Department stated that Afghanistan, 'represented perhaps the most severe abuse of women's human rights in the world.'

"Before the Taliban regime came to power in 1996, women and girls in Afghanistan played a vital role in Afghanistan life. Girls and women were educated; women were employed professionals, such as teachers and doctors. Following the Taliban's rise to power, however, women have been forced into virtual house arrest, not permitted to show any part of their flesh when outdoors. Nowhere have we seen a 'government' purposefully create poverty as the Taliban has done. Women are no longer allowed to earn a living, and now must turn to begging and selling off any of their belongings, in order to survive and to feed their children.

"Imagine this happening in this country. Imagine all the women and girls you know being stripped of all their most basic civil and human rights. Imagine your daughters being forbidden from attending school past the age of eight; being prohibited from seeking medical care without a male escort; being prohibited from having a job and being self-supporting. Women in Afghanistan prior to 1996 enjoyed many of the rights that women and girls in the U.S. enjoy today. And now, they are dying from neglect, beaten for failing to strictly adhere to an unforgiving rule of law, and have no means to escape.

"This resolution is the first step to reinstating the human rights once enjoyed by women and girls in Afghanistan. We need to pass this measure not only for the girls and women suffering under the Taliban regime, but also for the girls and

women of the world. We must not continue to tolerate violence against women, or the oppression of women.

"If men were suddenly stripped of their most basic rights, the international community would be clamoring for action - as it should be now."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 49, entitled: "HOUSE RESOLUTION SUPPORTING THE EFFORTS OF THE UNITED STATES GOVERNMENT TO FREE THE WOMEN OF AFGHANISTAN FROM THE OPPRESSION OF THE TALIBAN REGIME," and H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE UNITED STATES GOVERNMENT TO FREE TO WOMEN OF AFGHANISTAN FROM THE OPPRESSION OF THE TALIBAN REGIME," were adopted, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented reports (Stand. Com. Rep. No. 1349-00 and Stand. Com. No. 1350-00) recommending that H.R. No. 50 and H.C.R. No. 47, be adopted, seconded by Representative Garcia.

Representative Yonamine moved that the reports of the Committee be adopted and H.R. No. 50 and H.C.R. No. 47, be adopted, seconded by Representative Garcia.

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

Representative Lee's remarks are as follows:

"Female genital mutilation is a horrific practice, one that leaves girls and women maimed for life. The World Health Organization estimates that everyday 6000 girls become victims of this most brutally violent act.

"Simply reading the background data on this tortuous procedure would send chills up the spines of all of us. Girls often as young as five years old are awakened in the dark of the night, blindfolded, tied down to the ground, and given a tree branch or root to clamp down on while the cutting occurs. Girls receive no warning as to what will happen to them. In fact, they are told to look forward to the time when, 'something special will happen to them.' These girls cannot escape because they do not know what is happening to them until they are already tied down.

"This violence, defended on the ground of "cultural freedom" sentences girls and women to a life filled with chronic pain. This is not a matter of western society condemning the cultural belief of another society - but this measure is about educating human rights supporters on a subject shrouded in secrecy for far too long, with far too many victims.

"The procedure is so brutal as to cause a visceral reaction in any person who calls himself a human rights advocate. No anesthesia is given, and the cutting instrument is either an unsterile knife, old razor blade, or even a sharp rock. Many girls die from hemorrhaging, tetanus, or another infection. The survivors face lifelong health consequences, including: extreme pain, organ damage, chronic urinary tract infections, intermittent bleeding, infertility, kidney damage, and pelvic and reproductive tract infections.

"Even more frightening is that this practice, once confined to primarily Africa and the Middle East, has been spreading to Europe and the United States. We need to support this resolution to bring attention to this awful practice that has gone unnoticed for far too long.

"We must stop violence against women, worldwide."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 50, entitled: "HOUSE RESOLUTION SUPPORTING THE EFFORTS OF THE WORLD HEALTH ORGANIZATION AND WARIS DIRIE TO END THE HARMFUL TRADITION OF FEMALE GENITAL MUTILATION," and H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE WORLD HEALTH ORGANIZATION AND WARIS DIRIE TO END THE HARMFUL TRADITION OF FEMALE GENITAL MUTILATION," were adopted, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented reports (Stand. Com. Rep. No. 1351-00 and Stand. Com. No. 1352-00) recommending that H.R. No. 70, HD 1, and H.C. R. No. 64, HD 1, be adopted.

Representative Yonamine moved that the reports of the Committee be adopted and H.R. No. 70, HD 1, and H.C.R. No. 64, HD 1, be adopted, seconded by Representative Garcia.

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

Representative Takumi's remarks are as follows:

"Mr. Speaker, similar to Kaho'olawe, the U.S. Navy has bombed the island of Vieques in Puerto Rico since the 1940's. However, unlike Kaho'olawe, over 9300 residents live on Vieques.

"In the 1940's, three quarters of the island was taken over by the military that resulted in residents living in the center of the island. The live fire training has had devastating impacts on the ecology, economy, cultural resources and quality of life of the residents.

"But, above all, Mr. Speaker, the movement to end the bombing of Vieques is a human rights issue, and issue of whether people have the right to live in peace and to make decisions about their homeland; indeed, an issue of whether people have the right of self-determination.

"This is why the movement to end the bombing enjoys the support of the vast majority of the people in Puerto Rico. A recent demonstration drew upwards of 150,000 people that would be the equivalent of about 50,000 people here in Hawai'i.

"This is why the heads of the Catholic, Methodist and United Evangelical churches in Puerto Rico are calling for an end to the bombing. Organizations in the U.S. in support of the people of Vieques include the United Methodist Church, the National Council of Churches, the national AFL-CIO, and the city councils of New York and Cambridge, Massachusetts.

"Mr. Speaker, I think all of us who've been here a while remember when back in 1976, nine men occupied the island of Kaho'olawe for 18 days to draw attention to the bombing of that island. One of them, the late George Helm, said, 'What is national defense when what is being destroyed is the very thing the military is entrusted to defend, the sacred land of Hawai'i?'

"At the time, they were called anti-American and anti-military. Yet, when the island of Kaho'olawe was returned to the state 18 years later on May 7, 1994, U.S. Senator Daniel Akaka said, 'Kaho'olawe became a symbol of wholeness for me, a celebration of healing, of restoration of a basic tradition for the Hawai'ians and a concept that is needed by the rest of the world---aloha'aina. To me, this needs to be carried beyond Hawai'i.'

"Mr. Speaker, by passing these resolutions we affirm these words not only for us but also for the people of Vieques. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 70, HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES NAVY TO RELOCATE FROM THE ISLAND OF VIEQUES, PUERTO RICO AND RETURN THE LAND TO THE MUNICIPALITY OF VIEQUES FOR CIVILIAN USES," and H.C.R. No. 64, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES NAVY TO RELOCATE FROM THE ISLAND OF VIEQUES, PUERTO RICO AND RETURN THE LAND TO THE MUNICIPALITY OF VIEQUES FOR CIVILIAN USES," were adopted, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1353-00) recommending that H.R. No. 135, as amended in HD 1, be adopted.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.R. No. 135, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO COMMISSION A STUDY TO DETERMINE THE SECURITY OF THE 5 (F) TRUST ASSETS IN LIGHT OF THE RICE V. CAYETANO U.S. SUPREME COURT RULING," was adopted, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawai'ian Affairs, presented a report (Stand. Com. Rep. No. 1354-00) recommending that H.C.R. No. 156, as amended in HD 1, be adopted.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.C.R. No. 156, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO COMMISSION A STUDY TO DETERMINE THE SECURITY OF THE 5 (F) TRUST ASSETS IN LIGHT OF THE RICE V. CAYETANO U.S. SUPREME COURT RULING," was adopted, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representatives Santiago and Menor for the Committees on Health and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1355-00) recommending that H.R. No. 170, be adopted.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.R. No. 170, entitled: "HOUSE RESOLUTION URGING THE OFFICE OF THE GOVERNOR TO DEVELOP AND AWARD CERTIFICATES OF RECOGNITION TO FAMILIES OF DECEASED ORGAN DONORS," was adopted, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

Representatives Santiago and Menor, for the Committees on Health and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1356-00) recommending that H.C.R. No. 202, be adopted.

On motion by Representative Yonamine, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE

OFFICE OF THE GOVERNOR TO DEVELOP AND AWARD CERTIFICATES OF RECOGNITION TO FAMILIES OF DECEASED ORGAN DONORS," was adopted, with Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen being excused.

### THIRD READING

#### S.B. No. 2477, SD 1:

By unanimous consent, action was deferred one day.

Representative Garcia moved to keep the Journal open until 12:00 o'clock midnight this legislative day for the purpose of receiving Standing Committee Reports and Senate Bills transmitted thereby, seconded by Representative Pendleton and carried. (Representatives Case, Chang, Herkes, Kaho'ohalahala, Moses, Okamura, Rath and Whalen were excused.)

At 5:48 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Standing Committee Reports.

### STANDING COMMITTEE REPORTS

The following Standing Committee Reports (Stand. Com. Rep. Nos. 1357 through 1466) were received in the Clerk's Office up until 12:00 o'clock midnight this legislative day, and subsequent to its recessing at 5:48 o'clock p.m., the House of Representatives took the following action:

Stand. Com. Rep. No. 1357-00 (JHA) and S.B. No. 2311, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY USE OF SEAT BELTS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1358-00 (JHA) and S.B. No. 3045, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1359-00 (CPC/JHA) and S.B. No. 2254, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY OF HEALTH CARE INFORMATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1360-00 (CPC) and S.B. No. 2717, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1361-00 (CPC) and S.B. No. 2725, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOWING COMPANIES," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1362-00 (LAB/FIN) and S.B. No. 2837, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1363-00 (FIN) and S.B. No. 185, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1364-00 (FIN) and S.B. No. 1095, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1365-00 (FIN) and S.B. No. 1281, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1366-00 (FIN) and S.B. No. 2059, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO WELFARE REFORM," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1367-00 (FIN) and S.B. No. 2062, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1368-00 (FIN) and S.B. No. 2115, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FALSE CLAIMS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1369-00 (FIN) and S.B. No. 2134, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE AND ANIMALS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1370-00 (FIN) and S.B. No. 2186, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1371-00 (FIN) and S.B. No. 2221, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1372-00 (FIN) and S.B. No. 2312, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO A HOISTING MACHINE OPERATORS CERTIFICATION REVOLVING FUND," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1373-00 (FIN) and S.B. No. 2411, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1374-00 (FIN) and S.B. No. 2419, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL ACCESS PROGRAM," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1375-00 (FIN) and S.B. No. 2448, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AUTISM," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1376-00 (FIN) and S.B. No. 2486, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1377-00 (FIN) and S.B. No. 2530, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1378-00 (FIN) and S.B. No. 2607, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE STATUS OF WOMEN," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1379-00 (FIN) and S.B. No. 2731, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1380-00 (FIN) and S.B. No. 2533, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1381-00 (FIN) and S.B. No. 2779, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1382-00 (FIN) and S.B. No. 2808, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONSUMER ADVOCATE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1383-00 (FIN) and S.B. No. 2843, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1384-00 (FIN) and S.B. No. 2863, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADVANCE HEALTH-CARE DIRECTIVES," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1385-00 (FIN) and S.B. No. 2870, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1386-00 (FIN) and S.B. No. 2873, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1387-00 (FIN) and S.B. No. 2905, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1388-00 (FIN) and S.B. No. 2945, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1389-00 (FIN) and S.B. No. 2948, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1390-00 (FIN) and S.B. No. 3179, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1391-00 (FIN) and S.B. No. 3199, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1392-00 (FIN) and S.B. No. 3201, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO A SCENIC HIGHWAYS SYSTEM," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1393-00 (FIN) and S.B. No. 2074, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1394-00 (FIN) and S.B. No. 2420, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1395-00 (FIN) and S.B. No. 2692, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1396-00 (FIN) and S.B. No. 2741, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1397-00 (FIN) and S.B. No. 2745, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1398-00 (FIN) and S.B. No. 2758, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1399-00 (FIN) and S.B. No. 2781, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1400-00 (FIN) and S.B. No. 2935, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS DRUGS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1401-00 (FIN) and S.B. No. 3032, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1402-00 (FIN) and S.B. No. 568, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1403-00 (FIN) and S.B. No. 2433, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRISONS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1404-00 (FIN) and S.B. No. 2574, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1405-00 (FIN) and S.B. No. 2579, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1406-00 (FIN) and S.B. No. 2409, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1407-00 (FIN) and S.B. No. 2716, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1408-00 (FIN) and S.B. No. 2987, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1409-00 (FIN) and S.B. No. 2722, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE IMMERSION PROGRAM," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1410-00 (FIN) and S.B. No. 3026, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1411-00 (FIN) and S.B. No. 3123, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1412-00 (FIN) and S.B. No. 211, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1413-00 (FIN) and S.B. No. 2061, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND EMPLOYMENT PRACTICES," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1414-00 (FIN) and S.B. No. 2108, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1415-00 (FIN) and S.B. No. 2536, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PRINCIPAL AND INCOME ACT," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1416-00 (FIN) and S.B. No. 2575, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII FACILITIES IMPROVEMENTS SPECIAL FUND," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1417-00 (FIN) and S.B. No. 2657, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1418-00 (FIN) and S.B. No. 2729, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICE CONTRACTS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1419-00 (FIN) and S.B. No. 2988, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS AND PROCUREMENT," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1420-00 (FIN) and S.B. No. 3160, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF RESIDENTIAL CONDOMINIUM APARTMENTS TO OWNER-OCCUPANTS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1421-00 (FIN) and S.B. No. 851, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN

ACT RELATING TO HEALTH CARE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1422-00 (FIN) and S.B. No. 873, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1423-00 (FIN) and S.B. No. 2166, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO WIND FARMS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1424-00 (FIN) and S.B. No. 2303, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1425-00 (FIN) and S.B. No. 2354, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1426-00 (FIN) and S.B. No. 2475, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO GENDER EQUITY IN SPORTS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1427-00 (FIN) and S.B. No. 2706, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1428-00 (FIN) and S.B. No. 2879, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TIRES," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1429-00 (FIN) and S.B. No. 278, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1430-00 (FIN) and S.B. No. 539, SD 1, HD 1, entitled: "A BILL FOR AN ACT 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," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1431-00 (FIN) and S.B. No. 887, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1432-00 (FIN) and S.B. No. 914, entitled: "A BILL FOR AN ACT RELATING TO VOTE COUNT," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1433-00 (FIN) and S.B. No. 2005, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1434-00 (FIN) and S.B. No. 2021, SD 2, HD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1435-00 (FIN) and S.B. No. 2056, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNT

CONTRIBUTION TAX CREDITS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1436-00 (FIN) and S.B. No. 2152, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1437-00 (FIN) and S.B. No. 2160, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1438-00 (FIN) and S.B. No. 2287, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1439-00 (FIN) and S.B. No. 2289, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PREPAID TELEPHONE CALLING SERVICE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1440-00 (FIN) and S.B. No. 2301, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1441-00 (FIN) and S.B. No. 2426, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1442-00 (FIN) and S.B. No. 2427, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIME VICTIMS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1443-00 (FIN) and S.B. No. 2432, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A SENTENCING SIMULATION MODEL," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1444-00 (FIN) and S.B. No. 2482, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY BUSINESS TAXATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1445-00 (FIN) and S.B. No. 2484, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID RECOVERY," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1446-00 (FIN) and S.B. No. 2490, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM RESIDENTIAL CARE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1447-00 (FIN) and S.B. No. 2493, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE TREATMENT SERVICES," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1448-00 (FIN) and S.B. No. 2513, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1449-00 (FIN) and S.B. No. 2545, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GLASS RECOVERY," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1450-00 (FIN) and S.B. No. 2576, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OWNED PUBLIC HOUSING," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1451-00 (FIN) and S.B. No. 2598, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1452-00 (FIN) and S.B. No. 2655, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1453-00 (FIN) and S.B. No. 2742, entitled: "A BILL FOR AN ACT RELATING TO PORK," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1454-00 (FIN) and S.B. No. 2785, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1455-00 (FIN) and S.B. No. 2838, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INTERNET PORTAL," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1456-00 (FIN) and S.B. No. 2850, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO KINSHIP CARE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1457-00 (FIN) and S.B. No. 2856, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1458-00 (FIN) and S.B. No. 2869, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1459-00 (FIN) and S.B. No. 2941, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 3, OF THE STATE CONSTITUTION TO PROVIDE FOR THE APPOINTMENT OF A TAX REVIEW COMMISSION EVERY TEN YEARS," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1460-00 (FIN) and S.B. No. 2961, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1461-00 (FIN) and S.B. No. 2993, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1462-00 (FIN) and S.B. No. 3043, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RISK MANAGEMENT AND INSURANCE ADMINISTRATION," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1463-00 (FIN) and S.B. No. 3125, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1464-00 (FIN) and S.B. No. 3176, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1465-00 (LAB/FIN) and S.B. No. 3193, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE EXCHANGE," were placed on the calendar for Third Reading on April 11, 2000.

Stand. Com. Rep. No. 1466-00 (LAB) and S.B. No. 2218, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CHARTER SCHOOLS," were placed on the calendar for Third Reading on April 11, 2000.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m. on Tuesday, April 11, 2000.

## FORTY-NINTH DAY

**Tuesday, April 11, 2000**

The House of Representatives of the Twentieth Legislature of the State of Hawai'i, Regular Session of 2000, convened at 10:15 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Mr. Josh Reppun, Coordinator of Teachers and Students at Work for Hawai'i, after which the Roll was called showing all members present with the exception of Representatives Menor, Morihara, Okamura and Yoshinaga, who were excused.

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

## GOVERNOR'S MESSAGE

The following messages from the Governor (Gov. Msg. Nos. 181 and 182) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 181, requesting that S.B. No. 2883, SD 2, HD 1, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE STATE'S MEDICAID HOME AND COMMUNITY BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED OR MENTALLY RETARDED PROGRAM," be held. The Department of Health has determined that existing general fund resources and federal fund/interdepartmental transfer authorizations are sufficient to meet Fiscal Year 2000 needs.

Gov. Msg. No. 182, informing the House that on April 6, 2000, he signed the following bills into law:

House Bill No. 1906, HD 1 as Act 7, entitled: "RELATING TO LICENSING OF PSYCHOLOGIST";

House Bill No. 2463, HD 1 as Act 8, entitled: "RELATING TO ADVANCED PRACTICE REGISTERED NURSES RECOGNITION";

House Bill No. 2464, HD 1 as Act 9, entitled: "RELATING TO THE DUTIES OF THE BOARD OF NURSING";

House Bill No. 2486, HD 1 as Act 10, entitled: "RELATING TO CHIROPRACTIC LICENSURE REQUIREMENTS";

House Bill No. 2488, HD 1 as Act 11, entitled: "RELATING TO RETURN OF PRESCRIPTION DRUGS";

House Bill No. 2563 as Act 12, entitled: "RELATING TO THE STATE FIRE COUNCIL";

House Bill No. 2761, HD 1 as Act 13, entitled: "RELATING TO MOTOR VEHICLES";

Senate Bill No. 2885 as Act 14, entitled: "RELATING TO SANITATION"; and

Senate Bill No. 2906 as Act 15, entitled: "RELATING TO GARMENT INDUSTRY HOMEWORK".

## SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 406) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 406, transmitting S.C.R. No. 87, SD 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF EDUCATION AND THE NATIONAL INSTITUTE OF MENTAL HEALTH TO ENGAGE IN A NATIONAL EXAMINATION OF THE APPROPRIATE USE OF PSYCHIATRIC DRUGS AS NECESSARY TO TREAT MENTAL ILLNESSES IN CHILDREN," which was adopted by the Senate on April 7, 2000.

## INTRODUCTIONS

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

Representative Oshiro introduced staff members from the Congress of the Federated States of Micronesia: Ms. Liwiana K. Ramon, Chief Clerk, Congress of the Federated States of Micronesia; Ms. Consuelo Esiel, Vice Speaker's Secretary; Ms. Moria Rufes, Floor Leader's Secretary; Ms. Rose Donre, Secretary, Health, Education and Social Affairs Committee; and Ms. Aldeha Edward, Secretary, Judiciary and Governmental Operations Resources and Development Committee.

Representative Stegmaier introduced students from TeenPact Leadership School, accompanied by their leaders, Ms. Stacy Stone, Assistant Director; and Mr. Andrew Stone, Program Director.

At 10:23 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

## INTRODUCTION

The following introduction was made to the members of the House:

Representative Arakaki introduced Dr. Susan Chandler, Ph.D., Director, Department of Human Services; Ms. Kate Stanley, Deputy Director, Department of Human Services; and Ms. Susan Yamamoto.

## ORDER OF THE DAY

## SUSPENSION OF RULES

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Kanohe and Okamura were excused.)

## UNFINISHED BUSINESS

## S.B. No. 2883, SD 2, HD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2883, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE'S MEDICAID HOME AND COMMUNITY BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED OR MENTALLY RETARDED PROGRAM," was recommitted to the Committee on Finance, with Representative Okamura being excused.



**S.B. No. 2750, SD 1:**

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

**S.B. No. 2858, SD 1:**

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

**S.B. No. 2477, SD 1:**

Representative Case moved that S.B. No. 2477, SD 1, pass Third Reading, seconded by Representative Yonamine.

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

"Thank you, Mr. Speaker. Regarding the bill, I support it, but have reservations. Again, not to drone on, but I question really what our purpose is in requiring the candidates to be of Hawai'ian descent when under the current status of OHA and the voting procedure, we've already been told that it's improper. We can't do this racial classification for OHA. And it seems to me to 'fly in the face' to say that candidates can only be of Hawai'ian descent when we've already been told that using that as a defining character under the current setup of OHA is improper."

Representative Rath then rose and asked the Clerk to register an aye vote with reservations for him, "for like reasons as the previous speaker," and the Chair "so ordered."

Representative Kaho'ohalahala then rose to speak in support of the measure, stating:

"It is important, Mr. Speaker, that the State of Hawai'i reaffirm its commitment to providing Hawai'ians autonomy in managing their own assets and affairs.

"The Rice decision only invalidated the OHA voting scheme because it violated the Fifteenth Amendment, which establishes specific protections for the right of all citizens to vote. The Fifteenth Amendment does not guarantee the right of all citizens to run for public office, nor does any other amendment.

"In fact, Mr. Speaker, Article 2, Section 1 of the United States Constitution specifically excludes certain classes of citizens from candidacy for the Office of President. So this bill's efforts is to require the OHA trustee candidates to be Hawai'ian and is consistent with the spirit of the provisions of the U.S. Constitution. It is clearly not in violation of the Fifteenth Amendment. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2477, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

The Chair directed the Clerk to note that S.B. No. 2477, had passed Third Reading at 11:18 o'clock a.m.

**Stand. Com. Rep. No. 1281-00 and S.B. No. 2621, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2621, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1282-00 and S.B. No. 2849, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2849, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REVIEW HEARINGS," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1283-00 and S.B. No. 3079, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3079, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS IN THE FIRST DEGREE," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1309-00 and S.B. No. 3194, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 3194, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, I commend the Chairman of Agriculture and I support farming. But as we go along in conference, I would ask that the Chairman be mindful of my Maili Elementary School, which is surrounded by farms. We're trying to negotiate about the smell. If he could consider and come up with a compromise that would protect against those types of situations. I'd appreciate it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3194, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHT TO FARM," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Goodenow voting no and Representative Okamura being excused.

**Stand. Com. Rep. No. 1357-00 and S.B. No. 2311, SD 1, HD 1:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2311, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

"Thank you, Mr. Speaker. There's an ambiguity, I believe, in the language of the bill. The Conference Committee Report says it applies to everyone. This is mandatory seat belt use for all passengers in a motor vehicle. But the House Draft says 'under four' and that seems to be okay, but then it says 'between the ages of four and fourteen.' Between the ages of four and fourteen are those persons who are age five through thirteen. So I think it excludes people who are actually four years old. Then it goes on to say 'between the ages of five and seventeen' that means 16 year olds. So I think that we leave out four year olds, 14 and 16 year olds also. I think in Conference Committee we should try to amend the language of the bill. Thank you, Mr. Speaker."

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

"My reservations have to do with this bill not including all people. Everyone would be much safer if they did wear seat belts."

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

"I would like to remind everybody if we are saving lives we should save all of our lives, not just those under 17.

"We need to make it easier also for those who have to enforce this bill because when they look in the back seat, they can't figure out how old you are in order to stop the car and give out a ticket.

"So I think if we're trying to save lives, we should save all of our lives even if we're 77 or four years old. Thank you, Mr. Speaker."

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

"Mr. Speaker, I won't say everything I said when we passed a bill like this over to the Senate. I just want to reiterate for the record that I'm opposed to the bill because we go too far. We went from three year olds to four year olds in the car seats. We went to kicking everyone out of the back of the truck and then we amended it to under age 14, I believe it was, or 12. And the way this bill was originally written no one can ride in the back seat without seat belts.

"The statistics were very sketchy. I won't go through all the numbers because again I did it once before and anyone can look in the Journal if they want the specific numbers. But I think it's purely emotional rhetoric to say that if it saves one life it's worth it because our bills repeatedly do not follow that philosophy. There are many things we allow in this State where people get injured and killed every year and we don't stop it.

"So to say if it saves one life it's worth it. It's worth the intrusion of our privacy. It's worth telling people what to do, someone who is 17 and a half years old, she wants to get in the back seat and ride without a seat belt. How far do we go? I will acknowledge that we amended the bill down to minors under age 18, but I still think we go too far in trying to tell people how to live their lives. We jack up the price from \$25 to \$45 if they violate the law.

"Again, the statistics do not prove out that this sort of intrusion is warranted. To merely say it would save a life, I don't argue with that at all. Certainly, there would be at least one person a year, at least, probably more, who probably would not be killed in a car accident if they had their seat belt on in the back seat. However, does that justify the State of Hawai'i demand that every single person give up their personal freedom of choice and do this decision? I can't support that and for those reasons, and the others stated on the prior reading, I vote no."

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

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

"Just to clarify some of the questions that the previous speaker had regarding the ages. If he looked over the bill again, just to clarify that at the age of four they're still suppose to be in a car seat whether it be in the front seat or the back seat. The child still should be in a car seat. The issue of 14 to 16, I think that addresses the issue of liability for the paying of the violation and doesn't go to the requirement of the use of the seat belts. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2311, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY USE OF SEATBELTS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Rath and Whalen voting no and Representative Okamura being excused.

The Chair directed the Clerk to note that S.B. Nos. 2621, 2849, 3079, 3194 and 2311 had passed Third Reading at 11:25 o'clock a.m.

**Stand. Com. Rep. No. 1358-00 and S.B. No. 3045, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 3045, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"This is the Auditor's confidentiality working papers. Mr. Speaker, I'm a little bit confused about the scope of the confidentiality for the Auditor's working papers. The Committee Report states that it has deleted the working papers privilege. That may be the technical privilege section in the Hawai'i Rules of Evidence. I'm not sure. If it's not, then you go back to page 3 of the bill. It states that confidentiality applies to all working papers collected by, reviewed by, and provided to the Auditor and the agents, employees, consultants, and contractors of the Office of the Auditor. There's more language over on page 2 at the bottom that they're not compelled to disclose anything in the working papers in any form to any person or entity.

"So either it's in or it's out, and if I maybe could ask for a brief recess, Mr. Speaker, so I could ask the Chair of Judiciary. The Committee Report says it's out, but yet the bill has it in as a privilege."

At 11:45 o'clock a.m., Representative Thielen asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:48 o'clock a.m.

Representative Thielen continued, stating:

"Thank you, Mr. Speaker. I appreciate the Chair and Vice Chair of Judiciary clarifying as to the Hawai'i Rules of Evidence, the confidentiality provision is not yet going to that, the Rules of Evidence. That will be left up to the Judicial Committee that is reviewing the Rules of Evidence.

"My reservation still is the same, Mr. Speaker, and it's on the basis of making government working papers not available for public scrutiny. I can understand there is a balance. Yet, I always think that the balance is better to err on the side of open government and the Sunshine Law and allow things to be available for review by the public. That's my reservation. Thank you."

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

"I just want to make note that I have the highest respect for the Auditor. My concern is with the subpoena powers. I believe that currently it's reserved for the State Legislature. To provide this to a legislative agency, which is not a member of the Legislature, this kind of power makes me concerned. While I'm sure that it won't be used in a malicious way, I'm still concerned about future Auditors who may go in and can use this power excessively. This power should belong exclusively to the Legislature. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3045, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Third Reading by a vote of 49 ayes, with Representatives Goodenow and Okamura being excused.

**Stand. Com. Rep. No. 1359-00 and S.B. No. 2254, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2254, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY OF HEALTH CARE INFORMATION," passed Third Reading by a vote of 49 ayes, with Representatives Goodenow and Okamura being excused.

**Stand. Com. Rep. No. 1360-00 and S.B. No. 2717, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2717, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," passed Third Reading by a vote of 49 ayes, with Representatives Goodenow and Okamura being excused.

**Stand. Com. Rep. No. 1361-00 and S.B. No. 2725, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2725, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Thank you, Mr. Speaker. I know it won't come as any surprise to my colleagues that I feel that this bill is defective.

"If you take a look at the committee that heard the bill, the committee is called the Consumer Protection Committee. It does have Commerce in the title too, but we've taken a step with this bill, Mr. Speaker, that does not protect the consumer.

"The bill, as you all know, will allow towing companies to take your car. And if you run to get to that car saying, 'Oops I was too late. I should have been here, please unhook my car.' The towing operator will say, 'Give me \$50 in cash and I'll release your car. Otherwise, I'm towing it off to the lot,' which will raise the price up to well over \$100. Say it's a single mother running to get her car where she'd left it for a couple of minutes and has to get home to a day care center to pick up her children. She's faced with, obviously not having \$50 in her purse, but she has a credit card.

"If we were protecting the consumer, Mr. Speaker, and trying to minimize the cost and yet still prevent people from parking a few minutes too long in a tow away zone, or a sign posted zone, we would then say to the tow operator, 'You accept a credit card.' When you look at the bill on page 5, you'll see that when that person goes to the tow company to redeem her car she then can use a credit card. The towing company has to accept a credit card.

"So if we were really interested in protecting the consumer, Mr. Speaker, we would put in the language on page 2, 'If the owner is unwilling or unable to pay the "unhooking" fee, the vehicle may be towed.' That just makes common sense. I don't know how many of us in here have parked at a posted time limited area where it says 'no parking after 4:00 o'clock' and maybe you've gone out at 4:01 or 4:02. I don't know how many of you have faced a tow truck operator. And I don't know how many of you walk around with \$50 in your pocket. I would say it would be a pretty small minority that do that.

"So this means your car is going to be towed away even though you're there, even though you have a credit card, and even though that tow truck operator could and should take that credit card. Consumer protection really says we should protect the consumer in these instances. Make them pay, but let them use a credit card. I know the bill goes on to conference. I don't have great hope that the Conference Committee will put in that

consumer protection language, but maybe some people on the Senate side would be more amenable to that. Thank you, Mr. Speaker."

Representative Rath then rose to speak in opposition to the measure, and asked that the remarks of Representative Thielen be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Rath continued, stating:

"Mr. Speaker, if you take your car to a garage to get it fixed and they fix it and you come up and you don't have the money, they cannot legally keep your car. You can actually take it and leave. They'd like you to believe they could, but legally they can't keep your car.

"So here you are, your car is on the road, you've got a \$30,000 or \$40,000 car -- well not you or I -- but some people have \$30,000 or \$40,000 cars. And because you don't have immediately on you \$50 in cash, let's say you've been out drinking and you spend it all, then you can't get your car. You've already got a ticket from the police. That's why they've called the tow truck. So you've got the ticket to pay. They can access your name or who the registered owner is and there's proof that you were there and illegally parked. There's no reason they can't bill you later.

"To take your car and put it on a tow truck and take it off, this is beyond the bounds of reason when you figure, like I said, you can take your car to a garage and they can't keep it. So I think we've gone entirely the wrong way. It's become where it doesn't have anything to do with consumer protection, Mr. Speaker. It has to do with protecting the tow truck companies. Thank you."

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

"Mr. Speaker, this issue that's being discussed, I imagine that many of these confrontations will be very unpleasant. We're setting up an unpleasant confrontation in many cases. I would like to additionally observe that, at the point that the car owner shows up, the tow truck is there. But the car owner shows up. Whether the tow truck takes it away or not, that car is leaving. It's not going to stay illegally parked. In other words, the remedy is already there. There's already remedy. Either the tow truck is going to drive it away, or the owner of the car is going to drive it away and it will no longer be illegally parked.

"I think that's an important element to understand here that is material to this concept. That at that point the violation will not continue. The solution is immediately at hand.

"Additionally, I agree that the tow truck operator has the identification of the car, the license plates, et cetera, and if necessary, can bill after the fact. Thank you."

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

"My reservations have, basically, been stated. I think either check or credit card would suffice because there is proof of ownership of the car already. The police have the records. So let's make it a little easier for the consumer. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2725, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOWING COMPANIES," passed Third Reading by a vote of 38 ayes to 11 noes, with Representatives Fox, Halford, Herkes, Kahikina, Marumoto, McDermott, Meyer, Pendleton, Rath, Thielen and Whalen voting no and Representatives Goodenow and Okamura being excused.

**Stand. Com. Rep. No. 1362-00 and S.B. No. 2837, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2837, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, my reservation relates to the addition made to the bill of section 3, which establishes an interagency working group to oversee the accountability process.

"We had testimony before the Finance Committee by the Superintendent of Education against this provision. He's trying something very difficult, to put together an accountability system for the State of Hawai'i's public schools. This is not an easy process. We're trying to support him in this effort. I believe that this section puts him as part of a committee of 14 to oversee this process in every step of the way, a committee that meets every month and issues reports et cetera and it's loaded with bureaucrats from others parts of the government. I believe that it would help the Superintendent if we take this provision out. Thank you, Mr. Speaker."

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

"My concern with this bill is on page 6, section (d), as it concerns the suspension of Chapter 89 for the teachers. This bill, S.B. No. 2837, will eventually impact the wages, hours and working conditions for teachers. One of the greatest concerns of teachers is the amount of time needed to accomplish these activities. They are concerned with their attendance of classes as well as the cost of such classes, which may be required.

"This will be in addition to regular classroom training, planning and supervision of extra curricular activities. Certainly, no one knows better than the teachers themselves how important educational accountability is in achieving greater student performance. However, putting the onus on the teachers and administrators without having any recourse in the implementation of these standards brings even more pressure to every day classroom demands.

"Teachers believe in accountability. They want it to succeed, but educational accountability might not succeed if the right to the people, the teachers who work and are key to success, are not treated fairly and equitably. Accountability cannot be limited to the school population. There are others who are part of this team. They all need to play their parts in order to have school success. Thank you, Mr. Speaker."

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

"Mr. Speaker, this measure is important for significant educational reform to take place. I think everyone will agree that we need to make changes and to promote effective change, we need accountability.

"Accountability is not only for teachers but for everyone, including administrators, the Superintendent, the Board of Education, legislators, parents and even the students themselves.

"This bill calls for a collaborative effort from all important stakeholders to create a system that will promote success for all of our children.

"Mr. Speaker, this measure also provides the framework from which these discussions can take place. I strongly support this measure and recommend this bill pass Third Reading. The working group section of this bill will be addressed in

conference so that further discussions can take place. Thank you, Mr. Speaker."

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

"I'm happy to hear that the Chairman just talked about addressing one of my concerns in Conference Committee. My other concern is as this bill moves through, I asked Dr. LeMahieu specifically about broadening it so that all stakeholders are held accountable. However, you can do that. But I still think it's limited. It doesn't include everybody. There should be parents and teachers and the staff at the schools plus the administrator and the teachers and everybody else. So I think it needs to be broadened just a little bit. Everybody has a role in this endeavor.

"There's also, I think, a lack of protection for teachers who may end up being reassigned. I know that's the last measure that would be undertaken by anybody. But it may become necessary. I think there should be some protections in the bill. Thank you, Mr. Speaker."

Representative Halford then rose to speak in support of the measure with reservations, and asked that the remarks of Representative Leong be entered into the Journal as as his own, and the Chair "so ordered." (By reference only.)

Representative Halford continued, stating:

"Additionally, I'd like to make a couple of observations. One is, accountability is an important word and it's becoming a 'buzz word', I think. The concern that I have is that if we just talk about accountability, simply drive at that one word alone, we might come out with a system that is just looking for who to blame.

"Accountability, Mr. Speaker, I don't believe can work unless it is equally matched with authority. That unless we are very clear as to what any of the stakeholders, what their authority is, unless we're very clear about that authority, we cannot successfully have constructive accountability. Thank you."

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

"Just in response to some of the concerns raised by the Minority members. What this bill does is to establish, very clearly, that not only teachers, but all other employees of the schools as well as students and parents and community members are all accountable for the improvement of our public schools.

"I believe that what we're doing is setting a very important standard of accountability that will eventually require negotiations at the bargaining table to make certain that we do support our professional educators in reaching those standards. But we need to establish a goal and that's what this legislation so clearly does. For this reason, I support this measure and I commend the Chair of the Education Committee for his strong leadership. Thank you."

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

"Thank you, Mr. Speaker. I would simply like to read some comments that come out of *The People's Pulse*, which as we all know is a poll sponsored by the Hawai'i Business Roundtable and Pacific Resource Partnership, the latter of which is a joint business-labor organization.

"This most recent issue, which we all have, is dated Spring 2000, and reflects questions of residents of our State, and thus our bosses, that were asked March 4, 2000 through March 21, 2000, so about four weeks ago.

"I'd like to read just this one section:

**OVERWHELMING SUPPORT OF 8 IN 10  
FOR PUBLIC SCHOOL ACCOUNTABILITY**

As the public's concern about education has increased, so has support for a variety of different proposals. In this issue, PULSE learned that residents overwhelmingly favor accountability in public schools. Resident support recognizes that responsibility rests with all of the educational participants -- not just DOE employees, but also with students and parents as well.

PULSE asked the following: "The Superintendent of Education has proposed establishing an accountability system for public education that clearly defines the performance expectations and responsibilities for students, parents, teachers, principals, the Department of Education and the Board of Education. It would include rewards when performance is met and penalties when not met. Do you strongly favor, somewhat favor, somewhat oppose or strongly oppose this educational accountability system?"

Support is dramatic and unambiguous. More than 8 in 10 (82%) support the proposal, and almost half say that they strongly favor it. Furthermore, committed support exceeds committed opposition by about 8:1. It is also interesting that the number of residents who say they don't know (6%) is one of the lowest of all questions asked.

"I'll insert the remainder of the comments out of The People's Pulse into the record. But I think what this clearly shows is that we're on the right track with this Majority Package bill, which I believe is also supported by the Minority, and I think we just need to see this all the way through. Thank you, Mr. Speaker."

Representative Case's remarks from The People's Pulse continued:

- The level of "top box" support (strongly favor) demonstrates the importance of education and suggests public willingness to make structural changes in approach.

Finally, a large majority on each county also support the proposal:

- 84% on Oahu, with 50% strongly favoring
- 74% on the Big Island, with 31% strongly favoring
- 78% on Maui, with 45% strongly favoring
- 81% on Kauai, with 41% strongly favoring

On other education initiatives, public support is also strong, with a large majority of almost 3 in 4 favoring proposals. In both instances, about 1 in 3 say they strongly favor proposals.

- 74% of residents support a constitutional amendment giving the University of Hawai'i autonomy on all matters.
- Comparable numbers (72%) support establishment of a DOE inter-agency group to review and recommend changes in rule, policies, procedure and practice.

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

"Thank you. This is in regards to the educational accountability bill. I just wanted to point out the Superintendent's last correspondence in the last newsletter called the Superintendent's Update. It talked about this accountability system. In his last two paragraphs I'd like to read directly from it. It says:

Accountability itself is not an issue. All parties need to agree that it is needed and that it should be critical, honest, humane, fair, and educationally sound.

LaMehieu is confident that solutions will be determined that satisfy his five concerns, which the lines prior refer to, as well as those of the unions. These solutions should result in a true multi-party, collaborative process and yield a single coherent accountability system that applies to all.

"The reason why I point this out is because if you take a look at the bill, we put a technical flaw in the bill. Although, it may not be constitutionally sound, the intent was for this bill to go to conference so that the parties can iron out their differences and come up with some solution. I believe they will. I just wanted to make it very clear that, as this bill moves back to the Senate, the purpose of leaving a blank effective date was to make the bill go into conference and to have the parties work out their differences. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2837, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY," passed Third Reading by a vote of 49 ayes, with Representatives Goodenow and Okamura being excused.

**Stand. Com. Rep. No. 1363-00 and S.B. No. 185, SD 2,  
HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 185, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Goodenow and Okamura being excused.

**Stand. Com. Rep. No. 1364-00 and S.B. No. 1095, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 1095, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Pistols and revolvers are close range weapons requiring training and users to be qualified. Unfortunately, hunter education classes do not provide for the training and certification of users.

"Pistols and revolvers can be used in specialized hunting situations, but unfortunately, many hunters cannot make the distinction on when it is appropriate. As a close range firearm, it does not have the killing power to humanely kill the game in most hunting situations. But most importantly, we should consider the DOCARE officer's safety in the field.

"Pistols and revolvers can easily be concealed. These officers are already in a dangerous situation, more than likely working alone, and in isolated areas dealing with individuals with firearms. Nationally, this branch of enforcement is the most assaulted group. We should not subject them to additional danger. Thank you."

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

"I've been a hunter since I was a teenager. I've hunted both with bow and rifle, as well as with handguns. I can tell you that it's no more dangerous and in some ways much safer to hunt with a handgun than it is with a rifle.

"Rifles can be very powerful and have an extreme range, and bullets can carry. If you're not very careful about what your

back drop is or what's behind the game you're shooting at, especially on an island where it's highly populated, somewhere like Oahu, if you're hunting pigs, that rifle bullet can carry and have an unintended target or an unintended consequence.

"Whereas, with handguns, the range is generally limited to, not quite as far as a rifle, but more important people who hunt with handguns have to get close to their prey. Generally or typically 25 yards is considered the range, that's the distance across this House floor. You definitely know what's behind it, and the chance of an accident or incident is greatly reduced. It's been proven to be a very safe way to hunt. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1095, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Lee, Morita and Thielen voting no and Representatives Goodenow and Okamura being excused.

**Stand. Com. Rep. No. 1365-00 and S.B. No. 1281, SD 2, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1281, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 49 ayes, with Representatives Goodenow and Okamura being excused.

The Chair directed the Clerk to note that S.B. Nos. 3045, 2254, 2717, 2725, 2837, 185, 1095 and 1281 had passed Third Reading at 11:55 o'clock a.m.

**Stand. Com. Rep. No. 1366-00 and S.B. No. 2059, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2059, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"I really appreciate the Finance Chair, Vice Chair and the members of the Finance Committee hearing this measure. I feel compelled to speak on it because it's an area I think we've neglected for over a decade. It is to provide an increase in the standard of need for those on financial assistance.

"I can still remember when we did provide an increase. This was over a decade ago. I think it was in 1988 or 1989, when I was much younger and much better looking. I don't know if that has any bearing. I think since then, in 1993, we actually froze the base year to determine the standard of need. We've been saying no to any increases for financial assistance to those individuals most in need, always saying that the economy is down, and the revenues wouldn't allow for these increases.

"We were afraid, and perhaps we're still fearful, of the public reaction we might have to providing increases to those on welfare. However, the irony is that the poor economy has had an even greater impact on those who are on public assistance. This affects especially those who have chronic illnesses, disabilities, our elderly and families with young children. They're the ones that struggle to keep their families together, to provide shelter and food on the table.

"Granted, there are those who try to manipulate the system and those who will milk the system to their advantage. But in the vast majority, there's a desire to pursue the dignity of work, but this desire is very often weighed against the desire to provide a safe home, child care, health care, and food on the table.

"I really need to credit, and I'm glad that our people from the Department of Human Services are here, Director Chandler and Deputy Director Stanley and their staff. Because I think they've done a really superb job given the limited resources. In fact, lessened resources that the Department has had. They've been able to assist so many of our needy families in Hawai'i. They've been able to move large numbers, even with our economy down, off welfare and into work. They really deserve a lot of credit.

"I know some have argued that Hawai'i's cash benefits are generous. When you look at it and compare it with other states, it is higher, but it doesn't take into account our high cost of living, especially, the high cost of housing. In many cases, families on the system are spending 50 to 80 percent of their cash assistance on housing. That leaves very little to provide nutritious meals, adequate clothing or transportation.

"Just to give an example, a family of three receives \$712 a month in assistance. The recommended expenditure for housing is supposed to be 30 percent, which if you calculate it is about \$213 a month. I'm wondering if anybody here can find housing for that amount for a family of three when the market rate actually for a two bedroom unit is over \$1,000. Now with welfare reform and time limits on receiving benefits, I think it becomes a moral and economic imperative to lift people out of economic dependence and place them on the road to self-sufficiency.

"The greater imperative I feel, however, is for our children because the children represent the fastest growing segment of the poor in Hawai'i. It has been rising by over 10 percent over the past 10 years. I don't know how all of you feel, but I think it is shameful that more and more children in Hawai'i are growing up poor. It's also economically foolish because our neglect ends up costing us more in terms of more health care costs, more educational and remedial costs and in the judicial system as well.

"I realize that the unions are demanding pay raises and businesses are demanding tax cuts or tax credits, but I really hope we take a look at where our priorities are and look at where the need is in our population. Thank you, Mr. Speaker."

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

"Thank you. Just briefly, what was said about this bill a little bit earlier is significant and important and was very well said. I just wanted to observe that what we do to increase the problems that were mentioned is that we charge a tax on food, medical services, and rent, which exacerbates the problems that were previously discussed. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2059, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WELFARE REFORM," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1367-00 and S.B. No. 2062, SD 1, HD 3:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2062, SD 1, HD 3, pass Third Reading, seconded by Representative Yonamine.

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

"My reservation is that this is another extension of this committee, another appropriation, and calling for another study. I would hope that this body is looking to have something, some concrete program put into effect, at least a pilot program. This long-term care need is not new. It's going to get worse, and the

sooner we start on something the sooner we can try and solve it. Thank you, Mr. Speaker."

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

"Just to mention that this is a waste of government money and we should be looking to privatization to solve this problem. Therefore, I will be voting no. Thank you, Mr. Speaker."

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

"How much do I repeat from the last time I spoke? For your sake, I'll try not to repeat anything. The private sector did say they could do it for the least price, and I stand up and make mention of the fact that on the last reading we pointed out that we did create a tax credit. That tax credit emulates the federal one, which those of you who might do your own taxes, you have to come above the 7.5 percent floor of your adjusted gross income. That's insignificant. Nationwide, Hawai'i just doesn't 'cut the muster'.

"The private sector recommended, a tax credit, a refundable tax credit. If we want people to be insured and if you read the reports from the Long-term Care Committee, they're not talking about tax because everyone is afraid of the tax word right now. They are definitely talking about mandatory contributions. If it's a State program, a State bureaucracy, State coverage, and you have to put money into it, you can call it what you want, user fee, tax whatever. It's still money out of a person's pocket--mandatory. It's still basically a tax.

"Instead of doing it that way and creating another branch of government and another way that we can have a fund that we can dip into when we get scared and we don't have enough money for something, let's just give them the tax credit. Let people buy their own insurance from the private insurers and it will be done cheaper and better. As the former speaker from Kaimuki said, this is another study. We did a study before when I was on the Committee, and might still be. That's when all this information came out. They said we don't need a State program. For some reason, we cannot get the message in our head that the private sector does it better and cheaper. Let's just go that route instead of trying to create something through the State. For those reasons, Mr. Speaker, my vote is no."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2062, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Rath and Whalen voting no and Representative Okamura being excused.

**Stand. Com. Rep. No. 1368-00 and S.B. No. 2115, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2115, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FALSE CLAIMS," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1369-00 and S.B. No. 2134, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2134, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, I think that our highest priority in terms of general fund money should be education, and that subsidizing

the pet quarantine program in order to lower fees is not a core service of government.

"People in my neighborhood have been calling, e-mailing, and sending me letters telling me that we need more money for education. I haven't heard one person complain about the pet quarantine rates. This bill may not be a total waste of money, but it's not a smart way to use our limited resources. I'll be voting no."

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

"My concern is more of one of policy. A few years ago, this Legislature was trying to go in the direction of making different agencies becoming self-supporting. This animal quarantine came forward and tried to do that. On top of that, we reduced the waiting period from four months to one month. The proponents of the issue at that time said that it wasn't the money. It was the idea of having the animals sooner with them. Now some of these proponents are coming back asking for a subsidy.

"The concern is before when we had the special fund the idea was to make them self-sufficient. If it's going to be a policy change, then we should state so. If we're going to keep them self-sufficient, then there shouldn't be any government subsidy. Thank you, Mr. Speaker."

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

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

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

"I think it's well for us to remember that we are still rabies-free in Hawai'i. This is because of the policy that we took long ago to have them quarantined when many other places had given it up. It was quite controversial when we decided to go to the one month rather than the four months that had been so successful. Up until about three or four years ago, the quarantine was always supported by general funds because just having the quarantine benefits each and every citizen of this State. We can be confident that we don't have to worry about our children if a dog bites them.

"So I feel that it is appropriate that the general fund subsidize part of the operation there because we still are confident that we are rabies-free and that's very important. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I think the concerns of our colleagues are well taken, but just a little background about this bill. As stated, this bill is to reduce the user fee by the animal quarantine station by an unspecified amount. However, Mr. Speaker, in spite of our progress in science and technology, rabies biology and diagnosis still remain a mystery. In fact, the statistics shows that rabies in U.S. animals has increased and has been a particularly important problem in distant parts of the United States and in the State of Texas.

"Yet still, the Department of Agriculture has been continuing to excel in the technological advances in basic and applied studies of the rabies virus for the purpose of affecting future changes to Hawai'i's quarantine program. Only quality science

can support such changes. Until such time that these changes can be implemented with scientific data, we must continue to be vigilant in our animal quarantine laws in order to ensure that rabies does not enter our State.

"Preventing rabies from being introduced into Hawai'i is of great importance and I think we are very much concerned about that. It is very critical for the following reasons: as a public safety issue, that affects all the people of Hawai'i; and to protect Hawai'i's ecosystem and allow enjoyment of the environment without fear of being exposed to rabies. Keeping Hawai'i rabies free benefits the entire Hawai'ian community. This includes the residents who live and work here, as well as the visitors who come to enjoy our islands and experience the Aloha Spirit.

"Therefore, for these reasons, Mr. Speaker, I believe that the State must share in the cost of the program and not just the pet owners who are required by law to use the quarantine facility. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2134, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE AND ANIMALS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Schatz and Souki voting no and Representative Okamura being excused.

**Stand. Com. Rep. No. 1370-00 and S.B. No. 2186, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2186, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"I want to register a no vote on Standing Committee Report 1370, SB 2186, having to do with the regulation of independent bill reviewers.

"I just want to bring to this body's attention that we would be the only State that would regulate this group of people."

Representative Rath then rose in opposition to the measure and asked that the remarks of Representative Meyer be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2186, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Fox, Halford, Marumoto, Meyer and Rath voting no and Representative Okamura being excused.

**Stand. Com. Rep. No. 1371-00 and S.B. No. 2221, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2221, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1372-00 and S.B. No. 2312, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2312, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A HOISTING MACHINE OPERATORS CERTIFICATION REVOLVING FUND," passed Third Reading by a vote of 47

ayes to 3 noes, with Representatives Fox, Marumoto and Meyer voting no and Representative Okamura being excused.

**Stand. Com. Rep. No. 1373-00 and S.B. No. 2411, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2411, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1374-00 and S.B. No. 2419, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2419, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL ACCESS PROGRAM," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1375-00 and S.B. No. 2448, SD 2, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2448, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AUTISM," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

The Chair directed the Clerk to note that S.B. Nos. 2059, 2062, 2115, 2134, 2186, 2221, 2312, 2411, 2419 and 2448 had passed Third Reading at 12:14 o'clock p.m.

**Stand. Com. Rep. No. 1376-00 and S.B. No. 2486, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2486, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"I just believe it's going to very hard to implement this. It's going to cause a lot of burden on people who have to put on the stamps and businesses associated. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2486, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Auwae, Meyer and Rath voting no and Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1377-00 and S.B. No. 2530, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2530, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1378-00 and S.B. No. 2607, SD 1, HD 3:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2607, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE



COMMISSION ON THE STATUS OF WOMEN," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1379-00 and S.B. No. 2731, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2731, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1380-00 and S.B. No. 2533, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2533, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"I know that this is a worthy fund, crime victim compensation payment, but this is a fee that's added on that's collected by the Judiciary and given to this fund. In this case, they want to add a surcharge to the DAG or the DANC -- deferred acceptance of guilty plea or deferred acceptance of nolo contendere plea.

"My concern is that many of these pleas are from charges that don't have victims, that don't have property crimes and are not related to that. I believe that there is a question as far as linkage. Though the recipient of the funds is a worthy cause, by charges or surcharge on the DAG and DANC, I don't know if there's a relationship. Those are my concerns. Thank you."

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

"I'd like to see the percentage collected cap for the administrative cost raised to 30 percent. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2533, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Nakasone voting no and Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1381-00 and S.B. No. 2779, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2779, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1382-00 and S.B. No. 2808, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2808, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONSUMER ADVOCATE," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1383-00 and S.B. No. 2843, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2843, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Thank you, Mr. Speaker. On Senate Bill 2843, HD 2, in the Committee on Finance, we had a hearing to clarify a license considered a non-exclusive franchise for the purpose of installing infrastructure. But, Mr. Speaker, I wanted to take this opportunity to educate this body of their constitutional responsibilities in carrying out the Hawai'ian Homes Commission Act of 1920.

"Mr. Speaker, this bill makes reference to section 204 of the Hawai'ian Homes Commission Act. Also it goes further to cite section 73 of the Hawai'ian Organic Act. Mr. Speaker, section 204, for edification of this body, is not the 203,500 acres that are part of the lease that I hold as a native Hawai'ian under the Federal Act. Section 204, and in the hearing I asked the director of Hawai'ian Homes, is this part of the Crown Lands that were admitted during the Organic Act? He simply said, 'Yes it is.'

"Mr. Speaker, and for this body to educate you, our Prince Kuhio had intended that this Act, this Hawai'ian Homes Commission Act would be an administrative tool or body that would administer the entitlements to the native Hawai'ians. The original intent of the blood quantum was 1/32. He did not intend that this Act would be a violation of our civil rights in creating two classes of Hawai'ians. As I've educated this body, I realize that I am a third class citizen, living on homestead, third generation. I am a ward of the State.

"So section 204 is really the Crown Lands that he intended to be part of the Hawai'ian Homes. These are the lands that I wanted to refer to under section 73(d) of the Organic Act. This is a fine opportunity to educate each other of our constitutional responsibility. I guess in my life-long fight to free the native Hawai'ians as wards of the State, we're dealing with tolerance right now. We're talking about reciprocal beneficiaries' rights, entitlements, and they do have rights. But now in the twenty-first century I find that this is the time that we need to free the Hawai'ians out of this wardship situation. So I just wanted to take this opportunity to educate this body further on the responsibility to the native Hawai'ians. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2843, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Kanoho voting no and Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1384-00 and S.B. No. 2863, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2863, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADVANCE HEALTH-CARE DIRECTIVES," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1385-00 and S.B. No. 2870, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2870, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," passed Third Reading by a vote of 49

ayes, with Representatives Okamura and Santiago being excused.

The Chair directed the Clerk to note that S.B. Nos. 2486, 2530, 2607, 2731, 2533, 2779, 2808, 2843, 2863 and 2870 had passed Third Reading at 12:20 o'clock p.m.

**Stand. Com. Rep. No. 1386-00 and S.B. No. 2873, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2873, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Yamane being excused.

**Stand. Com. Rep. No. 1387-00 and S.B. No. 2905, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2905, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Basically, Mr. Speaker, learning in college hasn't changed much in 50 years, and the main technology is still a piece of chalk and a blackboard. Dr. Lester Thurow, the former Dean of the Sloan School of Management at MIT, points out the electronic revolution will dramatically change teaching.

"The information technology age is already imposing a lot of challenges for them, at the Sloan School. The public education system failed in its basic tenant to provide for business needs. So now businesses themselves must absorb these educational needs and fund them. I think the real question now is whether public education can survive without a revolution, but there is no doubt that businesses will have to be more involved in helping to offer the basics of education.

"What do businesses really want, Mr. Speaker? What businesses want and expect is an effective way to keep high performing people, to keep them constantly updated and to be able to recognize the opportunities of the future before anyone else. This bill, Mr. Speaker, is a tool, whereby businesses can do that. Training and retraining is the key. This bill will give our people the tools they will need when opportunities are presented to them. Thank you, Mr. Speaker."

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

"This bill, which has to do with the Employment and Training Fund, and extending the date that it will exist, is a bill that small business has never supported. The Employment and Training Fund tax was created by legislation passed in 1991. The impetus for this new tax was to create funds to retrain sugar workers who were losing their jobs as sugar plantations were closing down. Small businesses wondered why they should subsidize training for other businesses, especially programs run by the Department of Labor.

"In the final negotiations, business owners were assured this would be only temporary. The bill would sunset in five years. With the passage of this bill, every business in Hawai'i then had to pay .05 percent of all taxable wages in to the ETF, Employment and Training Fund. That may not sound like much to persons who don't have to meet payrolls. For small businesses, it's another tax that eats into their bottom line.

"There have been many amendments to this part of the law. In 1996, the Legislature extended the sunset date. In 1997, we passed an amendment, which gave an 18-month moratorium on paying the tax. In 1998, a bill was offered to extend the

moratorium, but was held in committee. So the collecting of the ETF from small businesses began again on January 1, 1999, in spite of a depressed business climate.

"The agreement for supporting the continuation of the ETF tax now is not to retrain sugar workers, but to give additional training so people can upgrade their job skills. This doesn't look like something we'll ever want to give up. Since the inception of this tax in 1991, thousands and thousands of jobs have been lost due to businesses leaving this State.

"Now, today, we have a bill that further extends the ETF to December 31, 2003, making this a 12 year tax that the Legislature had promised to small businesses initially would sunset in five years. I can't vote 'no' on this bill because we are reducing the size of the payment from .05 percent, it's going to .03, then down to .01, maybe, if we don't think of other good causes to use this money.

"Is it any wonder the public and Hawai'i's struggling small businesses are skeptical of any promises that they get from the Legislature. I do hope that when the year 2003 comes, this tax will truly sunset. Thank you, Mr. Speaker."

Representative Rath then rose in support of the measure with reservations, and asked that the remarks of Representative Meyer be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Just to correct the record with respect to the history of this Fund. Basically, there was a surplus in this Fund several years ago when it first was created. This Fund has helped to train many people in this changing marketplace of global opportunities. Hopefully, the money is being put to use now for also worker retraining, as they have to retrain for the demands in our global economy. Frankly, this bill provides for an audit, in terms of the feasibility of collecting a nominal charge. Because training is the tool for the future for our workers and it is an important amount of money that if it can be self-sufficient, would be worthy of continuation. Thank you, Mr. Speaker."

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

"One of the problems is that business has to decide whether they want this or not. I can remember a few years ago that the largest business organization in the State was supporting the bill on the third floor, and at the very same time opposing it on the second floor. So we really have mixed signals from businesses. The ones that depend on the funds support it, the ones that don't oppose it. There's no clear signal coming from business."

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

"I recall back in 1991 when we created this Fund. I could tell at that point, Mr. Speaker, that businesses across the board were opposed to this tax. Since then, some have benefited, others haven't. I believe that, fundamentally, businesses would like an opportunity to have more of their own money to determine what the best training is for their own employees. There are plenty of resources, training resources, out there. Private resources that employers can count on to retrain and upgrade their own employees. For that reason, I'm supportive of it because we're phasing this out, but I also have reservations because I don't think it reflects what is best for business. Thank you."

Representative Moses then rose to speak in support of the measure with reservations, and asked that the remarks of

Representative Stegmaier be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Moses continued, stating:

"And I do support the fact that we're reducing this tax, but it remains a tax. Thank you."

Representative Marumoto then rose in support of the measure with reservations, and asked that the remarks of Representative Stegmaier be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Meyer then rose to give additional remarks, stating:

"I would like to see an audit where the Auditor would study to see what kind of success we've had with this training. Just simply counting the numbers of people who have sat in a room and gone through a seminar and had some kind of training is one thing, but the outcome is what we should be counting on. There is no accountability in this program now. For that reason, I still have very strong reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2905, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Rath voting no and Representatives Okamura and Yamane being excused.

**Stand. Com. Rep. No. 1388-00 and S.B. No. 2945, SD 1, HD 3:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2945, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Yamane being excused.

**Stand. Com. Rep. No. 1389-00 and S.B. No. 2948, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2948, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"It's with some trepidation that I express reservations about a scholarship program, but I just wanted to point out some deficiencies in this bill. I guess this is a new economy technology scholarship pilot program, but I just wanted to point out that the Department of Business, Economic Development and Tourism have some reservations about running a scholarship program. They are just not outfitted to do this.

"They're suppose to establish lists of approved courses of study for the various types of approved educational institutions. The list shall be based on areas of business demand and expected contribution to economic development, and shall be reviewed and updated on an annual basis. They do this in conjunction with the Workforce Development Council, and this is not what they usually do. This is a new function they will have to perform.

"In addition, we're asking the Department to monitor and verify a student's fulfillment of all internship and work requirements under this Chapter. The Department will also have to enforce repayment of these scholarship grants. This is going way outside of the scope of their usual duties. They're already underpaid and overworked. So I really have my reservations on this particular program. A scholarship program is fine, but give it to the University to administer.

"Also there's an income tax credit for the taxpayer, or the taxpayer's employees. It's unspecified so we don't know the cost of this bill. I never met a tax credit I didn't like and didn't vote for, but this is a very narrow one and I always like to see broad-based tax credits. The Department of Taxation did voice opposition to this measure. Those are my thoughts on this measure. Thank you, Mr. Speaker."

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

"I would just simply like to observe that tax credits do have usefulness and are useful even to our people with food and medicine. Food and medical services tax credits would be useful, Mr. Speaker. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2948, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Yamane being excused.

**Stand. Com. Rep. No. 1390-00 and S.B. No. 3179, HD 3:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3179, HD 3, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Yamane being excused.

**Stand. Com. Rep. No. 1391-00 and S.B. No. 3199, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3199, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Yamane being excused.

**Stand. Com. Rep. No. 1392-00 and S.B. No. 3201, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3201, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A SCENIC HIGHWAYS SYSTEM," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Yamane being excused.

**Stand. Com. Rep. No. 1393-00 and S.B. No. 2074, SD 2, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2074, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Yamane being excused.

**Stand. Com. Rep. No. 1394-00 and S.B. No. 2420, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2420, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Actually, Mr. Speaker, I have a philosophical problem with bills like this. I think that it's possible that the Majority proposing a bill in which the government oversees the new economy in such a detailed fashion is basically an oxymoron. It's a misunderstanding of what the new economy is all about.

"The new economy is about getting away from government direction and allowing business to flourish on its own. The kind of new economy that we have in Hawai'i with this heavy bill on technology, and all the various provisions that are called for in it, is something that's more akin to the new economic policy put forward by V. I. Lenin in the Soviet Union in the 1920s: a government directed operation that tries to mandate certain ends.

"Materials supplied by the Progressive Policy Institute, which is a Democratic Party think tank, points out that the new economy is networked and entrepreneurial, as opposed to the old economy, which is hierarchical and bureaucratic. The new economy is marked by risk and opportunity as opposed to the old economy, which is stable. What we need to nurture the new economy in Hawai'i is to welcome change, not fear change. We need to make it much easier for small business to create jobs, rather than have a structure in which government runs the show, and business runs to government every time it needs a change, to beg for some little change in their work conditions. So I'm much more comfortable with measures that open up the playing field for small business to work rather than have government direct the people and how we might move in a new direction. Thank you, Mr. Speaker."

Representative Rath then rose in support of the measure with reservations, and asked that the remarks of Representative Fox be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"I stand in support of this bill and to briefly address the new economy issue. I would have to say that the new economy is more than this bill. It's a combination of many of the other bills that we're looking at, but I won't digress into that because that's not the topic of our discussion.

"Our topic is about the portion of the new economy that we would like to address in this bill and that's the development of technology. Technology for us is creation of opportunity and this bill does that not only through helping the small businesses involved in technology, but by doing more than that. It offers opportunities for education, both higher and lower, because those are the key driving factors of the new economy.

"In this particular bill, we work with government organizations to make them more flexible, like the HTDC, by giving them the powers to be more flexible by being outside of procurement and allowing them to act in a way that is much closer to the private sector model. This is certainly a step in the right direction, but it's only part of what we're calling the new economy. It's certainly driving, I think, an industry that has great potential in Hawai'i. Thank you."

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

"I note that this bill allows the rollover of losses. In this measure, one can sell unused net operating loss carryover and I don't know whether it's in this bill or another one, but I have seen figures as high as \$500,000. That is more than the State can afford to give away to any one or several companies. I think also it puts the incentives in the wrong place. Why reward somebody for losing money and claim no taxes on that amount of money? I think right after this session I may go into the biotech business myself. Thank you very much."

Representative Meyer then rose and asked the Clerk to register an aye vote with reservations 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 S.B. No. 2420, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Yamane being excused.

**Stand. Com. Rep. No. 1395-00 and S.B. No. 2692, SD 2, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2692, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Meyer and Thielen voting no and Representatives Okamura and Yamane being excused.

The Chair directed the Clerk to note that S.B. Nos. 2873, 2905, 2945, 2948, 3179, 3199, 3201, 2074, 2420 and 2692 had passed Third Reading at 12:39 o'clock p.m.

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 1:27 o'clock p.m.

**Stand. Com. Rep. No. 1396-00 and S.B. No. 2741, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2741, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1397-00 and S.B. No. 2745, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2745, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1398-00 and S.B. No. 2758, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2758, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1399-00 and S.B. No. 2781, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2781, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

Representative Ahu Isa rose to disclose a possible conflict of interest, stating: "I work for the Hilton Hotels," and the Chair ruled "no conflict."

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

"On this one again, Mr. Speaker, the Finance Committee left out an amendment to page 3 of the bill. It just says 'time share

owners association' and they forgot to add 'time-share project'. This would affect Ko Olina and the Marriott coming in. They are planning to spend millions of dollars with the Hilton time-share putting about \$60 million on that renovation project. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2781, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1400-00 and S.B. No. 2935, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2935, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, in 1996, this Legislature took an important step forward in the war against drugs in Hawai'i. It passed a law to make possession and distribution of crystal methamphetamine an act that required prison, mandatory time in prison.

"Now we've discussed this matter on the floor twice before. In the Finance Committee last week, this bill was weakened slightly. It took out the provision calling for mandatory prison for Class C felonies only. Class B will still require mandatory prison time. After this came to the attention of my colleagues, and me, we checked with the City Prosecutor to find out if this change affected their position on the bill. They said, no, they still would strongly oppose this measure for the reasons they gave before.

"The most important reason, the one that we keep coming back to, is that the mandatory sentencing encourages people to go through a full Drug Court treatment program. You go not only through the process of direct treatment, but you're held in the program through a period of probation when you must not return to the use of drugs. In that whole time, the hammer is over your head. If you drop out of the program, you're subject to the automatic prison time.

"So we feel this is a program that's working. We're inclined to listen to what the Prosecutor has to say about what makes the program work. We know that the Honolulu Police Department is equally strong in its opposition to any change in this program that is working. We think it would be very unwise for the Majority to weaken this provision at a time when the war against crystal methamphetamine is still fully underway. Thank you, Mr. Speaker."

Representative Auwae then rose in opposition to the measure, and asked that the remarks of Representative Fox be entered into the Journal as her own, and that her comments be inserted into the Journal, and the Chair "so ordered." (By reference only.)

Representative Auwae's remarks are as follows:

"I can not support a bill that removes mandatory sentencing requirements for the distribution of methamphetamine. It is estimated that there are 30,000 hard-core methamphetamine users, and up to three times that amount are considered recreational users. The incidence of cases and arrests involving crystal methamphetamine are on the rise, which hardly makes this an opportune moment to revoke mandatory penalties.

"In addition to this, the death rate from using this dangerous drug is on the rise. It isn't just the death rate that is alarming however, crystal meth is turning the people addicted to it into prostitutes, burglars, and worse. Addiction affects not only the

user but the user's family, friends, and community. The problems are compounded by the 90-100 percent purity of the drug in the Hawai'ian market.

"While I agree that drug counseling and treatment are necessary for people convicted of possession of this drug, I do not believe anyone will benefit from eliminating the mandatory sentencing requirements for possession or distribution of methamphetamine in the third degree. We need to do everything we can to stifle the spread of this dangerous drug. Let us not forget the reasons why mandatory sentencing requirements were enacted in the first place. Thank you, Mr. Speaker."

Representative Rath then rose in opposition to the measure, and asked that the remarks of Representative Fox be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, this bill repeals mandatory terms of imprisonment for the promotion of dangerous drugs in the third degree for persons convicted of possession of methamphetamine, also known as 'ice.'

"I know the argument can be given that our prisons are filled and that this is just a minimum amount for first time offenders and that the mandatory 30 day sentencing is just a small portion. It's not that much, but, Mr. Speaker, 30 days in jail to me is a long time or even a day or two days. Any tool that the Prosecutors Office can use, especially against 'ice,' it should not be taken away from them. I think if one knows that one would be sentenced and it would be a mandatory sentence, that they would think twice about using the drug. Thank you, Mr. Speaker."

Representative Moses then rose to speak in opposition to the measure, and asked that the remarks of Representative Fox be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Moses continued, stating:

"Mr. Speaker, since this session began, within a few blocks of my own home, we've had reports of at least three different houses dealing meth to the young kids in our neighborhood. You know, Mr. Speaker, that we're full of young kids in the neighborhood. This is not the way to go, to lessen the hammer over their head, as the speaker previously said.

"The mandatory jail term requires these people to partake of the drug rehab, if you will, and go through the entire process otherwise they'll end up in jail. I think it's well needed and we have to win this war on the meth. Thank you, Mr. Speaker."

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

"I'd just like to make three very brief points. First, this bill, as amended, will apply only to drug users and not to drug dealers. Second, the bill will still require that defendants undergo drug treatment and rehabilitation programs. That will be a condition of probation. To violate this requirement will probably result in a probation violation, which is a separate criminal offense. The third point is that a defendant who is subsequently convicted of this offense will be subject to the mandatory minimum sentence under the repeat offender statute. Thank you."

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

"We appear to be going in the wrong direction. Instead of getting tough on drugs, we're getting soft on drugs. This is just

the wrong direction and I believe it's indicative of some other things I see happening. This will certainly do nothing to help families stay together. It's not good for our society. Crystal meth is a scourge. We've seen people, high profile celebrities, Charlie Sheen's father begging that they throw him in jail because he can't stop using drugs. The other fellow who played Chaplin in that movie gets sentenced to two to three years because they can't stop using these drugs, these addictive drugs. We need to have this hammer that the Waikiki Representative so eloquently spoke about. So therefore, I am against getting soft on drugs. Thank you."

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

"I simply wanted to point out that this bill only applies to possession of a drug in the third degree, which is determined by how much you have, but it also includes distribution. You could have a small time dealer who still would get off and would not have to serve any mandatory jail time. Thank you, Mr. Speaker."

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

Representative Morihara 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 S.B. No. 2935, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS DRUGS," passed Third Reading by a vote of 36 ayes to 14 noes, with Representatives Ahu Isa, Auwae, Cachola, Fox, Leong, Marumoto, McDermott, Meyer, Moses, Pendleton, Rath, Stegmaier, Thielen and Whalen voting no and Representative Okamura being excused.

**Stand. Com. Rep. No. 1401-00 and S.B. No. 3032, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 3032, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"I have some concerns with the title of the bill and with section 1. I believe section 1 should have a purpose clause to clarify the legislative intent as to the limited purpose of this exemption."

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

"What this bill does is exempt the Hawai'i Tourism Authority from the requirements of Chapter 343. Chapter 343 is our environmental disclosure law, Mr. Speaker. Chapter 343 does not stop projects. All it does is require that the entity that has to submit an environmental disclosure does let the deciding authorities know all of the environmental aspects of that project.

"This bill is relating to economic development. I find it very strange and maybe even fatally defective to the bill that all of a sudden we have a section put in saying that the Hawai'i Tourism Authority shall not be subject to Chapter 343 including the preparation of an environmental assessment or environmental impact statement. That section doesn't relate to economic development. That section relates to the environment. As you members all know, we heard a number of bills relating to the environment that contained that very provision, that very exemption in them.

"I think the bill will be defective if it does reach the Governor's desk because of the failure of this section to relate to the title, relating to economic development. However, more important for members is for you to think back to your heritage 25 to 30 years ago when the former leaders in the Democratic Party that were in this House put together outstanding environmental protection legislation. It was very broad in scope, covering all aspects of our State, our economy, the environment, everything and looked at it as a total package. They didn't feel you could piecemeal and exempt certain aspects. Everything was going to be under that umbrella of the environment and for a very good purpose. Those leaders, 25 to 30 years ago, recognized that what makes Hawai'i successful is what we need to preserve and that is the environment.

"Now 25 to 30 years later, as we think of the speaker that spoke to us this morning, Josh Reppun, we are part of a broad group. I hope an all-inclusive group that is taking our part in making our State and our world a better place to live. We won't live to see what we've done, similarly to the people that were building the cathedrals 400 years ago, but all of them participated in that. Today we are taking apart and dismantling rather than improving upon. I think that's a very serious mistake, Mr. Speaker, particularly so when it's so blatant to be tucked into a bill relating to economic development.

"It's as if we've lost the focus, that we too have a responsibility to those that follow us, to not dismantle something that is good and to continue to protect and preserve for the future generations. This bill doesn't do that, Mr. Speaker, it dismantles what you and your Party 30 years ago put together and I think that's shameful. Thank you."

Representative Kaho'ohalahala then rose to speak in opposition to the measure, stating:

"I rise in opposition to this measure, which among its other provisions would exempt the Hawai'i Tourism Authority from Hawai'i's environmental impact law, HRS Chapter 343. It has been the natural beauty of the Hawai'ian Islands, which have been the foundation in attracting tourist from around the world to visit Hawai'i.

"It seems ironic, Mr. Speaker, that the Hawai'i Tourism Authority who is dependent on the beauty of our Hawai'ian islands are not advocates for its natural environment and its protection. Exempting the HTA from the EIS could cause irreparable harm to our environment. We, as State policy leaders, must do our utmost to protect the primary reason why tourist continue to visit, which is Hawai'i's natural environment.

"Instead, Mr. Speaker, this measure encourages that our natural environment is not protected and preserved by exempting the HTA, of all agencies, from the EIS laws. So I stand in opposition to this."

Representative Ahu Isa rose to disclose a possible conflict of interest, stating: "I work for the Hilton Hotels," and the Chair ruled "no conflict."

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

"This bill has two parts to it. One is exempting the Hawai'i Tourism Authority from the environmental impact statement. The other one is to allow the tax credit to reduce a taxpayer's net income for improvements for tax renovation credit to resort properties.

"Mr. Speaker, living on Kauai for two years, I've come to really appreciate the beauty of our islands, the Napali Cliffs. Kauai is just a really beautiful island, God's country I would say, even if I'm from the Liliha and Nuuanu area, Nuuanu is also beautiful. I'm sure, Mr. Speaker, that the HTA, the Hawai'i Tourism Authority is sensitive and cognizant of our

environment and how much it contributes to tourism. I would think that we would have enough faith in them to make decisions that would not harm our environment. So when we talk about exempting them, we have in place a process where we can have an environment impact statement through our Department of Health. I think all of us want to protect our environment.

"The other part of this bill, as I read it, I find that there's a part missing in the amendment, due to the Finance Committee. I did speak to the Chair about it and hopefully we can resolve this in conference committee. On page 2 of the bill, line 8, hotel and resort use, the bill was to amend it and to add 'time-share projects' and this part was left out, Mr. Speaker. That's what I wanted to point out and hopefully we can resolve it in conference committee. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3032, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Catalani, Kaho'ohalahala, Schatz, Takumi and Thielen voting no and Representative Okamura being excused.

**Stand. Com. Rep. No. 1402-00 and S.B. No. 568, SD 2, HD 3:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 568, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1403-00 and S.B. No. 2433, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2433, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Thank you, Mr. Speaker. Like many here, I do have concerns with the deletion by the final committee of the authority, not the mandate, but the authority of the Governor to operate a private prison, should it be beneficial.

"The private construction and operation of a long overdue prison at a specified Big Island site was the House position as reflected in a bill passed on March 7th of this year. House Bill 2741, House Draft 1, regarding the private operation of a prison, passed with just five opposed. That bill inserted language developed by the Chair of the Public Safety Committee, which very wisely went to the perceived problems with privatization and tried to control those problems, thus addressing many of the concerns with privatization.

"Similarly, House Bill 2739, House Draft 2, regarding the private construction of a prison, which is already authorized, but which designated a specific site on the Big Island, passed on that day, March 7th, with three opposed.

"Similarly, this bill, a Senate bill, as received from the Senate, authorized both the private construction and operation of a prison, although, it did not designate a specific site. That bill, as with House Bill 2741, did incorporate very specific language designed to address the problems that have been perceived, elsewhere, as relating to the private operation of a prison.

"The Senate did not act on House Bill 2741 and House Bill 2739 and thus this House took up the bill that's before us today. The House Public Safety and Labor Committees jointly

advanced both House Bill 2741, regarding operations, and House Bill 2739, regarding construction, out of those committees. Through inadvertence, the bill before us incorporated the private construction provisions, i.e. House Bill 2739, but not the operation provisions in House Bill 2741.

"Mistakes happen, we need to move on and decide what to do about them. So I look forward to this measure moving into conference with the Senate. I anticipate a final product which is reflective of both the House and the Senate positions on both the private construction and operation of a prison. I also look forward to the Senate viewing it as wise that we designate a specific site on the Big Island as well. Thank you, Mr. Speaker."

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

"The reservation I have is that I'm not convinced that a privately operated prison, or privately built prison is the way to go. There have been many horror stories throughout this great Nation of ours of private prisons not being efficient. Where the only major consideration is for the dollar and not for the sake of rehabilitation and the sake of the prisoners. I think we have all seen stories of this on 60 Minutes or 20/20, where they had some horror stories of private prisons.

"I also have not seen the breakdown or the comparison of private prisons versus public operated prisons, if you're comparing apples to apples, and oranges to oranges, as to the differences in the cost factor. Until I can witness this, and I can be convinced that you have a privately operated prison that can be run efficiently and the dollar will not be the only consideration, I will continue to have reservations for a privately operated prison system. Thank you very much, Mr. Speaker."

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

"I thank the Speaker Emeritus for his point of view. I beg to differ with him. He might have heard about some horror stories on the Mainland, but I'm not quite sure that our facility here on the Island of Oahu is also not a horror story. I don't think it has demonstrated any efficiency or a great rehabilitation program, which I think we would hope to have in a new facility that we build here.

"But at the onset of this session, we all had very high hopes for a privately constructed and privately operated prison here in Hawai'i. The GOP, Minority, side have a strong plank in that favor. It was part of the Majority package, and the Governor was pushing the concept. As we may recall, the Governor was ready to build a prison on the Mainland to ease the overcrowding situation. Then decided he could support an in-state prison if it was privately operated, since it would be more affordable than a publicly operated prison. He made it very clear that he would not release any money for construction of a facility if it were not privately operated.

"The Public Safety and Military Affairs Committee produced House Bill 2741 for the development of a medium and low security facility. The measure died in the Senate, however, the House reinserted the language of House Bill 2741 into this bill, Senate Bill 2433. It provides for a wide range of programs, all very good culturally and gender appropriate programs, mental health services, counseling, anger management programs, transitional programs, cognitive restructuring, remedial education and vocational training, and had very many other favorable features. Most importantly to this Caucus, it provided for drug and alcohol treatment.

"This was House Draft 1, but what is before us today is a watered down version from the Finance Committee. All the good work, all the hopes for meaningful legislation are gone. This bill includes none of the excellent provisions I mentioned.

This bill authorizes the Governor to develop a private correctional treatment facility. I think the word develop is fuzzy language indeed. Does it mean to construct or to operate? Operation and construction are two entirely different things, Mr. Speaker, and the language of this bill floats between the two.

"This measure also fails to include an exemption to Act 230 of 1998, ensuring that public workers not private workers would staff the prison. Mr. Speaker, this is not what the Governor had in mind.

"In addition, there is a mandate that an undefined percentage of the facility's annual operating budget has been designated for rehabilitation and treatment programs. While I'm in favor of rehabilitation and treatment for those prisoners who will truly benefit from it, I fear that the percentage designated for such programs could be set so high that it would be unfeasible for private developers to invest in a private correctional treatment facility in Hawai'i.

"Finally, I am very disappointed that the Finance Chair did not forewarn the Committee that there would be drastic changes made to House Draft 1. It was a surprise how it ultimately turned out. I feel as this bill is currently written, it's too weak and we are left with very little to conference on.

"Mr. Speaker, I support the construction and operation of a private correctional facility in Hawai'i. I can only hope that the conference committee process yields some stronger legislation in this direction. For those reasons, I vote to support, but with serious reservations. Thank you."

Representative Stegmaier then rose in support of the measure with reservations, and asked that the remarks of Representatives Case, Souki and Marumoto be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Rath then rose to speak in support of the measure with reservations, and asked that the remarks of Representative Marumoto be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Rath continued, stating:

"Thank you, Mr. Speaker. In understanding the cost involved in prison operations, it doesn't take a very in depth financial examination. All we have to do is look at the present cost, which we know from operating a prison here in the State, and compare them to the charge that we pay to ship prisoners to the Mainland on a daily basis. We can see that without any high math required that the difference is astronomical. Operating a private prison here would obviously be substantially cheaper than a publicly run facility. I submit probably a better run, more efficient and have a better outcome for the prisoners. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I echo the comments raised by the Speaker Emeritus concerning a privately operated prison, although that is no longer in this bill. My concern with the current bill, as drafted, is that it's unnecessary. My understanding is that any private operator, if they desire, can come into the State and make a proposal to build a prison and do it. It's really no different from someone wanting to build a 'big box' retailer, retailing operation or a hotel. We really don't need a law for them to do that.

"For example, Mr. Speaker, in Texas, there are prisons that are built there and hold prisoners, many, if not all of them are not adjudicated in the State of Texas, but are adjudicated in other states. It is a business and an industry for the State of Texas, and that's how they proceed. There's nothing to stop us from doing that.

"My second concern with this bill is with the site specific nature of it. I do believe as we proceed with a prison site, and I support a prison being built in Hawai'i, that the location should be determined by the Department of Public Safety and not by the Legislature. Thank you, Mr. Speaker."

Representative Moses then rose in support of the measure with reservations, and asked that the remarks of Representative Marumoto be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

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

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

"Mr. Speaker, first I would like to address the comments made by my good friend and colleague, the Representative from Waipahu, with respect to what is referred to as 'spec prisons' and the possibility of those types of facilities being built in Hawai'i.

"The provisions that were outlined in House Bill 2741 would have addressed that kind of facility ever being contemplated or developed here in Hawai'i. We would have placed conditions including licensure and other measures that would have forced private prison operators to contemplate before they even discuss having such a facility built in Hawai'i. As this bill progresses, I would like to see at least those measures that were once incorporated in Senate Bill 2433 revisited in conference.

"Mr. Speaker, also I would like to talk about the good things that are still inherent in the measure before us. I'm still pleased that the need for rehabilitation and treatment is addressed and that language that specifies sufficient space is to be included to accommodate drug treatment and rehabilitation programming. There is also language to provide for correctional industry and educational programs to assist the offenders as they eventually transition back into the community. I also applaud the prudent amendment to allow for the use of federal matching funds in the construction of a new facility.

"This measure also includes appropriation language for an environmental impact study to be conducted during which time community input can be accepted and addressed. This is critical, especially since the bill names a specific site in the vicinity of King's Landing in Hawai'i County.

"Mr. Speaker, I have a couple of concerns I'd like to address. They have been dealt with somewhat by previous speakers, but I'd like to take it from a different angle. The conditions that were once in Senate Bill 2433 that spoke to a private prison. If the members recall, there were measures in there that would have called for a different kind of prison facility. Conditions that were deemed different and onerous, that would have given pause to any private prison operator even if the bill were to have proceeded in its original form.

"If the members recall there were provisions in there that called for a private prison operator to really deal with outcome measurements. It would seem unusual that while on the one hand I was encouraging a private operator to put in a bid to run our facility, that the private operator would also make sure that the company would work very hard to reduce recidivism. These are the kinds of concerns that were raised by the Speaker Emeritus as to whether or not the private prison operator is concerned more about the bottom line than in the rehabilitation and recidivism reductions of offenders.



"My other concern deals with the focus and attention that has been paid to whether or not this facility would be privately operated. My concern is that we have not really focused on what is the true bottom line in this measure, and that was the development of a different kind of facility, Mr. Speaker. The kind of facility that would have stressed rehabilitation and treatment. I'm afraid that there are those who want to use this measure to try to deal with the concern that this Legislature was wrestling with ever since the Konno decision by the Supreme Court.

"My bottom line, Mr. Speaker, is that I'm trying to change lives. I'm trying to change lives around. I'm trying to rehabilitate those who are willing to rehabilitate, reduce recidivism and protect public safety. I don't care who runs this facility, whether it's a public or private entity. My real concern is whether or not I change lives. That is my bottom line. I don't know what the guy on the fifth floor has to say about this, but he's not going to tell me that this is going to be the only condition that he will accept this bill coming out of conference. That is my bottom line.

"I'm going to work and see this measure through in the conference to make sure that people understand that is what this Chairman of Public Safety is concerned about. So I ask the members to please work with me as we go through this in conference. I want to thank you, Mr. Speaker, for giving me the opportunity to usher this measure through. I understand that you have fallen on the sword, so to speak with reference to this mistake, with respect to this measure. Your Chairman of Public Safety also shares in the blame as well. I fall on the sword. If there's any fault with respect to privatization, it is because I did not fully explain to the members perhaps the ramifications or the measures by which we would advance privatization. I would like to be given the opportunity to continue this measure forward and into conference. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2433, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRISONS," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Catalani, Takai and Takumi voting no and Representative Okamura being excused.

**Stand. Com. Rep. No. 1404-00 and S.B. No. 2574, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2574, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1405-00 and S.B. No. 2579, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2579, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"I'd like to speak on this because this bill represents an announced House initiative. It also represents a priority item in terms of the housing part of your Human Services and Housing Committee. This bill authorizes a special fund and issuance of GO Bonds for supportive housing for homeless adults with serious mental illness and substance abuse problems. This has a lot to do with the previous discussion that was held on prisons.

"Let me just give you a few sad statistics when it comes to homeless people with mental illness or substance abuse

problems, or in many cases, both. The State average age of death is 73. The average age of death for homeless individuals is 38. The death rate of this population is 12.5 deaths per 1,000, which is comparable to the death rates in severely impoverished third world countries. In the case of violent deaths, the rate is nearly eight times higher than the State rate.

"Our prisons are filled with people that suffer from serious mental health problems and are not receiving the treatment that they need. The rate of hospitalization among the homeless is four times higher than the State rate. Homeless individuals tend to stay in hospitals three days longer than the average and hospitalization to the State psychiatric hospital is 100 times that of the general population.

"So why is it important to have supportive housing for this population. Number one, we all know that the State Hospital is going to be deinstitutionalized. With the decrease in services by the Hawai'i State Hospital, more individuals that suffer from serious mental illness will have nowhere to go that is appropriate for them. They might get treatment, but what happens after treatment. Then what about those who go into substance abuse treatment. Many persons who complete substance abuse and mental illness treatment programs relapse due to the lack of supportive housing for this high need population.

"According to the Women's Addiction Treatment Center of Hawai'i, safe and affordable housing is one of the most overwhelming problems facing the vast majority of women leaving substance abuse treatment programs. Finally, Mr. Speaker, when it comes to our prison, our prisons have become no more than high price residential treatment programs. The only thing is to get treatment you have to commit a crime or several crimes to get the treatment you need.

"So according to the Director, Ted Sakai, if we had the supportive housing, which could comprehensively address mental illness and substance abuse, we would probably lower the population in prison. Presently, this population is frequently incarcerated due to the behaviors associated with mental illness and addiction. He feels that with appropriate housing and the mechanism to track and divert this population many would not have to be incarcerated. So we need to start looking at the source and looking at viable solutions instead of warehousing these problems and hoping that they'll go away. So I hope all the members will realize this and support this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2579, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

At 2:08 o'clock p.m., Representative Ahu Isa asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:09 o'clock p.m.

The Chair directed the Clerk to note that S.B. Nos. 2741, 2745, 2758, 2781, 2935, 3032, 568, 2433, 2574 and 2579 had passed Third Reading at 2:11 o'clock p.m.

**Stand. Com. Rep. No. 1406-00 and S.B. No. 2409, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2409, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1407-00 and S.B. No. 2716, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2716, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1408-00 and S.B. No. 2987, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2987, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1409-00 and S.B. No. 2722, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2722, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

Representative Kaho'ohalahala rose to speak in support of the measure, stating:

"Mr. Speaker, the Hawai'ian Immersion Program, this legislation for utilizing this bill to address some of the issues confronting immersion schools today, I'm very proud of. The State's commitment to the revitalization of Hawai'ian language is key if we are going to give meaning to its inclusion as one of the two official State languages. So it's with this in mind, Mr. Speaker, that I hope that when this bill goes to conference that the House and the Senate will agree to add funding as a mandate to the wonderful provisions of this bill and to demonstrate that there is a real commitment behind the wonderful words of this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2722, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE IMMERSION PROGRAM," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1410-00 and S.B. No. 3026, SD 1, HD 1:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 3026, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

"One of the quiet secrets of this session has been we've actually taken some steps in educational reform. It's really been a secret and it's been quiet and hasn't gotten much attention. I think three measures, which is the educational accountability. This measure here in front of us, we recognize the vital need to put money into repair and maintenance for our schools that we have collectively, as a community, neglected for too long. There's no blame to be put on anyone in particular. It just that we haven't been on top of it. Now we're getting on top of it. Additionally, the other measure was the impact aid.

"All three of these things renew our commitment, although each one may be small and incremental in approach, they are moves in the right direction. They address physical, glaring issues that we need to correct before we can get on to talk to more minute issues like whole language and phonics and things

of that nature. This will go a long way to provide healthy, wholesome, clean learning environments for our students. We're on the right track. Education is winning this session. Thank you."

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

"I think the provision that I have the most trouble with is that one that mandates an indeterminate portion of general excise tax revenues to be deposited into this special fund. This is one of a number of bills that does this. My concern is that if we continue to pass bills like this where we're taking a certain portion of the excise tax, soon we'll be left with very little for this body to determine how to spend. That's the reservation that I have. While I am truly in favor of renovation and repairs and maintenance to our schools. I think this is not exactly the way to do it. Thank you."

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

"Where I agree and I believe that schools need to be renovated and need to be repaired and this is much overdue, my big concern is using GO Bonds for the repair and maintenance. GO Bonds should be used for those projects that are believed to have a life of 20 years or more. Many of the projects within the repair and maintenance won't have that kind of a life. There is no language in the bill to restrict it only to those long-term areas.

"Just let me give you an idea as to how the cost will increase over the years. It will be borne by our heirs 20 years from now and more. If the repair and maintenance is approximately \$250 million, if you look at a 20 years amortization at eight percent, what the bond will cost and what the interest will be, the total cost will be approximately \$1.246 billion. This is how much our children will have to bear in the future for the use of GO Bonds for the repair and renovation of the schools.

"Another example is that it could be that for those jobs that require painting and screen fixing and a lot of the short-term areas, we may have to do it two or three times within this 20 year period while the bond is amortizing. That's going to further escalate the cost. In the past, we have done this for some operational funds, which I have mentioned, OHA, Hawai'ian Homes, and you put this all together, in 20 years, there's going to be approximately \$5 billion for the cost of all of these bonds together. If we had paid cash for it, it would be approximately \$988 million. In fact, it will cost our heirs and the future people of the State of Hawai'i over \$5 billion for the full amortization.

"I'm only saying this because as we begin to run short of cash, as we are now, and we look at how we're going to fund the projects including possibly salary increases, because we do not have the dollars available, we're going to be looking more and more at using GO Bonds. This is not the way to go.

"What I'm surprised about, is that the Administration itself in the past has said that it was a no-no to use GO Bonds for repair and maintenance. This year they come out with a recommendation. I'm not blaming anyone, certainly not the Chair of the Finance Committee, the House leadership or the Speaker. It's just that we are caught within this kind of a trap where there is a dire need for the repair and maintenance. We don't have the money so we look for the quick way out and that's through GO Bonds. Again, I caution you to be very careful in the use of this in the future. Thank you very much, Mr. Speaker and members."

Representative Whalen then rose in support of the measure with reservations, and asked that the remarks of Representatives Souki and Meyer be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3026, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1411-00 and S.B. No. 3123, SD 2, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3123, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1412-00 and S.B. No. 211, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 211, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1413-00 and S.B. No. 2061, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2061, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

Representative Catalani's remarks are as follows:

"I rise in support of this measure. This measure requires the Department of Human Resources Development to establish and retain records of positions, wages and demographic characteristics to determine whether there is discrimination in wages paid to women and men for the same or equivalent jobs. There have been anecdotal stories of women who do not get the same pay as their male counterparts in state government.

"There have been a number of cases of employer wage discrimination. The US Department of Labor, found that a national business paid women in professional and executive positions less than their male counterparts (a finding that recently cost the company more than \$3 million in back wages and pay adjustments for 186 women). Other businesses have settled lawsuits charging them with sex discrimination in pay against thousands of women workers (a settlement which cost them more than \$80 million each).

"Other states have addressed the pay equity issue, not by choice. In one state, pay equity legislation meant raises for 30,000 state employees; the cost was only 3.7 percent of the state's payroll budget over a four-year period--less than 1 percent of the budget each year. In another state, pay equity was achieved at a cost of 2.6 percent of the state's personnel costs and was implemented over an eight-year period.

"Voluntary implementation of pay equity is cost effective. Court-ordered pay equity adjustments can lead to greater costs. Discrimination is costly and illegal.

"Therefore with this measure, our state will be taking affirmative steps to address the issue of pay equity to hopefully avoid a costly settlement in the future."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2061, SD 1,

HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND EMPLOYMENT PRACTICES," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1414-00 and S.B. No. 2108, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2108, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

Representative Kaho'ohalahala 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 S.B. No. 2108, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**Stand. Com. Rep. No. 1415-00 and S.B. No. 2536, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2536, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PRINCIPAL AND INCOME ACT," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

The Chair directed the Clerk to note that S.B. Nos. 2409, 2716, 2987, 2722, 3026, 3123, 211, 2061, 2108 and 2536 had passed Third Reading at 2:20 o'clock p.m.

**Stand. Com. Rep. No. 1416-00 and S.B. No. 2575, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2575, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"This bill again has this provision in it where we will earmark a percentage of the general excise tax. The percentage is blank so we don't know how much of the general excise tax it will consume. Again, it's just making a pre-determined decision and leaving us with what's left. Thank you, Mr. Speaker."

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

"Mr. Speaker, actually in opposition and to the point where it's a no. Part of it is combined with the University's desire for autonomy, yet we're dedicating a portion of our general revenue for their projects. Again, it takes that money out of the purview of our decision making ability and dedicates it to that purpose. I question the wisdom of creating special funds when in this tight economic time, you know yourself, I'm sure, Mr. Speaker, are aware of how many different funds that we've tried to go into to make things balance.

"Now in this time when we're cutting, trying to get rid of funds or taking money out of the special funds, we're going to create another one. I think if a project has merit, if we need to fund then we should find the funds and we shouldn't create a special fund to kind of take it away from what we need to consider. We need to look at all the expenditures we're making and balance them with the needs, especially in a time like this when we don't have enough money."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2575, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII FACILITIES IMPROVEMENTS SPECIAL FUND," passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Rath and Whalen voting no and Representatives Arakaki, Okamura, Oshiro and Santiago being excused.

**Stand. Com. Rep. No. 1417-00 and S.B. No. 2657, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2657, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, just with reservations on this matter again, I've made my speech before and anyone looking for the record could look at the prior one and my reservations still stand."

Representative Meyer then rose and asked the Clerk to register an aye vote with reservations 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 S.B. No. 2657, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Okamura, Oshiro and Santiago being excused.

**Stand. Com. Rep. No. 1418-00 and S.B. No. 2729, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2729, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICE CONTRACTS," passed Third Reading by a vote of 41 ayes to 6 noes, with Representatives Halford, Leong, Meyer, Rath, Thielen and Whalen voting no and Representatives Arakaki, Okamura, Oshiro and Santiago being excused.

**Stand. Com. Rep. No. 1419-00 and S.B. No. 2988, SD 2, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2988, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS AND PROCUREMENT," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Okamura, Oshiro and Santiago being excused.

**Stand. Com. Rep. No. 1420-00 and S.B. No. 3160, SD 2, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3160, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF RESIDENTIAL CONDOMINIUM APARTMENTS TO OWNER-OCCUPANTS," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Okamura, Oshiro and Santiago being excused.

**Stand. Com. Rep. No. 1421-00 and S.B. No. 851, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 851, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, there is a need to reactivate this program, the Operation Nightingale Program, because there's a real need for this. There's a shortage of nurses and as of now, we are now importing nurses from other states. With that, Mr. Speaker, please support this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 851, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Third Reading by a vote of 44 ayes to 3 noes, with Representatives Kaho'ohalahala, Lee and Morita voting no and Representatives Arakaki, Okamura, Oshiro and Santiago being excused.

**Stand. Com. Rep. No. 1422-00 and S.B. No. 873, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 873, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

Representative Herkes rose and asked to be excused from voting, stating:

"Mr. Speaker, I asked to be recused in Committee and on Second Reading, and I ask to be recused from this vote on this bill because of my relationship with Kamehameha Schools. This bill goes to the heart of every lease that Kamehameha Schools has. In the spirit of the relationship, and the agreement between the IRS and Kamehameha Schools, I would ask to be recused."

The Chair responded: "You are recused."

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

"Mr. Speaker, I realize that our small business community really needs the passage of this bill for some economic relief. I know how important it is to them, but I would like to just point out the reservations that I might possibly have that makes this bill unconstitutional.

"Mr. Speaker, the reservation is that governmental intrusion into a binding agreement freely signed by willing parties to a contractual agreement involving real estate is considered unconstitutional and would establish a dangerous precedent. As a key element of a lease, rent to be paid during the term of the agreement can be lower during the initial years of the agreement to allow for a lessee to initiate its business. In later years, rent increases to offset this concession.

"The second reservation I have is any attempt to offset losses incurred by landowners as a result of governmental intrusion into the lease process would be cumbersome to administer.

"The third, Mr. Speaker, is the reservation that passage of this bill would further erode consideration of Hawai'i as a place to do business by Mainland and international firms. Businesses, banks and investors pay particularly close attention to legislative actions, which undermine common law. This action proposed by this bill would be considered a red flag to any business or investor considering Hawai'i as a place to bring new jobs and investments. Hawai'i needs to prove that it understands business needs and is willing to work with investors to create a new business climate. Thank you, Mr. Speaker."

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

"It's not in support of Bishop Estate or any of the large landholders. In fact, I think that's the large part of the problem

in this State with high property values period -- that people have to try to come up with buying a home or whatever else. So much land is controlled by so few people. However, this bill affects everyone, the large landowners and the small ones. It affects every landowner that has their property in a lease.

"My concerns are that by unilaterally, as a Legislature, wiping out a part of a lease, not only is it unconstitutional, we do not look as a good place to do business in the sense that if enough special interest is able to come to the Legislature, we are willing to even void written contracts as described by the prior speaker. The intent is certainly there. I don't view it as any sort of ill will towards anyone in particular, but it certainly sets a bad precedent for us that we are willing to go into these private dealings and change the rules of the game part-way through. Thank you, Mr. Speaker."

Representative Kahikina then rose to speak in opposition to the measure, and asked that the remarks of Representatives Ahu Isa and Whalen be entered into the Journal as his own, and that his remarks be inserted into the Journal, and the Chair "so ordered." (By reference only.)

Representative Kahikina continued, stating:

"As the Representative from Liliha had described, all of those purposes and question marks from the constitutional point view, is why I'm voting against it."

Representative Kahikina's remarks are as follows:

"The purpose of the bill provides that during lease renegotiations for private lands, fair market value, as determined through appraisal, if less than the current rent amount, shall prevail over any contract provision that bars the lowering of rent. In addition, it also provides that appraisal and not arbitration shall settle disagreements over fair market value.

"My objection is that this bill affects ongoing contracts that were put in place through a process that was agreed upon by the lessee and landowner. I believe that government has no business micro-managing an agreement already in place.

"In addition, if this bill is enacted, it should also allow the rent to be adjusted up if the appraised value goes up. For these reasons, I oppose SB 873, SD1, HD2."

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

"The bill has been amended quite a lot. It doesn't include a lot of the things it did previously. But it does include requiring that disputes as to fair market value between the fee simple landowner and a lessee that occurred during lease renegotiations be determined by appraisal and not by arbitration. I think that's important.

"Since the Japanese bubble, we have had dozens and dozens of business people who have been hurt, just so unbelievably. When I sat on the Consumer Protection Committee and would listen to the testimony, I just wanted to cry for these people who put millions of dollars of improvements on properties that they were stuck with. They could walk away from it, but as they did that, they left their business and they still had a huge mortgage, which they had to cover out of their pockets or go bankrupt. This is a tremendous disservice.

"This bill needs other things included in it. Many commercial leases in Hawai'i have a clause in them that when you renegotiate, the rent must be higher than the previous rent. Well, we all know that properties in Hawai'i have gone down in value dramatically. Most of our property taxes have gone down because of that. Commercial real estate is no different. Just because fewer people are involved in commercial leases, there isn't that great wave of sympathy. It is the small businesses in

Hawai'i that create the bulk of business and these people have taken such a blow. It's just hard to fathom. While I have mixed feelings on interfering in contracts or changing the law, something must be done. So I hope that this bill will continue on and a few more things will be included that will give some relief to these people. Thank you."

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

"As the previous speaker stated, the bill has come a long way. It has changed quite a bit. My concern is like that of the prior speakers. As the wording is now in the bill, there's still attempts at this superseding existing contract law. Thank you."

Representative Moses then rose in opposition to the measure and asked that the remarks of Representatives Ahu Isa and Whalen be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

Representative Auwae's remarks are as follows:

"I can understand the position of large businesses and individuals who own properties and want to ensure that their leases are adhered to. I acknowledge that these property owners still have their payments and costs to cover regardless of what is happening with the economy and the real-estate values. When the economy and property values decline, however, small businesses tend to feel the effects the hardest.

"As business slows down it makes it very difficult for small businesses to stay open. By allowing for a lower lease rent, based on fair market value, that is less than the rental amount currently being paid, we are enabling these small businesses to stay afloat. This lower lease rent can still benefit the property owners by ensuring that their space remains utilized and continues to make money.

"If a business cannot stay open, vacant property will not benefit either party. For these reasons I feel I must support this bill with reservations. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 873, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," passed Third Reading by a vote of 37 ayes to 9 noes, with Representatives Espero, Halford, Kahikina, Kaho'ohalahala, Kanohe, Morita, Moses, Rath and Whalen voting no and Representatives Arakaki, Herkes, Okamura, Oshiro and Santiago being excused.

**Stand. Com. Rep. No. 1423-00 and S.B. No. 2166, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2166, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WIND FARMS," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Okamura, Oshiro and Santiago being excused.

**Stand. Com. Rep. No. 1424-00 and S.B. No. 2303, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2303, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"I have some reservations about the fact that we are reducing the amount of money to finance the reconstruction of the cruise

facilities, which is something that's urgently needed in Hawai'i. We have very bad facilities for dealing with our cruise ship industry. The money coming from the cruise ship industry itself. The PSC collections then go to pay for the re-doing of the cruise facilities. I'm concerned that we're whittling down the amount that's available for this purpose. Thus my reservations."

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

"I have similar reservations as the previous speaker. In Committee, there was overwhelming testimony in support of getting on with it and making these improvements. This bill, as it's written, it sounds like nothing much is going to happen until the year 2020. I think we should get started July 1, 2000, and not wait that long.

"This particular tax, the PSC tax, that we're looking at will be new tax money because of American Hawai'i Cruises bringing on a new ship, nobody's collected \$1 on that ship yet. This will be a whole new operation with 1,500 to 2,000 passengers. As the bill was originally drafted, the first \$3 million would go into the general fund and then a very large percentage of the balance would go into these special funds so that they could get going immediately on improvements. As this has been amended, we're talking about small dollar amounts, it's not small we start at \$175,000. But still for the kind of improvements that are needed and the fact that we are so far behind, this is one of the fastest growing industries in the islands and has so much potential. We should not do anything to hobble those efforts. Therefore, I have very strong reservations. Thank you, Mr. Speaker."

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

"Just to clarify, that our commitment to these cruise ship improvements is not diminished by this bill, in no way, shape or form. The only difference between this version and another version was that we changed the method of financing to be bond financing. That's why the payments go out over 23 years I believe. That is the only difference. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2303, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Okamura, Oshiro and Santiago being excused.

**Stand. Com. Rep. No. 1425-00 and S.B. No. 2354, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2354, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Okamura, Oshiro and Santiago being excused.

The Chair directed the Clerk to note that S.B. Nos. 2575, 2657, 2729, 2988, 3160, 851, 873, 2166, 2303 and 2354 had passed Third Reading at 2:35 o'clock p.m.

**Stand. Com. Rep. No. 1426-00 and S.B. No. 2475, SD 1, HD 3:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2475, SD 1, HD 3, pass Third Reading, seconded by Representative Yonamine.

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

"I noted in the title it says 'gender equity in sports,' however, the way the bill is written and in reviewing court decisions, it should be 'affirmative action for female students' because that's what it does. It's not really balancing the scales. It's giving them a preference in terms of being able to participate in boys' sports and the reverse is not true. My concern here is that if we're truly after equity, then it should go both ways. If the boys do not have an opportunity to participate in a certain sport then they should be able to participate if that's really our goal. If our goal is merely to get more of our female students involved with various sports, then that's what the title should say as well and we shouldn't hear a bunch of speeches about equality, but simply affirmative action. Thank you."

Representative Rath then rose in support of the measure with reservations, and asked that the remarks of Representative Whalen be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2475, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO GENDER EQUITY IN SPORTS," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1427-00 and S.B. No. 2706, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2706, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Catalani voting no and Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1428-00 and S.B. No. 2879, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2879, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"I know we're trying to solve a problem, but I think this is the wrong way to do it. We're trying to solve the problem with old used tires, but we doing by creating a new fee, a users fee, which is really a different word for tax. It's an expansion of government. As written now, the bill would call for \$2 a tire. That's \$10 on a new care with a spare tire. There's a lot of record keeping that's required with this. The cost will be passed on to the buyer of the car. The buyer will be upset with the car dealer when he really should be upset with the government because that's where the money is going.

"My concern is that here in Hawai'i we have already one of the highest per capita tax burdens in the country, and a well deserved reputation for a poor business climate. While the fee may be set today at \$2 a tire, there's no reason to believe that it will not be raised when we want to expand the program, have more record keeping taken, or hire another full-time employee to oversee the program. That seems to be the way these things go. For that reason, I will be voting no. I would prefer to see us find the general funds to fund this worthwhile program, maybe give a tax credit to somebody who has a real bona fide tire recycling business as they do have some on the mainland. Thank you, Mr. Speaker."

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

"I believe the \$2 fee is \$2 per vehicle registration. As the bill moved out of my Committee, the fee was \$1 per tire. We all

realize that tire disposal is a big problem in Hawai'i. The genesis of this bill came from the industry itself in trying to resolve a problem by putting forth an advance disposal fee. It was really businesses coming together realizing a problem and trying to address the problem. The fee structure was changed. We'll go into conference with that. My preference would be to see an advance disposal fee placed on tires. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2879, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TIRES," passed Third Reading by a vote of 44 ayes to 5 noes, with Representatives Herkes, McDermott, Meyer, Rath and Whalen voting no and Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1429-00 and S.B. No. 278, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 278, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1430-00 and S.B. No. 539, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 539, SD 1, HD 1, entitled: "A BILL FOR AN ACT 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," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Kaho'ohalahala voting no and Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1431-00 and S.B. No. 887:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 887, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1432-00 and S.B. No. 914:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 914, pass Third Reading, seconded by Representative Yonamine.

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

"There is no reason that blank, spoiled, or invalid ballots should be counted as votes cast for a Constitutional Convention. I do not see the point in counting these ballots for purposes of determining the number of votes cast.

"If a blank, spoiled, or invalid ballot is not tallied for passage or as votes cast in most cases, then the same should hold true for a Constitutional Convention. A vote is a formal expression of choice or opinion by means of ballot concerning a choice, in this case of a Constitutional Convention. These ballots should be irrelevant for purposes of determining votes cast.

"If you had a vote by show of hands, and some people did not raise their hands at all, should these people still count as votes cast simply by their presence? That would be ludicrous because all they are expressing by their presence is their

interest, not their expression of choice or opinion which is the essence of a vote."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 914, entitled: "A BILL FOR AN ACT RELATING TO VOTE COUNT," passed Third Reading by a vote of 40 ayes to 9 noes, with Representatives Auwae, Fox, Halford, Leong, Marumoto, McDermott, Meyer, Moses and Rath voting no and Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1433-00 and S.B. No. 2005:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2005, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1434-00 and S.B. No. 2021, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2021, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

**Stand. Com. Rep. No. 1435-00 and S.B. No. 2056, SD 1, HD 1:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2056, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

"This would create a special savings account program to assist low-income persons accumulating assets, obtain education, and promote a micro-enterprise development. I'd like to thank the collaborative efforts of the Women's Coalition and Keiki Coalition in helping to derive this bill at this point.

"As we go into conference though, among other things, it does create a 50 percent tax credit. I'm hoping that we could get the whole loaf instead of a half loaf so we can encourage more money coming into Hawai'i. Thank you, Mr. Speaker."

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

Representative Lee's remarks are as follows:

"Mr. Speaker, the bill before us is an important measure which affects the working poor, many of whom are women. This measure, part of the 2000 package of the Women's Legislative Caucus, still has a way to go in conference. Hopefully the tax credit will be increased to 100 percent for those who contribute to IDAs. Meanwhile, I would like to cite an article on IDAs--which appeared on the front page of the newsletter of the Center for Policy Alternatives. Hawai'i is mentioned as one of eight pioneering states which has passed legislation to support IDA programs for low-income savers. Article follows:

IDAs--A New Birth of Economic Freedom  
by Bob Friedman, Carl Rist, Ray Boshara and Heather Sabrie  
Corporation for Enterprise Development

A majority of American households are asset poor. With less than \$1,000 in investable assets, many working Americans are locked out of the economic mainstream because they lack

a few thousand dollars for a down payment on a house, college tuition, or a small business start-up.

The distribution of assets in this country is even more alarming than the widely recognized income disparity. While the highest earning 20 percent of all Americans command 43 percent of earned income, this same group controls 86 percent of net financial assets. The top 1 percent of wealth holders control more assets than the lower 80 percent combined. Asset poverty rises to even more shocking levels in minority communities and among children.

Assets matter. As Michael Sherraden noted in his seminal book, *Assets and the Poor*, "Income may feed people's stomachs, but assets change their heads." Even small savings provide a buffer against the everyday incidents and illnesses that perpetuate the poverty cycle. As assets grow, there is reason to imagine an economic future better than the present. There is reason to plan, prepare and invest in one's self and one's children. Assets are hope in concrete form.

Recognizing the need to address asset poverty, more than 200 communities, 44 states, a growing number of financial institutions and the federal government have begun to invest in Individual Development Accounts (IDAs) for low-income people.

IDAs are matched savings accounts used for investment in high-term assets like home ownership, postsecondary education or business capitalization. A typical IDA program matches the savings of working poor savers at rates from 1:1 to 4:1 using public and private sources and requires savers to participate in personal finance training. Although the movement is young, already thousands of low-income people are proving that--given proper incentives and facilitation--even the very poor can and will save in order to build stable, long-term economic independence.

States have led the way in establishing IDA programs:

- \* Most states have taken advantage of provisions in the new welfare reform legislation to protect TANF eligibility and benefit levels of welfare recipients saving in an IDA, and several provide TANF and Welfare-to-Work funds for IDA matches.
- \* A dozen states have combined state, federal, and private funds to support large-scale IDA demonstrations.
- \* Eight pioneering states--AR, HI, IA, IN, ME, MO, OH, OR--have passed multi-million dollar tax credit legislation to support IDA programs for low-income savers.

To sustain IDA programs long-term, states must work to harness the power of the tax system to provide incentives for asset-poor households equivalent to incentives currently provided to the non-poor. Such incentives can boost individuals and communities on the margins of our economy into the mainstream and generate returns estimated to be as high as five times greater than the original investment. (Alternatives; February 2000)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2056, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION TAX CREDITS," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Santiago being excused.

The Chair directed the Clerk to note that S.B. Nos. 2475, 2706, 2879, 278, 539, 887, 914, 2005, 2021 and 2056 had passed Third Reading at 2:46 o'clock p.m.

At 2:46 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:54 o'clock p.m., the Vice Speaker assumed the rostrum.

**Stand. Com. Rep. No. 1436-00 and S.B. No. 2152, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2152, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1437-00 and S.B. No. 2160, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2160, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1438-00 and S.B. No. 2287, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2287, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 45 ayes to 1 no, with Representative McDermott voting no and Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1439-00 and S.B. No. 2289, SD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2289, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PREPAID TELEPHONE CALLING SERVICE," passed Third Reading by a vote of 45 ayes to 1 no, with Representative McDermott voting no and Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1440-00 and S.B. No. 2301, SD 2, HD 1:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2301, SD 2, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, I've talked about this bill in its various forms before. What the second part of this bill would do is permit maritime lands to be declared in areas near harbors. Specifically, what this bill is designed to do, and let's get right to the point about what specifically this bill is about, is to enlarge the area for container use by Matson and CSX on Sand Island.

"The land in question is controlled by the Department of Land and Natural Resources. The Department of Transportation wants this for maritime uses. Instead of working this out within the Executive Branch, they come to the Legislature for a bill that provides them the right to grab this land. I asked Mr. Dean Uchida from the Department of Land



and Natural Resources, "Would you describe this measure as a land grab?" His answer was, yes.

"I think that the power ratio between the Department of Transportation and the Department of Land and Natural Resources is disproportionate. DOT usually gets its way. I think it's a very unfortunate situation and I'm opposed to this land grab. Thank you, Mr. Speaker."

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

"As written now, within the body of the bill, there's a definition for maritime lands and then there are some exclusions. One of them is lands under the jurisdiction of the Hawai'i Community Development Authority. I'm thinking of specifically piers 1 and 2. I believe that we need to support the maritime industry as much as we can. Being an island state, we are so dependent on freight coming in. Honolulu Harbor is small, really, for our needs. We're disadvantaged in that we have only one way in and one way out. It is both the entrance and the exit.

"We have the cruise line business growing with a great opportunity for growth. The maritime industry needs assurance that they can expand. There is a fear that HCDA might have other plans for some of the adjacent land to those prime piers. I would rather there was not that exclusion in the bill. Thank you, Mr. Speaker."

Representative Hiraki then rose to speak in support of the measure, and asked that the remarks of Representative Meyer be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Hiraki continued, stating:

"In addition, just to go to the intent of this particular bill, as you know, Mr. Speaker, about 97 percent of all goods into this State come in through our harbors, especially Honolulu Harbor. What this bill does is, again, place a priority on prime maritime lands, which for a state like Hawai'i is probably priceless. What we're saying is let's set a priority. Maritime lands for maritime purposes, number one, and that's the intent of the bill and I hope the members will support the measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2301, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Third Reading by a vote of 45 ayes to 1 no, with Representative Fox voting no and Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1441-00 and S.B. No. 2426, SD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2426, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1442-00 and S.B. No. 2427, SD 1, HD 1:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2427, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

Representative Marumoto continued, stating:

"I mistakenly rose on Stand. Com. 1380 and asked to have my remarks inserted on that measure, however, may I instead have them inserted on this measure."

Representative Marumoto's remarks are as follows:

"Mr. Speaker, the Crime Victim Compensation Commission works with the courts to compensate victims of crime in our state. Two years ago, the Legislature and the Commission agreed that the Commission would ultimately operate in fiscal self-sufficiency, so the Legislature created a mandatory crime victim compensation fee to be assessed convicted defendants with the ability to pay. This fee would be used, in part, to underwrite the operating expenses of the Commission.

"At this time, the Commission reported that it would take three to five years to operate without additional legislative appropriation, using collections of the mandatory crime victim compensation fee. But that projection was based upon an assumption that the courts would consistently order the fee, as required by law. Instead, the courts, so far, have not consistently ordered payment of the victim compensation fees.

"In fact, even though the crime victim compensation fee has payment priority over other fines and fees, the First Circuit Court failed to order that the fee be paid in 50 out of 51 cases in one particular one-week period. That's 98 percent of fees out the window, Mr. Speaker. The Family Court failed to order the fee in 43 out of 77 total cases in a one-week period. And the District Court did not order compensation in 68 out of 260 cases in a one-week period.

"If the courts don't order these mandatory fees, how is the Commission to operate under the 10 percent cap that this measure requires? It's not right, Mr. Speaker. I hope to see SB 2427 amended in Conference to establish a 30 percent cap on fees for operating expenses, until the courts begin to order the payment of fees on a consistent basis.

"This reasonable compromise would allow the Commission to keep serving the victims of crime in Hawai'i. Meanwhile the legislature should send a message to the courts that these fees must be ordered, so that we don't end up short-changing people who have already been victimized. Thank you, Mr. Speaker."

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

"I also have reservations with this bill as it's presently written and it has to do with that 10 percent."

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

"Just briefly, allowing 10 percent for the operation of this bureaucracy that manages this fund when five percent has to go to DAGS, leaves only five percent for the operations. That's just a little bit low. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2427, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIME VICTIMS," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1443-00 and S.B. No. 2432, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2432, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A SENTENCING SIMULATION MODEL," passed Third

Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1444-00 and S.B. No. 2482, SD 1, HD 1:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2482, SD 1, HD 1, pass Third Reading, 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 Meyer then rose to speak in support of the measure with reservations, stating:

"I have reservations on this bill because of again this new scheme that we have of net operating losses that can be sold to someone else. I think there are a lot of businesses that would love to sell their net operating losses and I think we are really opening a Pandora's box. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2482, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY BUSINESS TAXATION," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1445-00 and S.B. No. 2484, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2484, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID RECOVERY," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

The Chair directed the Clerk to note that S.B. Nos. 2152, 2160, 2287, 2289, 2301, 2426, 2427, 2432, 2482 and 2484 had passed Third Reading at 3:01 o'clock p.m.

**Stand. Com. Rep. No. 1446-00 and S.B. No. 2490, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2490, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM RESIDENTIAL CARE," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1447-00 and S.B. No. 2493, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2493, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE TREATMENT SERVICES," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1448-00 and S.B. No. 2513, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2513, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Third Reading by a vote of 45

ayes to 1 no, with Representative Herkes voting no and Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1449-00 and S.B. No. 2545, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2545, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GLASS RECOVERY," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1450-00 and S.B. No. 2576, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2576, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OWNED PUBLIC HOUSING," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1451-00 and S.B. No. 2598, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2598, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1452-00 and S.B. No. 2655, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2655, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, I believe that the patients bill of rights should include that they do not pay tax on medical services. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2655, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1453-00 and S.B. No. 2742:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2742, entitled: "A BILL FOR AN ACT RELATING TO PORK," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1454-00 and S.B. No. 2785, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2785, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

**Stand. Com. Rep. No. 1455-00 and S.B. No. 2838, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2838, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INTERNET PORTAL," passed Third Reading by a vote of 46 ayes, with Representatives Morihara, Okamura, Santiago, Souki and Stegmaier being excused.

The Chair directed the Clerk to note that S.B. Nos. 2490, 2493, 2513, 2545, 2576, 2598, 2655, 2742, 2785 and 2838 had passed Third Reading at 3:03 o'clock p.m.

**Stand. Com. Rep. No. 1456-00 and S.B. No. 2850, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2850, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO KINSHIP CARE," passed Third Reading by a vote of 48 ayes, with Representatives Okamura, Santiago and Yoshinaga being excused.

**Stand. Com. Rep. No. 1457-00 and S.B. No. 2856, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2856, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Third Reading by a vote of 48 ayes, with Representatives Okamura, Santiago and Yoshinaga being excused.

**Stand. Com. Rep. No. 1458-00 and S.B. No. 2869, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2869, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," passed Third Reading by a vote of 48 ayes, with Representatives Okamura, Santiago and Yoshinaga being excused.

**Stand. Com. Rep. No. 1459-00 and S.B. No. 2941:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2941, pass Third Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, this bill will force the Tax Review Commission to not be able to meet except for every 10 years. In a fast moving economy and fast moving times, we need to get the input from the Tax Review Commission on a more timely basis than that.

"I realize the bill had a defective title. That it put the 10 years in the title so there was basically nothing that could be done about that. I would rather leave the system as it is now and not pass this bill through. I know that some of you don't like the message from the Tax Review Commission. One way to stifle that message is to say that they can only meet every 10 years. Therefore, that's why I oppose the bill. Thank you."

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

"Mr. Speaker, this is an embarrassing bill. The purpose of this bill is to avoid embarrassment. It's very difficult for the

Majority to hear every five years from the Tax Review Commission that they aren't doing the job of reforming Hawai'i's tax system. We pay the highest state and local taxes in the United States of America. The Tax Review Commission is very concerned about the burden that high taxes place on the people of Hawai'i.

"So the Majority prefers to pass a constitutional amendment saying, 'get off our backs Tax Review Commission. We don't want to hear from you. Go away and don't come back for 10 years.' I think this is truly an embarrassment, this avoiding of embarrassment. Thank you, Mr. Speaker."

Representative Rath then rose in opposition to the measure, and asked that the remarks of Representative Fox be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2941, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 3, OF THE STATE CONSTITUTION TO PROVIDE FOR THE APPOINTMENT OF A TAX REVIEW COMMISSION EVERY TEN YEARS," passed Third Reading by a vote of 35 ayes to 13 noes, with Representatives Auwae, Fox, Halford, Leong, Marumoto, McDermott, Meyer, Moses, Pendleton, Rath, Schatz, Thielen and Whalen voting no and Representatives Okamura, Santiago and Yoshinaga being excused.

**Stand. Com. Rep. No. 1460-00 and S.B. No. 2961, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 2961, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR," passed Third Reading by a vote of 48 ayes, with Representatives Okamura, Santiago and Yoshinaga being excused.

**Stand. Com. Rep. No. 1461-00 and S.B. No. 2993, SD 2, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2993, SD 2, HD 2, pass Third Reading, seconded by Representative Yonamine.

Representative Meyer rose and asked the Clerk to register an aye vote with reservations 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 S.B. No. 2993, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading by a vote of 48 ayes, with Representatives Okamura, Santiago and Yoshinaga being excused.

At 3:07 o'clock p.m., Representative Thielen asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:08 o'clock p.m.

**Stand. Com. Rep. No. 1462-00 and S.B. No. 3043, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3043, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RISK MANAGEMENT AND INSURANCE

ADMINISTRATION," passed Third Reading by a vote of 48 ayes, with Representatives Okamura, Santiago and Yoshinaga being excused.

**Stand. Com. Rep. No. 1463-00 and S.B. No. 3125, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3125, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICE," passed Third Reading by a vote of 48 ayes, with Representatives Okamura, Santiago and Yoshinaga being excused.

**Stand. Com. Rep. No. 1464-00 and S.B. No. 3176, SD 2 HD 1:**

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

**Stand. Com. Rep. No. 1465-00 and S.B. No. 3193, SD 1, HD 2:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 3193, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE EXCHANGE," passed Third Reading by a vote of 48 ayes, with Representatives Okamura, Santiago and Yoshinaga being excused.

At 3:08 o'clock p.m., Representative Thielen asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:24 o'clock p.m.

**Stand. Com. Rep. No. 1466-00 and S.B. No. 2218, SD 1, HD 2:**

Representative Case moved that the report of the Committee be adopted and S.B. No. 2218, SD 1, HD 2, pass Third Reading, seconded by Representative Yonamine.

Representative Fox offered the following amendment to S.B. No. 2218, SD 1, HD 2:

SECTION 1. Senate Bill No. 2218 S.D.1 H.D.2 is amended by adding "the University of Hawai'i, the counties" to page 2, line 21; deleting subparagraphs (a) 6 and (a) 7 from page 4, lines 16 through 21; adding new SECTIONS 5 and 6; and renumbering existing SECTIONS 5, 6 and 7 to read as follows:

"SECTION 3. Section 302A-1183, Hawai'i Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) As an alternative to section 302A-1182(b), any community, group of teachers, the University of Hawai'i, the counties, or any program within an existing school may submit a letter of intent to the board for the establishment of a new century charter school."

SECTION 4. Section 302A-1185, Hawai'i Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) New century charter schools shall receive an allocation of state general funds based upon the operational and educational funding requirements of the schools; provided that:

- (1) Beginning in fiscal year 1999-2000, and every year thereafter, the auditor shall determine the appropriate allocation based on the total department general fund appropriation and per pupil expenditure for the previous year; provided that in setting the allocation, the auditor shall explicitly consider the advice of the superintendent and representatives of local school

boards and indicate in the final determination the manner in which that advice was accommodated;

- (2) Small schools shall be given a state subsidy or small school allotment to augment the per pupil allocation given; provided that if additional federal grant moneys are received, the auditor shall determine the appropriate portion of the federal grant moneys to be used to offset the small school allotment; provided further that the federal grant moneys shall not include federal impact aid;
- (3) The auditor shall take into consideration any changes to the department's budget made by the legislature or the governor and any applicable collective bargaining negotiated amounts; [and]
- (4) The allocation for self-contained special education students and for other special education students shall be adjusted appropriately to reflect the additional expenses incurred for students in these programs; provided that any increment to the per pupil allocation made in this paragraph shall not exceed [that] the increment available to all other public schools[.]; and
- (5) The auditor shall develop a methodology for allocating funds that can be applied to alternative forms of public schools, including but not limited to new century charter schools.

(b) All federal and other financial support for new century charter schools shall be no less than all other public schools; provided that if administrative services are provided to the charter school by the department, the charter school shall reimburse the department for the actual costs of the administrative services in an amount that does not exceed six and one-half per cent of the charter school's allocation.

Any new century charter school shall be eligible to receive any supplementary financial grant or award for which any other public school may submit a proposal, or any supplemental federal grants limited to new century charter schools; provided that if department administrative services, including funds management, budgetary, fiscal accounting, or other related services, are provided with respect to these supplementary grants, the charter school shall reimburse the department for the actual costs of the administrative services in an amount that does not exceed six and one-half per cent of the supplementary grant for which the services are used.

All additional funds that are generated by the local school [board] boards, not from a supplementary grant, shall be separate and apart from allotted funds [and] may be expended at the discretion of the local school [board.] boards."

SECTION 5. Section 302A-1182, Hawai'i Revised Statutes, is amended to read:

"**[§302A-1182] New century charter schools; establishment.** (a) [Up to a total of twenty-five schools may be established as new century charter schools. These n] New century charter schools may be established by:

- (1) The creation of a new school pursuant to section 302A-1183;
- (2) An existing public school pursuant to subsection (b); [or]
- (3) The creation of a new school, comprising programs or sections of existing public school populations and using existing public school facilities pursuant to section 302A-1183[.]; or
- (4) The University of Hawai'i or the counties."

SECTION 6. Chapter 302A, Part IV (D), Hawai'i Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§302A- Displacement of employees prohibited.** Notwithstanding chapter 89 or any collective bargaining agreement to the contrary, no employee of a new century charter school under this part, shall be displaced by another employee, solely on the basis of length of service."

SECTION [5.] 7. There is appropriated out of the general revenues of the State of Hawai'i the sum of \$ or so much thereof as may be necessary for fiscal year 2000-2001 to establish additional new century charter schools.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION [6.] 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION [7.] 9. This Act shall take effect on July 1, 2000, and shall apply to new century charter schools beginning with the 2000-2001 school year.

Representative Fox moved that the amendment be adopted, seconded by Representative Leong.

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

"Let me briefly explain the amendment. What it does is four things. First, it takes out two passages that are being added to the current law that is contained in the measure that we're debating today, the House Draft 2 of Senate Bill 2218. Both of these provisions, which are subparagraphs 6 and 7 on page 2 of the bill, add additional restrictions to the charter school provision that we currently have in law.

"The next passages of the amendment add two things to the current bill. The first is one that allows the University of Hawai'i and the counties to charter schools. This is in line with our understanding of what charter schools are all about. You have to have multiple chartering authorities to have a real charter school situation.

"Then the final portion of the amendment is contained on page 3 of the amendment summary, it's a new section 6. The final change is to allow the teachers that have come together to form a charter school to maintain their jobs, even if a teacher from outside the charter school with higher seniority wants to come to the school. This is very important, Mr. Speaker, because it's hard to get these charter schools launched. If a group of public school teachers get together to form a charter school, they want to be able to stick with it while that charter school is getting underway.

"So those are four changes in the current bill. Let me just speak briefly to the importance of charter schools and why we want to strengthen them, in the case of the amendment. There was an article in the paper this morning about charter schools. It was written by Ruth Tshumy. She starts out by pointing out that the reason we want charter schools, the most important reason, is to provide people choice. We all know that wealthy people and people who will sacrifice significantly to educate their young people, their children do have choice. We have a long history of choice in Hawai'i that exists for wealthy people and people who would sacrifice to put their kids in private school.

"What we need is choice within the public school system. That's what charter schools grant. Ms. Tshumy gives three other reasons why charter schools are helpful. First, they increase access to quality education. Second, they create opportunities for parental and community involvement. Third, they encourage innovative teaching practices. All these we have with charter schools. The purpose of this amendment is to make sure we have a stronger charter school program, more independent with choices of chartering authorities and rights for the teachers that join together to charter a school. Thank you, Mr. Speaker."

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

"As pointed out by my colleague, the changes to this measure from the original bill will not speed up the establishment of additional charter schools, but slow it down. I refer, specifically, to the paragraphs that restrict the amount of general funds that can be expended on charter schools and that establishes that financial and academic criteria for school accountability and student graduation requirements be equivalent to State standards.

"We must pass laws that will allow the chartering process to be accelerated. We must encourage that the academic criteria for school accountability and graduation requirements actually exceed State standards. We must remember that what separate real charter schools from imitation ones is whether the school has complete freedom from State rules governing spending, curriculum, hiring, firing, and whether the school is completely open to students by choice.

"Our amendment may not accomplish this ideal, but it is a greatly needed step forward in opening up the application process by encouraging wider participation in the charter school concept. Thank you, Mr. Speaker."

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

"Mr. Speaker, one amendment in the draft would allow the University of Hawai'i and the counties to establish new century charter schools. I oppose this provision as lower education is clearly not a function of either the University or the counties. There is no reason for either of these entities to be allowed to establish new century charter schools.

"The proposed draft also deletes the provision in the charter school law that restricts the number of charter schools that may be established, therefore allowing an unlimited number of schools to receive charters. Although, I fully support the new century charter schools, the current limit of twenty-five charter schools should be maintained. An unlimited number of charter schools would stretch already limited funds too far, and the charter schools need to be developed more fully before we expand their numbers.

"The proposed draft also deletes two amendments pertaining to funding for charter schools, and establishing additional financial and educational criteria for charter schools. These additional amendments assure that additional general funds are not used for the purposes of establishing new charter schools other than those appropriated in the bill. They also require that more criteria for accountability and graduation rates for charter schools be established. I oppose the deletion of these measures as they aim to maintain control over the amount of funds directed toward charter schools and require the development of more detailed criteria for schools that are seeking charters.

"Finally, the proposed draft also forbids the displacement of charter school employees by other employees solely on the basis of length of service. This provision seems unnecessary, and I oppose its inclusion in the bill.

"Mr. Speaker, I urge you and my colleagues to oppose this floor amendment."

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

"Mr. Speaker, the purpose of the bill, new century charter schools, is to move this whole process along, where this bill does it to a greater extent. It tries to move it along more quickly.

"One of the problems with the current new century charter school statutes on our books is the fact that we have placed a monopoly on who decides what school becomes a charter. There's only one place to go and those decision makers have it all. There's no place else to go.

"Other states that have move forward with charter schools have recognized that competition is important, in fact, helpful and necessary to increase the quality of the charter schools that are out there. So part of creating more competition, creating more options, part of that is making provisions for multiple chartering authorities.

"One of the reasons why this amendment is necessary to this particular bill is because it allows for multiple chartering authorities. We just heard the Education Committee Chair critique this particular aspect. And he's referring to the suggested section 3, which says any community, group of teachers, the University of Hawai'i and the counties, presently, as he mentioned, don't have the same stake in our educational system as most other states do. Traditionally, counties do have a greater stake in terms of funding, in terms of local county boards being accountable for the quality of education. Our State hasn't done that.

"Other states which have charter schools also allow academia, those in say schools of education at various universities within their jurisdiction, decide and have power with respect to establishing and approving charter schools. This is not setting any unprecedented move. What we're doing is looking at what other states have done in terms of providing for more than one chartering authority, multiple chartering authorities, to break the monopoly on who can decide what school becomes a charter.

"If we truly believe in charter schools, and we truly believe in competition and more options being better than just one option, then this is the way to go. Why are we afraid of giving professors who work in education, who help run U.H. Lab School, why are we afraid of giving them some say in terms of what schools become charters? We believe that they can run U.H. Lab School, but we believe that they aren't qualified in determining what school can become a charter school or a new century charter school as we've labeled them here.

"Also, Mr. Speaker, this amendment to the bill would eliminate the artificial cap. And the cap really truly is artificial. If we believe this is the way to go, why limit it to just a set number, 25, or pick whatever number? Why not just open it up and see what schools really make it through the gauntlet of rules that the DOE has placed in the path? Presently, only two schools have been able to make it through. So right now under the current framework it's going to take a lot of innovation and effort and courage on the part of teachers to move in this direction considering what's happened. We've set the cap or the ceiling at 25 and only two actually made it through. That's with parents working really hard and everyone trying to move in that direction.

"We want to facilitate and enable innovation. Reward those kinds of things. Again, we need multiple chartering authorities. We need more options. I don't think the ceiling is appropriate. Thank you, Mr. Speaker."

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

"Mr. Speaker and colleagues, this measure's main purpose is to establish how the State will fund its charter schools, and to provide an alternate vision of schooling and a catalyst for change and reform within the public education system. Also, charter schools provide families with more choice and allow for more innovation.

"Many of us will agree that the charter school concept is a good idea. Much of the thrust centers on gaining autonomy from government regulations and accepting more responsibility for student performance. However, most accountability systems remain underdeveloped with each state differing greatly in its approach to this issue.

"Some states, such as Massachusetts, subject their charter schools to strict regulatory oversight. Other states, such as Arizona, have adopted a hands-off approach and instead rely on market forces to dictate the success of each school. Still other states, such as California, favor a decentralized system by empowering local districts and adopting a school-by-school approach. Each approach has its advocates as well as its opponents. The research to date remains inconclusive.

"Will our charter schools be able to adequately accommodate students with special needs? If a charter school exists, in part, to be innovative and free from traditional approaches, should it be held to traditional ways of measuring achievement? Can meaningful comparisons be made to traditional public schools? And if our current school system already struggles with limited resources, will new charter schools divert funding from established public schools?

"Mr. Speaker and colleagues, aside from the fiscal and accountability issues I have raised, studies conducted in other states reveal some disturbing trends toward resegregation of our Nation's children because of charter schools. Although research is mixed due to differences among each state's laws, some districts have racial balance provisions to ensure an ethnically mixed enrollment, while others do not.

"Researchers have discovered that some minority charter schools tended to be either vocational secondary schools or schools of last resort for students expelled from traditional public schools. They also found that parents, regardless of race would tend to choose schools that predominantly serve children from ethnic and economic backgrounds similar to their own.

"Mr. Speaker, the concept of charter schools is still too new. We would serve our constituents well by adopting a cautionary approach until we begin to address these hard questions. For these reasons, Mr. Speaker, I speak in opposition to this amendment. Thank you."

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

"I think one of the things that has been lost here in this discussion is the end result of education is to produce an educated child. Somebody that can go out to the world and become competitive. Charter schools allow that because it allows a choice. It allows competition and only with competition do you breed champions.

"Now, if we were the guardians of a school system that was let's say one of the top 10 in the country or even in the middle, and we were just trying to tweak it, well I could see this discussion. We have the most dismal educational system in the entire United States. I submit to you, Mr. Speaker, that what we do to our children is criminal. We are relegating them to a lifetime at the very bottom of the social economic strata.

"It's not just an economic thing, that they're not going to be able to go to college and compete and go out in the world and actually make money or travel and take those skills or enter the 21st century's new technology economy. We're developing kids that will never get to experience the joy of reading a really good book, or wanting to know something and know how to access the preliminary knowledge to be able to go on to higher learning on their own by self study. We're doing this to our children. We are dead last. This is criminal.

"I know that in this State it is the thing to do to 'kowtow' to the unions, but let me remind you, Mr. Speaker, that 50 percent of our own teachers that have school age children send them to private schools. Our own teachers are sending their own children, over half of them, to private schools. That's an indictment of our system, the centralized, state bureaucracy that we have. We can't lose sight of the goal of the educational system, the ultimate goal, isn't supporting the teachers' union, isn't supporting mediocrity, it's educating our own children so that they're productive in the 21st century. That should be the goal. If we focus on that, we'll pass this amendment because it's not about the teachers. It's about the kids. Thank you, Mr. Speaker."

Representative Fox then rose to speak in rebuttal, stating:

"The Representative from West Kauai gave a speech about the range of options that exist in charter schools. It was for the edification of all of us. One characteristic that is in common with every one of the examples she gave from the mainland is that there are multiple chartering authorities. This is the only state that has a single chartering authority. Thank you, Mr. Speaker."

Representative Ito then rose to speak in rebuttal, stating:

"In Hawai'i, we have multiple chartering agencies. For a school to be chartered, we have to get the approval of the Board of Education, the Superintendent of Education and the Governor. So here you see we have three. Thank you, Mr. Speaker."

Representative Pendleton then rose to speak in rebuttal, stating:

"Let's not play around with the meaning of multiple chartering authorities. Sure there are three parties that were listed, but they can't, independent of each other charter a school. Unless the Education Chair is now telling us that they can, in fact, separately and independently charter schools and then that is multiple chartering authority. My understanding is that those three parties, which were just listed, cannot do that separately. Therefore, there is only one chartering authority and all three have to concur in it, Mr. Speaker."

The motion to adopt the amendment was put to vote by the Chair and failed to carry by voice vote. (Representatives Arakaki, Okamura, Santiago, Schatz, Takai and Yoshinaga were excused.)

(Main Motion)

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

"The single greatest cause of public disenchantment with our State Legislature is that they believe we are a 'do nothing' body. Unfortunately, we earned that reputation by making all sorts of grandiose statements and promises on Opening Day and even repeat some of them throughout the session. But when the chips are down, however, the measures that actually emerge at the end are so watered down, so filled with bureaucratic stumbling blocks, that they are in effect 'do nothing' or 'do little' measures.

"Mr. Speaker, the bill in question is typical of this negative process. The charter school concept has received the highest marks nationwide as one way to improve our public school system. Yet, the previous amendments to the original measure practically assures that there will be few new charter schools for the foreseeable future.

"Charter schools are intended to be public schools, however, they must be independent public schools designed and operated by educators, parents, community leaders, educational entrepreneurs and others. They must be free from the traditional bureaucratic and regulatory red tape so they can design and deliver programs tailored to educational excellence and community needs. Because they are schools of choice, they will be held to the highest level of accountability. Customer demand, Mr. Speaker, if they don't measure up, people will leave them.

"For precisely that reason, we must pass laws that encourage, not discourage, the establishment of more charter schools. This measure, while seemingly designed to encourage charter schools, creates delaying mechanisms in its implementation that ensures that it will be some time before any new charter schools will see the light of day and that is really a shame.

"Mr. Speaker, I will reluctantly vote aye with reservations. Thank you very much."

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

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

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

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

"I am voting with reservations only because I think when we answer those hard questions that need clarification, when the school board comes up with whatever they are asked to do in terms of the criteria for these charter schools, I will vote yes. But until then it's with reservations."

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

"I just want to talk a little bit about when we passed this bill last year, and what we are discussing. I don't think the Legislature's intent, and I may be wrong, but I don't think the Legislature's intent was to extend New Century Charter Schools to schools-within-schools or brand new schools.

"I think when we were talking about this new idea, we cited Waialae, Lanikai and we cited the new Kapolei schools in Leeward Oahu. We didn't talk about brand new schools. We didn't talk about homeschoolers, a dozen or twenty-five of them coming forward and creating new schools. Nor did we talk about a private school coming forward and petitioning for a charter. Those kinds of questions have come up and until we resolve these questions we have to be very careful.

"We only have a finite amount of money for education and I think that's the dilemma. That's the struggle that we have right now. Until we can address some of those concerns, we have to be very careful. I think I support this bill at this point, in order to address the concerns that we raised, not only in this discussion, but even in the amendment. Until we address these concerns, we have to be very careful about where we are headed. Thank you."

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

"This is an important bill. It is important towards advancing education in Hawai'i. Although, I do have some reservations about the way it is written currently. I would like to say for the benefit of the Conference Committee that this bill be written to allow the communities that are currently developing charter schools to be able to move forward as quickly as they can towards the end of developing a charter school in their communities. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2218, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CHARTER SCHOOLS," passed Third Reading by a vote of 48 ayes, with Representatives Okamura, Santiago and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 2850, 2856, 2869, 2941, 2961, 2993, 3043, 3125, 3193 and 2218 had passed Third Reading at 3:51 o'clock p.m.

**THIRD READING**

**S.B. No. 2121, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2121, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OBSOLETE LAWS," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

**S.B. No. 915, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 915, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CANDIDATE VACANCIES," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

**S.B. No. 2147, SD 1, HD 1:**

Representative Case moved that S.B. No. 2147, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

"I spoke to this on Second Reading, but I want to reiterate my concerns. Again, Mr. Speaker, this bill is being characterized as a campaign contribution limit reform measure. I don't believe that those kinds of descriptions are accurate with respect to this measure.

"Why is it that I believe that this measure is not a true reform with respect to campaign spending? If you look at the bill itself, Mr. Speaker, in terms of implementation, the effective date is effective November 8, 2000. If you turn to the last portion of the bill, you will see that the bill is repealed on November 7, 2002. What this does, in effect, is create a Senate incumbent retention bill. And why is that? It is because the current Senators who are incumbents can raise money under the present limits of the law prior to implementation of this measure. Then when you have the challengers come into play, the challengers will then have to raise money and compete under this new statute once it comes into play. So the challengers will be at a relative disadvantage compared to those sitting incumbent Senators.

"If we were doing this once and for all and say, 'These are the new limits Senators. Live within it,' then I could see that you need to start at one point. For this first go around in 2002 the challengers would be at a disadvantage, but the rules apply into the future. But it's this repeal provision, November 7, 2002, which changes the law back into what it was. That whole mechanism makes it look like, perhaps it's not the intent, perhaps it's not the goal, that wasn't what people wanted to happen, but that is the effect and the consequence, that is the result. What we are voting on is the effect, consequence and result.

"Do we want to pass a bill that when the public looks at it says, 'This bill favors incumbent Senators as opposed to the challengers in the future'? Future candidates and people from the public who want to run for the Senate in 2002 after this bill comes into effect will be at a disadvantage. I am mentioning the Senate not because I don't like them, but because this bill doesn't apply to the House. This is a bill which, in effect, would create a dramatic advantage for incumbent Senators as opposed to challengers. Any bill that does that, is not creating a level playing field and is per se a suspect and it is not a reform measure. For those reasons I oppose this measure. Thank you."

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

Representative Auwae then rose in opposition to the measure, and asked that the remarks of Representative Pendleton be entered into the Journal as her own, and that her comments be inserted into the Journal, and the Chair "so ordered." (By reference only.)

Representative Auwae's remarks are as follows:

"It's pretty clear to me that this measure should have been entitled The Senate Incumbent Preservation Act.

"In reviewing the testimony, I do not understand the thinking behind this bill. The drafter wanted to recognize that, because of reapportionment, Senators would only have a two-year election cycle rather than a four year one, as all Senators are up for re-election in 2002.

"Further, challengers who beat a sitting Senator will win only a two-year term, as this is the method by which our law establishes the required staggered terms for Senators. Therefore, this bill mandates that all candidates, for the two-year cycle ending in the 2002 election, will be subject to a \$2,000 individual contribution limit.

"On its face, the bill appears to be fair. But, the effect is far from it.

"Until this bill goes into effect, incumbents can continue to raise money under our current law - up to a \$4,000 individual limit. But challengers who do not already have campaign committees may not even become candidates until after this law goes into effect, and will be placed at a major disadvantage.

"If our goal, as set forth in our Clean Elections bill, is to give challengers a more even playing field, this bill does just the opposite. Perhaps we're not too concerned because House candidates can't receive more than \$2,000 from a donor already.

"I suggest, that while the intention may be well-meaning, the effect sends a poor message to people considering running for office. Incumbents already enjoy a tremendous advantage over newcomers. And we're about to legislate an even bigger one for incumbent Senators."

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

"I will not repeat everything that I said before at Second Reading, however, a letter was brought to my attention that Mr. Watada sent around to the Senators, pointing out the section of our statute that says, two year terms are limited to \$2,000; four year terms if it is a statewide race is \$6,000; non-statewide is \$4,000, Representative, Senators, Governor and Lt. Governor. So Mr. Watada said, 'I am going to enforce this on all you Senators for the 2002 election. You will only be able to collect the \$2,000.' So the Senators response was, 'Okay then we will just make that the law then so that there is no ambiguity.'

"However, I do not believe the Legislature when enacting that statute truly intended the time frame to be the limit on the contribution. Otherwise the four year Governor would be \$4,000 as well as the Senator. The proper course of action would have been to amend that statute, which focuses on geography, but for some reason they put two and four year terms in there. As we all know, after being here for more than two days realize the statutes are often written without thinking down the road how they might actually be applied to every single circumstance.

"That statute to my understanding was written before the last Constitutional Convention adoption where we now have all Senators running and they all have the two year term, et cetera. So that was the confusion. The proper course of action is to amend Section 11- something or other, so that we totally focus



on geography, Senators, Governor, Representatives, versus time frame, two or four years. As we know, a campaign committee does not look at, for instance, someone who gets appointed to office and they have a one year term. What's their thing? They only have a one year term, they can only collect a \$1,000? No. Two thousand bucks because you're a Representative. That's how it is interpreted. Why aren't we doing the same thing here? That would have been the proper course.

"I would also like to note, just for excitement for those of you who might be drifting around in your mental capacities. In the editorial piece is an article regarding that we have 'free mailing privileges, travel and government staff generate a constant stream of publicity for incumbents during election and non-election years. Positions of power guarantee media coverage which is free. Anyone outside the charmed circle of incumbents needs far more money than the incumbents to overcome these huge built-in advantages when you are running for office.'

"In this particular case, we will have Senators who will be collecting up to \$4,000 a head up until the election. After the election, they can only collect \$2,000 a head. So in other words, so long the person hasn't given more than \$2,000 before the end of the next election, then that is okay. You see what I am saying, it is confusing. You can't even understand when I am saying it because that is how confusing the law is. We need to focus on the fact that it is geography and that is the proper route for the House.

"Now here comes the end, get excited. For the House to support the Senators' efforts to buttress their position against challengers, we should be ashamed of ourselves. We are aiding and abetting any efforts to withstand the attack on their seats when they run for re-election. We should say no. The mistake is not in the time limit. The mistake is in geography and that's the direction we are going to go and instead what we have done was make it extremely difficult for our challengers to knock out any incumbent Senators and we are participating in this.

"All the while, we make great speeches, such as the other public financing of elections, about how we are looking forward to helping challengers run and making it a fair playing field and everything else. All the while, in this race, the Senators' race, the first time we all run together, we are bending over backwards to help the incumbents stay in office. So for that I vote no."

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

"I feel this is a good start towards campaign finance reform. This bill limits campaign contributions to a candidate for any office to an aggregate of not more than \$2,000. From \$4,000, we go to \$2,000. I know it is an unfair advantage when we have a challenger that can raise tons of money. I experienced that in the last race. The other provision is that no contribution that is legal when it was made, be required to be returned, and provides that excess contributions are to be returned to donors rather than transferred to the Hawai'i Election Campaign Fund.

"Mr. Speaker, perhaps we can address the Representative from Kona's concerns about amendments and perhaps they can address that in Conference Committee. Thank you, Mr. Speaker."

Representative Moses then rose in opposition to the measure, and asked that the remarks of Representatives Pendleton and Whalen, "as confusing as it might be," be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Whalen then rose to speak in rebuttal, stating:

"I thought I made it really clear. For those of you who are sitting out there who still think that this is a campaign reform

bill or even addresses it, I don't even think the Senators call it campaign reform. It has nothing to do with reform because, as you know, we are repealing it as soon as the election is over. All it is, is a response to Mr. Watada's letter and their response is to protect the Senators and then they go right back to collecting \$4,000 a head as soon as the reapportionment elections are over.

"It has nothing, nothing, nothing to do with reform. It has to do with Mr. Watada's letter and their response, instead of correcting the statute, is to protect the Senators. That is what the bill is about. It has nothing to do with us either so for any House races it doesn't matter. Thank you."

Representative Ahu Isa rose to speak in rebuttal, stating:

"I believe that this bill has an HD 1 and that we can use it as a vehicle for campaign reform. Thank you."

Representative Pendleton then rose to speak in rebuttal, stating:

"Common Cause stated that this would be a campaign finance or campaign spending reform save for the repeal after the election. It's that last section, Section 5, which makes it look so strange. It makes it look like it's a one-time help the Senate incumbents stay in office. That was their position. You can't have it repeal after a certain point and still call it finance reform. It was a one-time deal to help Senate incumbents stay in office. So I really find it odd that we would talk about this as being a vehicle for reform.

"The HD 1 is what made it become less of a vehicle for reform. So for those reasons again I oppose this measure, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 2147, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Third Reading by a vote of 39 ayes to 10 noes, with Representatives Auwae, Fox, Halford, Leong, Marumoto, Meyer, Moses, Pendleton, Rath and Whalen voting no and Representatives Okamura and Yoshinaga being excused.

#### **S.B. No. 2151, SD 1, HD 1:**

Representative Case moved that S.B. No. 2151, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

Representative Kaho'ohalahala rose to speak in support of the measure with reservations, stating:

"For the record, I want to say that I am a proponent of gun control and ensuring a safe and protective environment for all of our citizens. However, as a legislator who represents rural districts where families depend on hunting for game, for food, and sustenance, I believe that this measure may unfairly penalize hunters from possessing the firearms that allow them to simply live off the land. This measure may represent an additional burden and hardship for law abiding hunters and their families to submit to more regulations. So I would like to register a with reservations vote. Thank you."

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

"This bill is invasive, oppressive and infringes upon a person's constitutional right to bear arms. Furthermore, it will do nothing to prevent crime. The bill, as written, will do more to break the law than it will to enforce it. In order to enforce this law, police will have to infringe upon doctor/patient confidentiality, making enforcement invasive and difficult.

"The passage of this bill, as written, will also require the police to search through medical files for all persons registering firearms. What funds will be provided for these searches?

How will they get done? These are questions that I have great concern over. This bill does more to create busy work than it does to prevent crime. Enforcement of the law is already more than the police can handle. Yet, we will be expecting them to enforce this new law in addition to their current workload. The bill does not provide them with any new funds to do this additional work. More work that will probably not benefit the community.

"This bill also does nothing to remove guns from criminals. If the gun is not registered or the person who possesses the gun is not the registered owner, no one could possibly know where the gun is or where it will be used. Further protecting us from people who are currently law abiding citizens will not improve public safety. It is the criminals that we must be wary of not those citizens that abide by the law and register their weapons. Thank you, Mr. Speaker."

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

"Just to add on to the previous speaker, we are going after the wrong people. The people that are abiding by the laws. As one that is in favor of gun control and perhaps violence control, I think that, again really echoing the previous speaker, we are going after the wrong people.

"If this is to address the violence that is created by firearms, let's look at the traffic deaths, traffic deaths caused by accidents. If we look at alcohol related crashes was \$2.3 billion, which equates to \$3,110 for each licensed driver. Mr. Speaker, I guess next we are going to ask for a mental health or criminal history check when we are going for our license to drive. I don't know where else we are going. I think we have sufficient laws to address firearms. What we lack are the resources to enforce these laws already in place. These laws affect law abiding citizens and for those reasons I oppose this bill."

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

"If this were a bill to control crime, where it said if you use a gun in a crime, loaded or unloaded, and you go to jail for automatically seven years, then I would be the strongest proponent because that would solve the problem. But this, as the previous speaker pointed out, it does not solve any problems. It is just a 'feel good' measure.

"You are always going to have criminals and you are always going to have 'crazies'. Timothy McVeigh didn't blow up the Murrah Federal Building with a gun, he didn't use a gun at all.

"He got some fertilizer that you can buy down at Brewer Environmental and he got some diesel fuel, which you can purchase at any gas station, mixed the two together and made a horrific bomb. People who intend on committing criminal acts, whether it's killing co-workers or abusing somebody or killing somebody in your home, whether there is a gun involved or knife, if they are going to do it, they are going to do it.

"Some fellow recently on the news lit his wife on fire with gasoline. People who are criminals and are going to do these things are going to do them anyway.

"But I have a point to make since we are talking about law abiding people. I think it is the cogent point that everybody has missed in this, Mr. Speaker. That's about mental health. We tend to view mental health as an on or off type thing. Either you are crazy or you're not. But let me remind you that just as some people get sick, they get a cold, they are not debilitated, not in a hospital, not institutionalized or not in a wheelchair. People suffer different mental illnesses that are not severe. Depression, maybe you can't get along with your wife, not your wife in particular, as a euphemism, but nonetheless, they seek some kind of help.

"They see a psychologist, a counselor or a psychiatrist because maybe they can't deal with people at work. Maybe they have a temporary problem. Now all of a sudden people who own firearms are going to be inhibited from going and seeking help that they probably would have normally gone and sought. So what are you doing? By this bill you are actually causing people to avoid the help they need so that their sickness or illness doesn't become expansive. When you let something go untreated, it becomes worse.

"Now you are saying if people have some kind of mental deficiency or problem or illness, such as severe depression, instead of seeking that help that they're afraid to do it and it becomes worse and worse and worse. Why? Because they are afraid of their records being exposed and gone through by some bureaucrat some place. That's the other thing, Mr. Speaker, it builds a new bureaucracy. We already have the most government employees per capita in the United States of America. We are the highest taxed people. They aren't doing a good job. That's why we are talking about civil service reform because they aren't efficient. We don't need to build a new bureaucracy for checks on firearms, Mr. Speaker, I am voting against this. Thank you very much."

Representative Moses then rose in opposition to the measure, and asked that the remarks of Representatives Meyer and Rath to be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

Representative Ahu Isa then rose in opposition to the measure, and asked that the remarks of Representative Rath be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

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

"The goal of this legislation is really to keep firearms out of the hands of those who are mentally unfit. We propose to do this by asking the police departments to do a periodic mental health and background check on each registered gun owner.

"This mental health check is not any more invasive and won't go into any privacy concerns any more than when you first apply for your firearm and going through the permit to acquire. It is the same check that applicants go through presently, no different, no more invasive.

"This bill, if passed, can reduce crime. It could address situations like that one that we've recently experienced in the Xerox case because you are going to have a check on individuals who should not be carrying firearms. Their names are going to flash up on the computer. The police will then go after these individuals to try to get their guns away from them. If they are not qualified to own them, it should be taken away. Thank you, Mr. Speaker."

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

"I appreciate the intent of this legislation as expressed by the Judiciary Chairman. If this is an invasive procedure where people's rights of privacy are violated, then I will be in opposition to this measure. I do have a strong concern.

"On the other hand, if there is no doctor/patient privilege violated then perhaps there may be no problem to this measure.

But I simply rise to point out that Article 8, Section 5 of the State Constitution requires that the Legislature pay for any mandated cost to the counties. If, indeed, this does result in any extra cost to the police chief of the counties then this would be an expense that we, the State, would have to bear. Because of this concern I will be voting no. Thank you very much."

Representative Auwae then rose in opposition to the measure, and asked that the remarks of Representative Kahikina be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"I think there are a couple of issues that should be addressed regarding the health records and I am sure our Chairs are looking to see how we can balance those out. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2151, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Third Reading by a vote of 34 ayes to 15 noes, with Representatives Ahu Isa, Auwae, Chang, Goodenow, Halford, Herkes, Ito, Kahikina, Marumoto, Meyer, Moses, Nakasone, Rath, Souki and Yamane voting no and Representatives Okamura and Yoshinaga being excused.

**S.B. No. 2154, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2154, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 2121, 915, 2147, 2151 and 2154 had passed Third Reading at 4:15 o'clock p.m.

At 4:17 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 4:18 o'clock p.m.

**S.B. No. 2352, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2352, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER OFFENSES," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Kahikina, Okamura and Stegmaier being excused.

**S.B. No. 2480, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2480, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Kahikina, Okamura and Stegmaier being excused.

**S.B. No. 2535, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2535, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATE," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Kahikina, Okamura and Stegmaier being excused.

**S.B. No. 2666, SD 1, HD 1:**

Representative Case moved that S.B. No. 2666, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

"It is with some serious reservations that I support this bill. I would like to remind you, and all of us here, that this bill is quite strongly opposed by the Chair of the Campaign Spending Commission. This is what he would say if he had a chance to comment on the version that is brought before us again. He said this when an earlier House Draft appeared before the Finance Committee. 'The Commission is not in favor of a campaign finance scheme, which will result in little or no value to the system of campaign finances. To use public monies for a pilot program, which will only demonstrate that there are some candidates who are unable to raise private contributions, will do little to advance meaningful reform. It may help a small minority of candidates, but do little for the system.'

"Mr. Speaker, the Chair of the Campaign Spending Commission has offered some serious reform measures, which this body has chosen not to treat seriously. The first is a measure to separate contributions from contracts by banning contributions from those awarded contracts. The federal government follows this practice. I say this because it's been heard on this floor before that this measure is unconstitutional. The federal government follows this practice as do several other states.

"All of us know that contractors would welcome an end to the current practice of forcing contractors to buy fundraising tickets. It's a practice that borders on extortion. The Majority, unfortunately, voted down this needed campaign reform. Other reform measures that Chair Watada has recommended for our consideration prohibit corporations and unions from giving direct campaign contributions. This is a practice followed by the federal government and 29 states..."

Representative Luke interjected: "Mr. Speaker, the hour is getting late and..."

Representative Fox continued, stating:

"Limiting contributions to PACs with a hundred members or more..."

The Chair responded: "Excuse me, point of order, Representative..."

Representative Fox then objected:

"Mr. Speaker, you can't say 'point of order.' I'm sorry, but you can't say it."

At 4:21 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:23 o'clock p.m.

Representative Luke rose to state her point of order, stating:

"Perhaps I didn't clearly state that I was asking for a 'point of order,' but I think we have been pretty tolerant of the latitude..."

Representative Pendleton rose on a point of order, stating:

"The gentlewoman has not stated her point of order. Is she speaking in favor, is she taking the members time? Thank you, Mr. Speaker."

Representative Luke stated: "I am getting to the point. I think we have given some latitude of the discussion..."

Representative Pendleton again rose on a point of order, stating:

"The gentlelady has not stated her point of order. It is not a recognized point of order."

The Chair instructed Representative Luke to clarify her point of order.

Representative Luke stated: "We have given latitude on people to speak..."

Representative Pendleton again rose on a point of order, stating:

"The language she is stating now is not a recognized point of order."

Representative Luke stated: "The point I am trying to make is that people should stick to the subject of the bill. Thank you."

The Chair instructed Representative Fox to "stick to the merits of the bill."

Representative Fox continued, stating:

"I will continue to deliver my remarks, which relate to campaign financing reform and are paraphrased in the remarks by Campaign Chair Watada when he testified on this very measure before the House Finance Committee. If you bear with me, we will get through this much more quickly than with the disruptions that we have had along the way.

"Mr. Watada recommended that campaign PAC contributions be limited to PACs with a hundred members or more..."

Representative Hamakawa rose on a point of order, stating:

"The issue he is speaking to is not contained in the bill before us."

Representative Fox continued, stating:

"Mr. Speaker, Chair Watada said, in brief, that this measure is not real campaign finance reform and he offered what he thought constituted real campaign finance reform. This was contained in a single body of testimony before the Finance Committee.

"I suppose the purpose of these interruptions is to keep us from thinking about what real campaign finance reform is, which is what I am addressing the body to discuss.

"So he said that PAC contributions should be limited to PACs with a hundred members or more. He said individual union members should have the same protection from forced political contributions as enjoyed by non-union employees. He said we should reduce the current high individual campaign contribution limits for all races. The federal government has a maximum limit of \$1,000. We should prohibit fundraising during legislative sessions, a practice followed by many other states. These were his recommendations.

"Hawai'i's Republicans are interested in meaningful campaign reform. Mr. Speaker, your Majority, on the other hand, is uninterested in meaningful campaign reform because you benefit from the current system. Hawai'i needs a new, different political environment from the one we have today. Thank you, Mr. Speaker."

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

"I was going to insert my remarks into the Journal, but I apologize in advance for delivering my remarks orally.

"Mr. Speaker, I think the Majority Caucus is interested in real campaign reform. I believe this bill does implement one serious model for campaign finance reform. Campaign reform is elusive and difficult to implement, but I think most of us would agree that it is vitally important to our democracy. The ongoing Presidential campaign demonstrates that this is clearly not a partisan issue, although some would portray it that way.

"I'm proud that this House of Representatives will pass this bill because it represents a significant commitment to test one model for reform, the public financing of elections. Similar reforms have passed in Maine, Arizona, Vermont and Massachusetts have passed constitutional muster and have a significant number of participants. Bill Bradley, Al Gore and John McCain have all publicly stated that they support such reform efforts.

"Mr. Speaker, in the 1998 legislative races, 86 percent of the time the candidate who spent the most won. Winners outspent losers 3 to 1. According to a CNN/USA Today poll, 91 percent of respondents thought that the way campaigns are financed should be changed. This is one model for reform. It's a very important model for reform. Common Cause, the League of Women Voters and most 'good government' groups are in favor of this model for reform.

"I think Mr. Watada does an excellent job at the Campaign Spending Commission and we have a very respectful disagreement on the merits of this bill. I think it's an excellent bill and he doesn't think it's the right direction to go in. That is why we are using a pilot project and not implementing this statewide. What are we afraid of? We should test this model for reform like other states have done. It is an important step in restoring 'one person - one vote.'

"The approximately \$1.2 million for this project will come out of the Hawai'i Elections Campaign Fund. A special fund which currently has a balance of almost \$5 million. Of course, I agree that the allocation amounts and the qualifying contribution thresholds in the current draft are probably wrong and should be carefully reconsidered in the Conference Committee. But I am very proud of this unprecedented and unheralded move towards fundamental campaign reform. I congratulate the members of this body for supporting it. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 2666, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Kahikina, Okamura and Stegmaier being excused.

#### **S.B. No. 2667, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NO CANDIDATES FILED FOR AN ELECTIVE OFFICE," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Kahikina, Okamura and Stegmaier being excused.

#### **S.B. No. 2670, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Kahikina, Okamura and Stegmaier being excused.

#### **S.B. No. 2930, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2930, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Kahikina, Okamura and Stegmaier being excused.

**S.B. No. 3133, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 3133, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Third Reading by a vote of 47 ayes, with Representatives Cachola, Kahikina, Okamura and Stegmaier being excused.

The Chair directed the Clerk to note that S.B. Nos. 2352, 2480, 2535, 2666, 2667, 2670, 2930 and 3133 had passed Third Reading at 4:30 o'clock p.m.

**S.B. No. 2205, SD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2205, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Stegmaier being excused.

**S.B. No. 3192, SD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 3192, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Stegmaier being excused.

**S.B. No. 2278, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2278, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Stegmaier being excused.

**S.B. No. 2293, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2293, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Stegmaier being excused.

**S.B. No. 2562, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2562, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Stegmaier being excused.

**S.B. No. 2819, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2819, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Stegmaier being excused.

**S.B. No. 2001, SD 2:**

Representative Case moved that S.B. No. 2001, SD 2, pass Third Reading, seconded by Representative Yonamine.

Representative Kaho'ohalahala rose to speak in support of the measure, stating:

"This is a matter of providing the counties a legal playing field for what's been extended to similar state operations. As a former member of the Maui County Council, I am pleased to see the liability protections being extended to the counties and its lifeguards.

"I am sure that our hardworking and dedicated lifeguards will be pleased and given the peace of mind by receiving the necessary legal protections that would now allow them to concentrate on protecting our citizens and visitors who use our beaches rather than the threats of lawsuits. This bill enables the counties to freely provide, without reservation, public services to recreational resources, like beaches, due to the indemnity protections that this bill will provide to guard against legal reprisals. Thank you, Mr. Speaker."

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

"Just going back to the issue. For those of you who may not be familiar with it, the State has given itself immunity from these types of suits, but it refuses to do it for the counties. The counties came in and what this bill does is say that the State Attorney General's Office will defend them in an action regarding a beach if the signs are posted, et cetera and will indemnify them if they have to pay anything out.

"We are fooling ourselves if for a second we will believe that the Governor will not veto this bill. The Attorney General's Office testified strongly against it and so did the Board of DLNR. There is no way this is going to get by the Executive Branch. So, for us to pretend that we are trying to assist the counties in their obligation or their liability is a misnomer. This issue has been brought up to this body many times in the past. There's been efforts to put forward to give the counties the same immunity that the state enjoys, but for some reason certain members of this body refuse to do that, to limit the liability. You've heard this type of speech from me before so I won't get into it, but I think it is high time that what is good for the goose is good for the gander. If we are going to give ourselves immunity, we should do it for the counties because they essentially serve the same functions. In fact, they are there in a much more day in and day out basis that are providing for our residents and visitors in protection from the hazards in the ocean. We should do that, thank you."

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

The motion was put to vote by the Chair and carried, and S.B. No. 2001, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY TORT LIABILITY," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Stegmaier being excused.

The Chair directed the Clerk to note that S.B. Nos. 2205, 3192, 2278, 2293, 2562, 2819 and 2001 had passed Third Reading at 4:33 o'clock p.m.

At 4:34 o'clock p.m., Representative Hamakawa asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:35 o'clock p.m.

**S.B. No. 2438:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2438, entitled: "A BILL FOR AN ACT RELATING TO JUDGMENTS,"

passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Halford, Rath and Thielen voting no and Representative Okamura being excused.

**S.B. No. 2982, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2982, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**S.B. No. 862, SD 2, HD 1:**

Representative Case moved that S.B. No. 862, SD 2, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

"This is a bill which relates to the medical use of marijuana. The reason why I am opposed to this is not because I am a pharmacologist, or Ph.D., or physician and I have weighed the evidence and the evidence has found wanting. No, the reason I oppose this measure is because this is the wrong body to make a decision like this.

"When it comes to dealing with pain, palliative care, pain management, hospice care, what kind of prescriptions should be pushed forward and not have to go through the usual FDA process, you don't go to a political body where we run campaigns, we seek contributions.

"Mr. Speaker, you just don't go to that kind of body to find a decision because the professionals haven't made that decision the way they want it. It's almost like short circuiting the usual process. Any kind of prescription drug or any kind of medical procedures that need to go through the FDA needs to be made there and the Feds need to decide that issue. I think we can perhaps pass resolutions urging them to take action. We can write letters or call them. But what we are doing here is politicizing the decision with respect to whether marijuana should be a prescription drug or even allowed to have a physician, whatever word you want to use maybe you don't want to use prescription, for allowing physicians to administer it or otherwise make it available in certain circumstances.

"I think it is improper to bring scientific information or data to a legislative body and ask us to make a decision which is contrary to what the professionals have done. When it comes to health care, when it comes to prescriptions you want to go with the professionals who are insulated from lobbyist, insulated from campaign contributions who don't have to run for office or vote based on what the majority will is or what the popularity of a particular idea is. They make decisions solely on the merit of the science and that's why I am opposed to us circumventing that decision making process.

"Congress could've just retained the authority to approve drugs. They could've said, 'Hey we got 435 members up here, we got 100 Senators, we can make this decision. We're elected, we're accountable.' But they didn't. They chose to vest this kind of authority, this kind of decision making ability in a group of professionals who don't raise money, who aren't voting based on what's popular. They don't go out and take opinion polls. They look at the science. They are trained in that area. They make a judgement call based on what their honest scientific conclusions are. We may not always agree with these kinds of decisions, but that's the process we've set forth.

"Mr. Speaker, my heart goes out to those who perhaps in end of life situations where they have pain, perhaps they feel that the Marinol alternative, which is basically the same element in a different form, they feel that that is insufficient. Or they feel that other kinds of pain killers are insufficient and hospice is

insufficient. My heart goes out them, but again because of that difficult situation I really think the Legislature shouldn't get involved and politicize that whole aspect.

"Again, I have often told my own constituents that the moments that the scientist and the pharmacologist and FDA say that we need this, I would be happy to support them. But I, as an attorney and Legislator that has to run for office, am not going to short circuit the very professional way we've set up to make these kinds of decisions. So for those reasons, I oppose this particular measure, Mr. Speaker. Thank you."

Representative Moses then rose to speak in opposition to the measure, and asked that the remarks of Representative Pendleton be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Moses continued, stating:

"The vast majority of doctors, the American Medical Association, is not in favor of legalizing the use of marijuana for any reason. So I don't understand why we are trying to do it here. Thank you, Mr. Speaker."

Representative Rath then rose to speak in opposition to the measure, and asked that the remarks of Representative Pendleton be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Rath continued, stating:

"I don't think anybody wants to deny anybody who is terminally ill or sick any kind of drug to alleviate their pain and suffering. I mean right now doctors can, basically, prescribe heroin, which is refined, pure morphine, which is actually better than heroin, cocaine, Percodan, all kinds of drugs. I have no problem with that and I don't think anybody really does because no one wants to see anybody suffer. But I read this bill, Mr. Speaker, and it seems not to be a medical marijuana bill, but a new economy bill. If we read all the conditions by which people can grow, transport, possess, have, cultivate, without any restriction, and really strange things like when you have a letter from a doctor. How do you verify that? Well if you do go to court, the doctor can't be brought in. He goes behind the doors and sees the judge and that is how you tell who the doctor was.

"Anybody can claim that they are growing marijuana for medicinal use and there is no caveat in this bill or permit to grow, or quantities or amounts and you can't be tagged for processing and the like. This seems to me like a new underground economy bill as opposed to a medical facilitating bill.

"As was stated previously, we have Marinol now so it is obvious to the FDA that there is some benefit to THC in alleviating some kind of distress or pain or nausea. So I would suggest that we let that take its course. Maybe there should be a resolution. We probably shouldn't dabble in things that we are not good at, we do that anyway, but nonetheless. Thank you."

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

"Despite the best efforts of the Judiciary Chair and Vice Chair to accommodate those of us who had concerns about earlier drafts. I remain convinced that the bill should not be supported and I ask that my colleagues listen carefully so that you have all the information at your disposal before voting on this measure today.

"There is a distinct possibility that this will be our last vote on medical marijuana this session because the Senate may well decide to accept this House Draft if it passes on the floor today.

"There are three basic reasons that I believe we should not return this measure to the Senate. First, insufficient research has yet to be completed on the medical uses of marijuana. Second, most physicians have very strong misgivings about supporting their patients in smoking and or otherwise using marijuana as medicine. Third, passing this measure out would clearly indicate a weakening of our resolve to continue the battle against illegal hallucinogenic and addictive drugs in our society.

"The basic assumptions underlying this bill are erroneous. Our premise is that there is scientific evidence of the medicinal value of smoked marijuana. Yet, in reading over the Committee testimony, I was interested to learn of the conclusions of the Institute of Medicine, which completed a rigorous review of the scientific literature concerning the potential health benefits and risks of marijuana in May of 1999.

"The Institute found that there is some potential value in cannabinoid based drugs for pain relief, control of nausea and appetite stimulation. Yet, it also found that smoked marijuana is a crude drug delivery system, which is comprised of more than 400 constituent chemicals. Some of which can cause cancer and many of which adversely affect brain functioning.

"For this reason, knowledgeable people believe that the future of cannabinoid drugs is likely to be in the development of safer alternative delivery systems, such as inhalants and suppositories. Why then, Mr. Speaker and colleagues, are we contemplating legalizing the smoking of marijuana for medical purposes today?

"The Institute of Medicine, in this same report, recommended doing more research on the medical use of marijuana. Such clinical studies, which will more clearly determine the benefits and risks of marijuana use are now being done under the sponsorship of the Federal Department of Health and Human Services.

"Mr. Speaker, given the fact that this very important research has yet to be completed, should we not wait until we see the results before passing a medical marijuana law in Hawai'i? Based on the uncertain effects on smoked marijuana is it at all surprising that physicians in Hawai'i are very strongly opposed to this legislation. Without adequate research physicians are presently unable to provide patients with sufficient information about the risks of smoking marijuana.

"If a patient has an adverse reaction when using medical marijuana or has a heart attack, as some research indicates marijuana users are more prone to, the physician is in danger of being sued. Malpractice carriers have indicated that they may be unable to defend a physician in such cases because of a lack of a 'standard of care,' which can only come as a result of adequate research.

"Mr. Speaker and colleagues, why are we contemplating putting physicians in this predicament against their will? After all, let us remember that there are other effective means of reducing pain and nausea. If we are thinking that this legislation allows the use of marijuana after other means provided by doctors by prescription have proven ineffective, that is not what the bill says. The marijuana can be used at anytime, in any amount by any patient who meets the basic requirements, period. By the way, Mr. Speaker, in my reading, I found out, with regard to glaucoma, this means remaining stoned all the time.

"Mr. Speaker, the third premise is that we are simply riding a wave of support for the medical use of marijuana in the western states. By passing this measure, we would simply be joining our sister states in the West in passing enlightened humanitarian legislation that helps a few needy people and harms no one.

"Mr. Speaker and colleagues, this is where I ask for your attention and kokua. When we begin to look more carefully at the situation in these other states, I begin to have an unsettling feeling, in which more questions begin to appear than answers. In fact, the manner in which marijuana initiatives have been waged in these states makes me wonder whether the contest between the opponents and the proponents of the initiatives in California, Alaska, Washington, Oregon and Arizona were fair ones."

Representative Kanoho yielded his time to Representative Stegmaier.

Representative Stegmaier continued, stating:

"I learned, for instance, that, in 1998, the proponents of the medical marijuana initiative in Washington State spent \$786,000, which is almost 50 times more than the \$15,810 spent by the opponents. Furthermore, Mr. Speaker, in 1997, the year before, Proposition 685, another medical marijuana initiative, which failed, was funded by four people from outside the state. One individual, Mr. Peter Lewis from Ohio, donated \$435,000. Another individual, Mr. John Sperling, donated \$742,000 in this losing effort.

"By the way, in comparison with the \$1.5 million spent by the proponents, the opponents spent around \$111,000. This means a ratio of about 13 to 1 in spending between the proponents and the opponents of that initiative which did not pass. The people of our sister states, I've also learned, have been subjected to this war of attrition through the ballot box year after year after year. It is not unusual for the voters to face four or five marijuana initiatives everytime they go to the polls.

"Let me remind you that with regard to another state, California. We've learned from the Attorney General's Office that Proposition 215, which passed in 1996, has simply been impossible to enforce and has resulted in nightmarish problems of abuse. Based on what we know from other jurisdictions, do we want to legalize marijuana for so-called medicinal purposes and open up a Pandora's Box of other problems?

"The bottom line, Mr. Speaker and members, is that this bill has more to do with a change in drug policy than it has to do with providing medicine to people. Most of the proponents of this bill and similar measures in the western states have as their very public agenda the legalization of marijuana. Many of them have as their agenda the decriminalization of other drugs as well.

"This bill tests our fortitude in continuing to make possession of drugs a crime. Our war on drugs is admittedly imperfect. But even those who are proposing a change admit that they don't know what a better policy is. They just know that what we are doing now, in their estimation, doesn't work. I'm asking you, members, let's not engage in a change in our drug policy, especially concerning an area where the research has not been completed. Yes, there may be some potential, but let's see what's best and what the doctors would go along with. Let's not force something down the doctor's throats. Let's not impose something upon our society when the information that we need to make such a radical change has yet to be fully provided to us.

"I ask that we defer decision making on this measure until we have a better idea of what direction we want to head concerning the use of marijuana even in this narrow way. So I ask you to turn this bill down and not return it to the Senate. Thank you."

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

"The last time I spoke on this issue about the medical use of marijuana I relayed to all of you the poignant testimonies that we received in our 1999 hearings attesting to the relief of medical marijuana and what it offers patients with the

symptoms of cancer, AIDS and for pain management. Since then, as I have noted before, more and more evidence of marijuana's promise and efficacy has been reported as in, what has been referred to as last year's 270 page Institute of Medicine report. Also the United Kingdom has just begun human clinical trials to test the efficacy of cannabis for treating symptoms of multiple sclerosis.

"An increasing number of health and social service organizations, in Hawai'i and the Nation, have spoken out in support of allowing the medical use of marijuana for seriously ill people. These include, again, the American Academy of Family Physicians, the American Public Health Association, the New England Journal of Medicine, the AIDS Action Council, the National Nurses Society on Addictions, the Lymphoma Foundation of America, the National Association of People with AIDS, the California and Florida Medical Associations, the California Society of Addiction Medicine, California Pharmacist Association, the British Medical Journal, Consumer Reports Magazine, the Nurses Association of New York, California, Virginia, Mississippi, Colorado and many, many others.

"Local examples include our own Hawai'i Nurses Association, the Hawai'i Public Health Association, the Kokua Council of Seniors, our own Department of Health and all of the state AIDS service organizations.

"With regard to the request for a resolution, three years ago your Committee on Health did, in fact, pass, along with many dozens of states, resolutions asking the federal government and the National Institute of Health to move on this issue. Research continues and that was part of the 270 page Institute of Medicine report I referred to earlier.

"I realize, however, that many of you still have concerns about the potential law enforcement problems. Your Committee believes that the House Draft under consideration effectively deals with many of these concerns. The measure now calls for the physician, the patient and the caregiver, if there is any, to register with the Department of Public Safety, which is asked to develop standardized registration forms.

"The bill defines usable marijuana and places a limit on the amount the patient and caregiver can jointly possess at anytime. It adds enhanced penalties for fraudulent misrepresentation to law enforcement officers or to the Department of Public Safety. The measure before you closely resembles the Oregon statute, which by all accounts has been smoothly implemented. The Alaska statute has similar registration provisions and the Department of Health, there, reports that the program is proceeding in a low key manner with no arrests associated with it.

"As far as concerns about state contravening federal law, contrary to what has already been said, in my research this has not been a problem elsewhere. The vast majority of marijuana possession arrests occur under state and county law. It is our intent to solely provide protection from arrest for bona fide patients by amending our state law to do so. Many of our sister states have now stepped forward to remove state level penalties for patients who use marijuana to relieve their debilitating conditions. Alaska, Washington, Oregon, California, Arizona, Maine and Washington, D.C. have all passed initiatives to permit medical use. Colorado and Nevada are expected to follow suit this year.

"One fifth of Americans have now had the opportunity to vote in favor of this issue. I think all of you are aware that polls here show that 77 percent of Hawai'i's voters are also in favor of allowing medical use of marijuana. Back in February of this year, QMark Research and Polling did that study.

"Finally, Mr. Speaker, I need to say that there are concerns about what kind of message we are sending out with this legislation. Let me be clear, it has never been and it will never

be the intent of this Chair to in anyway legitimize the illegal use of marijuana. Hawai'i has a longstanding tradition of both progressive health policy and compassion for the less fortunate. Compassion, that is the message that I would like to send out with the legislation.

"I ask you now to look into your hearts and draw upon your compassion for the seriously ill and vote yes on this carefully drafted message. On behalf of those patients who cannot be here themselves to express their gratitude, I thank you for your support on their behalf. Thank you, Mr. Speaker."

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

"First off, I would like to acknowledge the Chair of the Judiciary Committee in his efforts to take care of the concerns. He surprisingly did a tremendous job, that's no reflection on him personally, but did a tremendous job on trying to take care of the legal concerns that we had.

"However, to pretend that this is anything other than one more step in the direction of legalizing marijuana in general would be deceptive. Any other medicine that we would allow doctors to prescribe or that their formularies establish for them, they go through the procedures. The Board decides it, the Legislature may approve certain things, but it's an in-house type of thing. We don't allow people to grow opiates and harvest it and make their own morphine and heroine and things like that. We don't allow people to create codeine, grow coca bean or coca plants and develop cocaine and things like that so they can provide their own drugs in an effort to save money.

"In fact, when doctors prescribe that, they prescribe the quantity that someone should take and the exact dosage so that it is not too strong or too weak for the individual. Here we are simply saying, if you can get a doctor to sign off you can grow your own and smoke it. As you know, Hawai'i was a leader in terms of developing very high percentage of THC plants. The Representative from the Puna district knows that his community had an exemplary reputation for its horticulturalists.

"In this particular case, we have a situation where doctors are going to prescribe something and yet we don't know the dosage. It's not just the smoking it, it's the THC in the plant that we are saying is the medicine. Well, if it has a low percentage, if they're growing their own and they've got some really horrible plants that have been intermingled with hemp, the THC will be very low and they would have to smoke like a smokestack. If it is very high and they do the same thing, they're going to be stoned out of their head.

"Secondly, this whole idea behind smoking, I can't understand it. Those who have opposed smoking in restaurants and public places and kept fighting it and want to raise taxes are now saying let's legalize or let's have smoking 'pot' as a medicine. The testimony from the Representative from Hawai'i Kai was very clear that there are carcinogenic chemicals in smoking it. We need to examine ways to deliver the drug without the negative part of smoking. Whether that's possible or not I don't know, I am getting a little bit off of what I want to say.

"I wanted to focus in on what that Representative said and that is that we should really think about what is being discussed on the floor and not come into things with our minds made up. Because I wasn't going to say anything, believe it or not, but I felt, philosophically for a minute, it is really our job to try and convince each other when we feel we are right.

"In this particular case, if we really believe that we want to treat marijuana as a medicine, which is okay with me, I don't mind if doctors want to prescribe it. If the medical community says that marijuana is a medicine, then that's fine with me. Go ahead and let's do whatever we need to do and let them prescribe it. But to allow people to get somebody to sign off on



this thing is a pretty broad exception and to allow people to grow their own certain amounts. The thing about it is, it's not just I grow my own 'pot.' Everyone of you here can say I'm growing it, if the police walk up and there are plants, you can say, 'Oh I'm growing this for Paul Whalen. He has a medical certificate.' The cops look and here it is, he's okay, all right we'll leave the plants there.

"It's kind of a smile, but that's what I am saying the law does not specify that you have to grow your own or anything else. It simply says that if it's cultivated. Distribution is one thing, growing it on your property is something else. It limits distribution. It doesn't limit the cultivation of it. To get to the main point here, if we really wanted to treat it as a drug we would treat it just as we treat cocaine, heroine, morphine, the opiate families, we would treat it as such and allow doctors to prescribe it. But what we are doing is we are allowing people to grow their own and smoke it if they can get their doctor to sign a piece of paper.

"One last point, to sign a piece of paper saying they have a debilitating condition and that condition is severe pain. How do you quantify that? It's impossible. In fact, we had testimony from somebody who has asthma, I mean asthma and they want to smoke 'pot?' It didn't quite make sense, but if you have asthma and you want to smoke, whatever. Someone who had sore toes, they said that is debilitating and they wanted to be able to walk out on the beach without feeling pain in their toes. So they said this would be a good medicine for them.

"Well that does not even come to the point of people who are vomiting and have nausea because of AIDS or chemotherapy and these other things, but yet that's what's in peoples' minds and that's what we're looking at. That's why I said if we want to legalize marijuana then that's what the discussion should be about. Not about the one in 10,000 or 20,000 people who are having a severe problem and would like to smoke marijuana because they can't consume food or whatever else the case may be.

"This bill, the way it is written, and the arguments behind it is basically one more step towards legalizing marijuana. If that's what we're going to do, then that's what we should be discussing, not try to hide behind the emotional pull and the long list that was read off. The majority of those agencies are filled with people who have compassionate hearts and want to help people and relieve pain and suffering. That's tremendous, but majority of those agencies are not coming from the law enforcements perspective or even anti-smokers groups or whatever else. So I would urge you to please reconsider if you're going to vote yes. I urge you to sincerely consider what the Representative from Hawai'i Kai said, that this is not the time to pass this out. As he pointed out for us, the Senate is very likely to accept this on Crossover and we will have this as law. Thank you."

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

"I sat through the testimony two years ago and the National Institute of Health, the American Medical Association, the Hawai'i Medical Association, those associations are doctors not nurses. The American Medical Association, the Hawai'i Medical Association and our own doctors here in Hawai'i and the American Lung Association just off the top of my head were against it. If those folks are against it, then I will listen to the doctors. Thank you."

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

"I want to say, Mr. Speaker, that I am in favor of allowing physicians to have any medicine in their black bag to give to patients. I am okay if physicians want to use marijuana as a medicine, to dispense that, as they do opiate drugs, cocaine, et cetera. I'm okay with that. The problem with this bill is that it

does not provide the kind of protections that occur with other kinds of medicines that physicians prescribe.

"In this case, since it's a plant, we don't know where the farms are. We don't know where the market is. There is in fact no quality control. In other medicines that come from plants, we know where the farms are. We know where the markets are and there is absolute quality control. The purity of the drugs and the concentrations of the drugs are very precise. If the medical community wants to develop marijuana as one of their medical tools, I would vote absolutely in favor of that. Thank you."

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

Representative Yamane then rose and stated:

"I have to commend the Judiciary Chair and his Committee for making this bill come a long way. They have cleaned up the bill considerably and I am hoping that he and whoever else..."

Representative Pendleton rose on a point of order, stating:

"Is the gentleman speaking in favor of the bill?"

Representative Yamane continued, stating:

"In favor of the bill with reservations. The Chair did a commendable job and I am hopeful that he will continue cleaning up the language, especially on the cultivation. Although I have concerns, the ultimate issue here is pain. I am hopeful that by the end of session we will have a good bill. Thank you, Mr. Speaker."

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

Representative Lee's remarks are as follows:

"Mr. Speaker, the makers of the bill before you are very sincere and well intentioned.

"My background is in healthcare, where I have worked (and do work) for over 30 years. My experience includes both acute care and Home Health Care nursing.

"During the last several years, much effort has been directed towards the prevention of smoking and in setting a good example for young people in this regard. The delivery of medical marijuana is primarily by smoking. I feel we are sending a mixed message with this bill.

"In addition, it is true that varieties of marijuana plants grow in varying strengths or amounts of THC. From the medical/pharmalogical point of view, this makes it almost impossible to recommend or prescribe an adequate dose or maintain therapeutic levels.

"We need to remember that although marijuana may be helpful in some cases, it is primarily an adjunct therapy. In other words, marijuana alone cannot ease the suffering of terminal cancer patients with bone metastases or of glaucoma patients with high intraocular pressure. Neither is marijuana a cure for asthma as has been alleged. There are many other

effective alternatives which do not involve delivery by smoking and which can be monitored for a precise dose. The federal government has published a booklet which teaches about effective pain control and how analgesics and anti-emetics can be used to produce the optimum effect.

"A large problem exists today among the physicians in the community. They are not all up to date on the latest agents, dosages and mixtures of pharmacologic agents that produce optimum pain and nausea control. We must help and encourage our physicians and others to obtain the expertise they need to adequately control both acute and chronic pain.

"In addition, we must make sure that those in the community who do choose to stay at home with terminal or chronic disease have access to the very latest in pain control despite the cost. Insurance companies must not be able to make decisions about patient needs related to cost.

"Finally, this bill has inadvertently left out access to marijuana for the sickest and most needy terminal patients. Many terminally ill patients spend their last days in hospice or receiving hospital care. Marijuana would not be allowed in public places such as these. There are other concerns related to the medical and law enforcement communities reluctance to buy into this bill.

"We must make sure that our acute and chronically ill citizens live out their final days in a pain-free environment. This is possible with many of the therapeutic agents we have today. Until the delivery of marijuana is by means other than smoking and until the dose can be measured accurately, I will remain in opposition. Thank you, Mr. Speaker."

Representative Stegmaier then rose to speak in rebuttal, stating:

"For the information of the members, the National Glaucoma Association is opposed to medical marijuana laws. The American Cancer Society is on record in opposition as well. I want to mention something else that's of interest. Alternative medicine, all the professionals in alternative medicine, I don't know any of them who would come forward to support this alternative form of medicine that we are talking about today. That's of interest to me as well and I think it should be to all of us.

"There are many different associations that could have supported this measure and they are nowhere to be found. Lastly, concerning the National Institutes of Health, there was a workshop on the medical utility of marijuana. In the report to the Director of the National Institutes of Health by the ad hoc group of experts, what the group said was that -- again I want to point out how limited our information is and how we may want to hold off on a decision until we have more information.

"No scientific questions have been definitively answered about the efficacy of smoked marijuana in chemotherapy related nausea and vomiting. A comparison of the efficacy of smoking marijuana versus oral drabinol, and by the way, that is a cannabinoid that you take orally, and has been around since the 1980s, would also be of interest. 'In addition further information on appropriate dosage and frequency, side effects, tolerability and patient acceptability for smoked marijuana would need to be established.' None of that has been established so far. Of course that is the reason that physicians have a major concern with this measure. Thank you."

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

"I realize that the reason for this bill is to try to alleviate suffering, but we are talking about a substance that has not really been truly tested. I think that if we want to control pain in people, we need to look at the body of law that puts severe restrictions on physicians as far as prescribing Demarol,

morphine and other opiates. I have a very dear friend who has a father that is almost 90. He has severe osteoporosis and he needs to be on pain killers constantly. There are such severe restrictions. He has to be physically there at Longs to pick up his prescriptions so that they can be sure that somebody else is not getting the opiates. I mean it is a big deal for him to get into his car and get down to Longs.

"So I would echo all the things that my colleague from Hawai'i Kai has had to say. I think we would be far ahead if we would just defer decision making on this and perhaps next session look at the body of law that controls what doctors and physicians can do with opiates that are proven to really take care of pain in people that are severely ill. Thank you, Mr. Speaker."

Representative Auwae then rose in opposition to the measure, and asked that the remarks of Representative Whalen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Moses then rose and stated:

"It just dawned on me. Can you smoke this medicinal marijuana and drive? Have we addressed little things like that? I don't think we have, Mr. Speaker."

The Chair asked Representative Moses if he was speaking against the bill.

Representative Moses then responded:

"I spoke previously against it and this is just another question that came to my mind about this bill, Mr. Speaker."

Representative Goodenow then rose to respond to the previous speaker's question, stating:

"Driving under the influence of marijuana is illegal and it already is in statute. Thank you."

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

"I speak with reservations because my father did use it to help his pain. I have seen it work and that's why at first I was going to vote in opposition to it, but I know it works and I am supporting it with reservations. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 862, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL USE OF MARIJUANA," passed Third Reading by a vote of 30 ayes to 20 noes, with Representatives Auwae, Cachola, Halford, Kanoho, Kawakami, Lee, Leong, Marumoto, McDermott, Menor, Meyer, Morihara, Moses, Nakasone, Pendleton, Rath, Stegmaier, Takai, Whalen and Yonamine voting no and Representative Okamura being excused.

#### **S.B. No. 3190, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 3190, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

#### **S.B. No. 2058, SD 1, HD 1:**

Representative Case moved that S.B. No. 2058, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

Representative Lee continued, stating:

"This bill was one of the bills introduced by the Women's Legislative Caucus. The importance of a state earned income tax credit is it helps reduce poverty amongst children. It's a good way to complement welfare reform which we are moving into. Say EITCs provide needed tax relief, you're helping reduce the burden of state and local taxes on the poor. I think this is a good start and I'd like to submit further comments to the Journal."

Representative Lee's remarks are as follows:

"Mr. Speaker, we have just voted down a floor amendment which seeks to remove the general excise tax on food and medicine. As positive as the amendment might seem, our present fiscal situation would not make that a possibility. The beauty of the bill before us is that it can play a role in shaping tax policy for our state. Enacting a State EITC is way to help reduce the substantial burden of state and local taxes on the poor and to ensure low income families share in the benefits of the tax cuts we passed over the last two years.

"The earned income tax credit is a tax reduction and a wage supplement for low and moderate income working families. The federal government administers an EITC through the income tax. So do a rising number of states. The effect of EITCs can be, as I have stated: to reduce child poverty; support welfare to work efforts; and cut taxes for families struggling to make ends meet.

"I urge the members to support this measure."

The motion was put to vote by the Chair and carried, and S.B. No. 2058, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**S.B. No. 2194, SD 1, HD 1:**

Representative Case moved that S.B. No. 2194, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

Representative Halford offered the following amendment to S.B. No. 2194, SD 1, HD 1:

SECTION 1. Senate Bill 2194 SD1 HD1 is amended by adding a new section 1, 2, 3, 4, and 5, to read as follows:

"SECTION 1. The purpose of this Act is to restore the tax credits for food/excise taxes. This tax credit was intended to offset high income tax rates paid by Hawai'i residents. Although the repeal of the above tax credit has been characterized as a fair and equitable way to balance the state's executive operating budget, in effect, it is an effort to cure the state's financial problems by taking limited financial resources from poor and low income families.

The repeal of the food tax credit is a highly regressive tax increase for low income families. Balancing the budget on the finite resources of the most vulnerable in our community is not responsible economic or social policy.

This bill is intended to restore the food/excise tax credit to \$55 for individual and low income taxpayers, restore the medical services excise tax credit, and return the low income tax credit to 1995 levels.

SECTION 2. Chapter 235, Hawai'i Revised Statutes, is amended by adding a new section to read as follows:

**"235- Food/excise tax credit.** (a) Each resident individual taxpayer, who files an individual income tax return for a taxable year, and who is not claimed or is not otherwise eligible to be claimed as a dependent by another taxpayer for federal or Hawai'i state individual income tax purposes, may claim a food/excise credit against the resident taxpayer's individual income tax liability for the taxable year for which the individual income tax return is being filed; provided that a resident

individual who has no income or no income taxable under this chapter and who is not claimed or is not otherwise eligible to be claimed as a dependent by a taxpayer for federal or Hawai'i state individual income tax purposes may claim this credit.

(b) Each resident individual taxpayer may claim tax credits in the amount indicated in this subsection:

- (1) A tax credit of \$55 multiplied by the number of qualified exemptions to which the taxpayer is entitled; provided that no additional tax credit shall be claimed because of age;
- (2) In addition to the amount of the credit allowed under paragraph (1), the taxpayer may claim an additional tax credit for each adjusted gross income bracket as shown in the schedule below multiplied by the number of qualified exemptions to which the taxpayer is entitled; provided that each taxpayer sixty-five years of age or over may claim double the tax credit set forth in the following Tax Credit Schedule:

<u>TAX CREDIT SCHEDULE</u>	
<u>Adjusted Gross Income</u>	<u>Tax Credit</u>
<u>Under \$6,000</u>	<u>\$55</u>
<u>\$ 6,000 to under \$ 8,000</u>	<u>\$45</u>
<u>\$ 8,000 to under \$10,000</u>	<u>\$35</u>
<u>\$10,000 to under \$12,000</u>	<u>\$25</u>
<u>\$12,000 to under \$15,000</u>	<u>\$20</u>
<u>\$15,000 to under \$20,000</u>	<u>\$15</u>
<u>\$20,000 to under \$30,000</u>	<u>\$10</u>
<u>Over \$30,000</u>	<u>\$ 0</u>

provided that a husband and wife filing separate tax returns for a taxable year for which a joint return could have been filed by them shall claim only the tax credit to which they would have been entitled under paragraph (2) had a joint return been filed and may each claim \$55 under paragraph (1).

(c) For the purposes of this section, a qualified exemption is defined to include those exemptions permitted under this chapter, provided that a person for whom exemption is claimed has physically resided in the State for more than nine months during the taxable year; and provided further that multiple exemptions shall not be granted because of deficiencies in vision or hearing, or other disability. For purposes of claiming the credit only, a minor child receiving support from the department of human services of the State, social security survivor's benefits, and the like may be considered a dependent and a qualified exemption of the parent or guardian.

(d) The tax credit under this section shall not be available to (1) any person who has been convicted of a felony and who has been committed to prison and has been physically confined for the full taxable year; (2) any person who would otherwise be eligible to be claimed as a dependent but who has been committed to a youth correctional facility and has resided at the facility for the full taxable year, or (3) any misdemeanant who has been committed to jail and has been physically confined for the full taxable year.

(e) The tax credits claimed by a resident taxpayer pursuant to this section shall be deductible from the resident taxpayer's individual income tax liability, if any, for the tax year in which they are properly claimed. If the tax credits claimed by a resident taxpayer exceed the amount of income tax payment due from the resident taxpayer, the excess of credits over payments due shall be refunded to the resident taxpayer; provided that tax credits properly claimed by a resident individual who has no income tax liability shall be paid to the resident individual; and provided further that no refunds or payment on account of the tax credits allowed by this section shall be made for amounts less than \$1.

(f) All claims for tax credits under this section, including any amended claims, must be filed on or before the end of the twelfth month following the close of the taxable year for which the credits may be claimed. Failure to comply with the foregoing provision shall constitute a waiver of the right to claim the credit."

SECTION 3. Section 235-55.9, Hawai'i Revised Statutes, is amended to read as follows:

**"§235-55.9 Medical services excise tax credit.** (a) Each resident individual taxpayer, who files an individual income tax

return for a taxable year, and who is not claimed or is not otherwise eligible to be claimed as a dependent by another taxpayer for Hawai'i state individual income tax purposes, may claim a medical services excise tax credit against the resident taxpayer's individual income tax liability for the taxable year for which the individual income tax return is being filed; provided that a resident individual who has no income or no income taxable under this chapter and who is not claimed or is not otherwise eligible to be claimed as a dependent by a taxpayer for Hawai'i state individual income tax purposes may claim this credit.

(b) The medical services excise tax credit shall be four per cent of qualified medical expenses paid by the resident individual during the taxable year plus six per cent of the nursing facilities expenses paid by or for the resident individual during the taxable year. For individual resident taxpayers residing for more than two hundred days of the taxable year in the aggregate in a county in which the county general excise and use tax surcharge is in effect, the medical services excise tax credit shall be four and one-half per cent of qualified medical expenses paid by the resident individual during the taxable year plus six per cent of nursing facilities expenses paid by the resident individual during the taxable year. The portion of the tax credit attributable to medical expenses claimed on each individual income tax return shall not exceed:

- (1) \$200;
- (2) \$400 for a resident individual sixty-five years of age or over; or
- (3) \$600 for a resident individual and spouse both sixty-five years of age or over.

The preceding limitations shall not apply to the portion of the credit attributable to nursing facilities expenses; provided that a husband and wife filing separate returns for a taxable year for which a joint return could have been filed by them shall claim only the tax credit to which they would have been entitled had a joint return been filed.

(c) For the purposes of this section ["nursing"] "qualified medical expenses" is defined to include those medical expenses paid for the taxpayer or the taxpayer's dependent allowable as deductions for income tax purposes under section 213 (with respect to medical, dental, etc., expenses) of the Internal Revenue Code; provided that the medical expense was subject to the imposition and payment of the general excise tax under chapter 237. "Qualified medical expenses" shall not include the following:

- (1) Capital improvements; or
- (2) Prescription drugs or prosthetic devices exempt under section 237-24.3(7).

"Nursing facility expenses" are amounts actually paid by the taxpayer for services provided to the taxpayer or to any individual who bears a relationship to the taxpayer as described in section 152(a) (with respect to dependent defined) of the Internal Revenue Code by a nursing facility licensed under section 321-9 and 321-11 and any intermediate care facility for mentally retarded persons under sections 321-9 and 321-11; provided that the nursing facility expense was subject to the imposition and payment of the tax imposed by chapter 346E.

The amount of medical expenses and nursing facility expenses paid during the taxable year shall not be reduced by any insurance reimbursement.

(d) The tax credits claimed by a resident taxpayer pursuant to this section shall be deductible from the resident taxpayer's individual income tax liability, if any, for the tax year in which they are properly claimed. If the tax credits claimed by a resident taxpayer exceed the amount of income tax payment due from the resident taxpayer, the excess of credits over payments due shall be refunded to the resident taxpayer; provided that tax credits properly claimed by a resident individual who has no income tax liability shall be paid to the resident individual; and provided further that no refunds or payment on account of the tax credits allowed by this section shall be made for amounts less than \$1.

(e) The director of taxation shall prepare such forms as may be necessary to claim a credit under this section. The director may also require the taxpayer to furnish reasonable information in order that the director may ascertain the validity of the claim

for credit made under this section and the director may adopt rules necessary to effectuate the purposes of this section pursuant to chapter 91.

(f) If the tax credit claimed by an individual includes qualified medical expenses calculated at the rate of four and one-half per cent, and the individual resides in a county in which the county general excise and use tax surcharge is not in effect, or if the tax credit that includes qualified medical expenses calculated at the rate of four and one-half per cent is claimed in a county that has a county general excise and use tax surcharge in effect by an individual who has resided in that county for not more than two hundred days of the taxable year in the aggregate, there shall be added to and become part of the tax liability of the individual:

- (1) The amount of the tax credit claimed under this section multiplied by three; or
- (2) Ten per cent of the income tax liability for the taxable year for which the individual income tax return is being filed,

whichever is greater.

[(f)] (g) All claims for tax credits under this section, including any amended claims, must be filed on or before the end of the twelfth month following the close of the taxable year for which the credits may be claimed. Failure to comply with the foregoing provision shall constitute a waiver of the right to claim the credit."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act, upon its approval, shall apply to taxable years beginning after December 31, 1999.

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

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

"Mr. Speaker, the general excise tax is the largest single source of our state tax revenues averaging over \$1,000 from each adult and child in Hawai'i. This broad and pervasive tax has some inherent problems. It taxes essential food and medical services and it is regressive. In addition to the moral problem of taxing the essentials of life, it increases the gap between the 'haves' and 'have nots.'

"Mr. Speaker, the problems with the general excise tax were solved in a meaningful way through tax credits, which were in place for decades. In 1995, we took away most of the credits relating to food, medical services and low income. In 1998, more cuts in the credits left us with a token, meaningless, low income tax credit. This amendment, Mr. Speaker, restores the tax credits that existed in the decades preceding 1995.

"The tax increase of 1995 has yielded \$400 million to state coffers from the tax on food, medical services and taxing the most poor and fragile members of our community. These taxes have been paid in and will continue without this amendment. Hawai'i's current taxes are the highest in the nation per capita, state and local taxes combined. Additionally, Hawai'i's citizens now pay the most taxes as a percent of personal income. Way up from 1995, before the tax credit cuts when we were sixth in the nation.

"Mr. Speaker, returning the tax credits is not simply morally correct it also provides economic stimulation. The question will be asked, 'What do I propose to cut with fewer revenues?' Each year this side of the aisle has proposed many cuts that total hundreds of millions of dollars per year. Of course, the most significant proposal made is that we measure the cost of delivering services so that we can clearly see how government operations can be made more efficient. Over the last ten years, many Hawai'i businesses, who use measurements, have actually increased services on fewer revenues.

"This proposed amendment reduces the Executive Budget revenues by just one and a half percent where 10 percent

revenue reductions are common in the private sector. Mr. Speaker, none of us want to balance our budget with an immoral tax. None of us want to balance our budget on the backs of the most fragile members of our community. Passage of this amendment will show this body is caring and courageous. Mr. Speaker, at the appropriate time I would like to ask for a roll call vote. Thank you."

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

"Mr. Speaker, the cost of this amendment has been evaluated by the Tax Director at \$92 million. Ninety-two million dollars a year can be covered by reducing the workforce of the State of Hawai'i through attrition. In a normal year, 3800 positions become vacant through retirement or people moving on. If we don't replace 1700 of those 3800 positions, we will net \$90 million in savings. Thank you, Mr. Speaker."

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

"My colleague from across the hall from Maui is quite persistent in this providing for the excise tax credit. Many years ago, we of course did have it and I believe I was involved in the creation of it, with others. But the situation has changed throughout the years, we have come to point where we have to make choices in dollars as to where we are going to put the most money or the dollars of \$92 million in education, health, environment or human services. We had to make the tough choices, Mr. Speaker, and we opt for putting this money in for children and education and for the continuance of health services.

"No we don't hate the public as far as the implication that we are hurting the public by taxing the food and the medical care. But when you need to make tough choices because of the lack of resources we have been having these past years, we thought this was, and we knew it was, the fair way to do it. Now my colleagues across the hall here have continually come up with the idea of attrition.

"The public should know that practically every program and every agency that we have in the state is hurting right now with not having sufficient staff. The environment is hurting, the forests are not being taken care of, the oceans are not being taken care of, and human services are not being taken care of. Housing is not being provided for adequately and the education system is hurting because of not having the financial resources. Our higher education system is hurting.

"So now where do you cut with attrition. I have yet to hear of a program where you cut on a vertical level, from top to bottom and whole departments cut out. That has never come from you. You take the easy way out. Attrition."

Representative Whalen rose on a point of order, stating:

"I believe the current speaker is wandering far field from the merits of the amendment and I would ask that he focus in on the amendment versus prior positions an elected personnel may have taken in the past."

The Chair stated:

"The current speaker is addressing the point made by the previous speaker about attrition and I believe it is germane to the argument and will allow him to continue."

Representative Souki continued, stating:

"Again, you have this familiar refrain and I should say, 'There you go again,' attrition."

Representative Whalen again rose on a point of order, stating:

"The current speaker I believe is addressing the fellow members on the floor versus you and I believe he himself has made that point of order on numerous occasions."

Representative Souki continued, stating:

"Yes, thank you very much for the correction there. The Representative from Kona is very astute. I can't look at that side again. In fact, maybe I'll never look at that side again.

"I believe that if the maker of the amendment is really sincere in providing relief for the people of the State of Hawai'i, then what he should do is to provide an excise tax relief. In this case here what you would need to do is provide an exemption for the excise tax so there will be no taxes charged. That would be a fair way to do it because then you would be able to get the relief immediately and not at the end of the year. Poor people need help now, not at the end of the year. This bill will allow only the wealthy to afford to have a credit at the end of the year. Again, another GOP kind of thinking on this bill. That's all, Mr. Speaker."

Representative Halford then rose to speak in rebuttal, stating:

"I want to say that I agree with the previous speaker, my colleague from the great island of Maui. I agree with him. It is better if we do not tax food and medical services at the point of sale. That's absolutely an improvement and I campaigned on that issue in 1994. Much to my chagrin I came in, in 1995, and found that the compromised tax credits measure was deserted wholesale. I agree with my colleague that it would be better to just not tax food and medical services at the point of sale.

"In that regard I would like to support any movement in that direction. By passing this amendment, this bill will go to Conference and in Conference any movement by the Chairman and the subject matter Chairs that want to go in that direction will have my wholehearted support. And if I lived in your district, I would vote for you. Thank you."

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

"I would like to echo and support Speaker Emeritus in the points that he made and comments on this measure. If we look back in just the previous two years, this Legislature has provided for \$2 billion worth of tax breaks that we are going through right now and that we will be living with over the next five to six years. Certainly this action was not taken lightly. This action was taken because of all of the families struggling and the need to address the economy and the condition of our state economy.

"I guess the flip side of that is we will see that much fewer dollars in terms of revenues and therein, again the point made by Speaker Emeritus, where do you cut? Certainly, while we all would sympathize with the kinds of credits indicated in the proposed floor amendment. What would be the consequences that we would have to deal with? We attempted to champion education. Do we not provide for some of the educational needs whether it be at Kapolei or Radford or any other school throughout the state? Do we cut back on health care or essential priorities at Kahuku or any of the other hospitals that are indicating the great fiscal needs that they face today.

"These are some of the tough questions and tough choices that Speaker Emeritus was referring to. Certainly, while you look at the proposed amendment, Mr. Speaker, it might be good electioneering, but it is not good fiscal policy given the situation that we're faced with today. On that basis I would urge my colleagues to vote against the proposed floor amendment."

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

"I submit that in opposition to what the previous speaker had just mentioned. Exactly what we need to do is decrease taxes vastly because what we have done by over-taxing our people has not produced a vibrant and growing economy. We have had 10 years of recession now.

"Mr. Speaker, in this House, you commonly hear about the needs of government. We heard about a comment just a second ago from the Speaker Emeritus about agencies hurting because they don't have enough staff. I think we need to be cognizant of people out there working and they don't have enough food. They don't have enough money to buy the necessities. We are putting a tax, it is not an income tax where they pay a percentage and take their deductions, this is an up-front, off the top, tax on every single item they buy. This is the most good we can do.

"Another point that I think we often miss in this House is it's not our money. We are not giving them anything. We're not giving them a single solitary cent. We are letting them keep their own money that they work for. I know that's a novel concept, but it's their money, it doesn't belong to the government. It belongs to them. I'll probably say that a hundred times and you'll probably get tired of hearing it. But sooner or later, Mr. Speaker, it will sink in. It's their money not ours. Thank you."

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

"I do want to say that I appreciate the thoughts and intentions behind the introducer of this amendment and I don't doubt his sincerity in wanting to really help the poor. I just feel that at this point it's too little too late. Especially, when you think about the process, the idea is good, and it's certainly something that we had before, but that doesn't mean that makes it right or the best idea at this point. Because if it is adopted, it will have been adopted without going through the process of hearings. It would go straight to Conference and as your Chair of Human Services and Housing we have heard a lot of ideas on how we can help the poor and under privileged.

"In all fairness to the many proposals that we have, I think we need to give some credence and acknowledgment to that process. With that I would agree with the Speaker Emeritus and we need to look at how we can provide exemptions, especially in the area of food and health care, but I also acknowledge that we need to look how we can replace those resources that will be taken away if we do provide that exemption. So at this point I would recommend to the introducer of the amendment, as well as the whole opposition, that we consider measures about increasing the standard of need. Also for earned income tax credits, IDAs and also finally, to increase the minimum wage. These are measures that are moving that can be considered as going through the process and we should consider adopting them. If we adopt it and pass it, then we will be providing a lot to the working poor. Thank you, Mr. Speaker."

Representative Fox then rose to speak in rebuttal, stating:

"On the issue of attrition. What we are asking for to pay for this is a reduction in the workforce of 1700 positions. That's just a one time reduction. You don't have to keep cutting 1700. If you do it one time, you save \$90 million a year for every year on out till the end of existence. Now we've added 1000 positions since September of 1996, and the current budget adds another 500. So instead of adding positions, let's just go back to where we were in September of 1996.

"Now I've worked in the state government. I don't know how many other people on this floor have actually worked in the state government, but I invite them to come forward to talk to me at some later point. I can tell you without question we have more bodies than we actually need doing priority jobs in

state government. The thing to do is give management the tools to reorganize, to do more with less. That's the way the private sector works, that's the way the federal government works and according to campaign commercials that's even the way the City and County of Honolulu works.

"So we can do it at the state level, believe me, and as far as the Department of Education, I am struck by the fact that there are 18,000 people working for DOE and only 9000 are full-time teachers. So I bet there are some places in DOE that we could do some cutting too. Mr. Speaker, I have to beg your indulgence on this, but I hope I've heard for the last time that we've had a \$2 billion tax cut. That simply is not true. The tax cut is \$1.17 billion, not \$2 billion and anybody who thinks it's \$2 billion I would be happy to show them the figures. But check with Ray Kamikawa, it's \$1.17 billion. Thank you, Mr. Speaker."

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

"The purpose of this floor amendment, Mr. Speaker, is to try to give relief to those people who most need it. This is a food/excise tax credit. As we all know food is a basic necessity of life and that's the very reason why a great number of states on the mainland don't tax food because it's just morally questionable to tax something like that, a basic necessity of life. A couple questions were asked and I would just respond to those questions and then I will sit down.

"One question was, why didn't you introduce this as legislation, a general bill which exempts food from the application of the excise tax? The answer is we did introduce that legislation. It was introduced this session, the session before and it wasn't heard. So we are bringing these topics up in the only manner possible since they are not scheduled for a hearing and a clean up and down vote following a public hearing.

"Mr. Speaker, another question was asked, well why focus on the credit? Is that some sort of Republican way to only give money back to those who actually pay taxes? The answer is no. The bills we introduced were both food/excise tax credits and exemptions all together from the application of the general excise tax. Before we get to the heart on the issue of exemption versus credit, we have to remember that there is a certain beauty to having this as a credit. What is the beauty of that? If you have a general exemption when you have tourist who bring money, they're vacationing, they have a set budget. Those aren't the people that we are trying to relieve in terms of food and making sure they are fed, they're fine.

"Many of their meals will be eaten in restaurants where it's clear where there's an application. Sometimes they'll go to the grocery store. But the people we're really trying to help are the residents. The tax credit, because it's a Hawai'i tax credit applies to them and focuses on them. The beauty of the credit approach is that it targets Hawai'i residents who may need relief especially with respect to this food aspect. So for those reasons, Mr. Speaker, I support the floor amendment. Thank you."

Representative Yamane then rose and called for the question, seconded by Representative Goodenow.

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

"I rose to be recognized before the call for the ending of debate and I would like to have my time to talk."

At 5:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:38 o'clock p.m.

At this time, Representative Halford requested a roll call vote.

The request for a roll call was put to vote by the Chair and upon a show of hands, the request was granted.

Roll call having been requested, the motion to adopt the amendment was put to vote by the Chair and failed to carry on the following show of Noes, Ayes and Excused:

Noes, 38: Representatives Abinsay, Ahu Isa, Arakaki, Cachola, Case, Catalani, Chang, Espero, Garcia, Goodenow, Hamakawa, Herkes, Hiraki, Ito, Kahikina, Kaho'ohalahala, Kanoho, Kawakami, Lee, Luke, Menor, Morihara, Morita, Nakasone, Saiki, Santiago, Say, Schatz, Souki, Stegmaier, Suzuki, Takai, Takamine, Takumi, Yamane, Yonamine, Yoshinaga and Oshiro.

Ayes, 12: Representatives Auwae, Fox, Halford, Leong, Marumoto, McDermott, Meyer, Moses, Pendleton, Rath, Thielen and Whalen.

Excused, 1: Representative Okamura.

(Main Motion)

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

"I would like to implore whoever is going to chair this Conference Committee to see if they can get tax credits for going around the block twice a week. Thank you."

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

"I want to say that the point I was trying to make a few minutes ago, and I'll make it on this measure, is that if anybody in Conference Committee decides to say we don't have the money to pay for this, we should point out the fact that when we talk about attrition we're talking about eliminating the vacant positions, not warm bodies, vacant positions. Just to eliminate half of them would give us a \$100 million. That's 1700 out of the 3800 vacant positions. Thank you, Mr. Speaker."

Representative Souki 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 S.B. No. 2194, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Espero, Kanoho, Kawakami, Lee, Luke, Morita, Nakasone, Schatz, and Suzuki voting no and Representative Okamura being excused.

**S.B. No. 2521, SD 1, HD 1:**

Representative Case moved that S.B. No. 2521, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

"This bill, as described in the Committee Report, says the purpose of this bill is to establish disclosure requirements for purchasing agencies with respect to contracts for professional services of \$250,000 or more. As originally introduced by the Senate, it was intended to increase public confidence in rewarding the non-bid contracts. These are contracts given to engineers, architects consultants, which they do not have to bid for. In the past, and in other legislative sessions, I've

introduced bills that would make it mandatory for these professionals to bid on contracts.

"This bill has a positive part of it where it will require the contracting agency to make available, annually, on its bulletin board and on the internet a report of all contracts for professional services including the name of the contracting agency and the amount and type of each contract awarded. So there would be more easily obtained disclosure.

"Of course, with professionals, you are looking for the best qualified for the most competitive price. There was testimony by professional architects and engineers, in which they were encouraging us to include in this bill implementing a more formalized qualifications based selection process, which is something that is used for federal contracts. It includes weighted selection criteria. It is better to legislate for a fair and defensible selection process before making the award rather than concentrating our efforts on reporting the foregone conclusion after the award has been made. Unfortunately, all of their suggestions were not taken by the various Chairs.

"I think the problem with these non-bid contracts came to light this year when the Director of the Department of Transportation originally gave a bid to a relative. That was non-bid. It was for a substantial amount of money and there was a question of whether that person was more qualified than other professionals. So this bill, as originally introduced, was trying to take care of that problem. As it exists now, it does very little. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 2521, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL SERVICE CONTRACTS," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

At 5:48 o'clock p.m., Representative Morita asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:48 o'clock p.m.

The Chair directed the Clerk to note that S.B. Nos. 2438, 2982, 862, 3190, 2058, 2194 and 2521 had passed Third Reading at 5:49 o'clock p.m.

**S.B. No. 2736, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2736, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**S.B. No. 2872, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2872, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**S.B. No. 2938, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2938, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**S.B. No. 2946, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2946, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION APPEALS," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**S.B. No. 2470, SD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2470, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**S.B. No. 2830:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2830, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT OF SCHOOL PRINCIPALS AND VICE PRINCIPALS.," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**S.B. No. 2563, SD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2563, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

The Chair directed the Clerk to note that S.B. Nos. 2736, 2872, 2938, 2946, 2470, 2830 and 2563 had passed Third Reading at 5:50 o'clock p.m.

**S.B. No. 3117:**

Representative Case moved that S.B. No. 3117, pass Third Reading, seconded by Representative Yonamine.

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

"I have looked into this issue. I went 'with reservations' in Committee because we were told certain information, which I'm sure the Chair got from DCCA or somewhere, the police department, I believe. However, this is the bill that allows the police to enter and inspect the paperwork or the actual auto parts of unlicensed repair dealers.

"There's going to be some discussion that this only deals with those commercially operated or employed people, according to DCCA, which sets the standards. If someone is working on a car, other than changing the oil or the tires, the 'manini' type stuff, and they're being compensated for it, they are required to have a mechanics license. If they are not working for someone else, they have to have a motor vehicle repair dealer's license, both licenses.

"This bill says that if you're required to have a repair dealer's license, the police have a right to enter and inspect the paperwork and then the auto parts to check for VIN numbers for stolen parts. This bill goes too far. Either one, the intent is good, we want to go to the illegal 'chop shops,' no problem with that.

"The problem, however, goes to the fact that we say, if you should have a license, the police can enter and inspect. Either one, we dump the bill; or two, we reexamine, again, our licensing requirements as to who is required to have a license. Because merely working on someone's car for a case of beer, now makes you violating our licensing law that you have to have a mechanics license and repair dealer's license. This is too much.

"Now, this is DCCA telling me what's required. I'm not making this up. I didn't create it. I've got it written down. I didn't bring it with me, but I'll be glad to share with whoever wants it. This bill goes too far in creating police power, Mr. Speaker."

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

"This is a well intended bill for 'chop shops,' but it allows unwarranted searchers. I happen to have owned a dealership, Hawai'i licensed, vehicle repair facility and actually have my own mechanics license. It's expired now, but nonetheless I know about all the hoops you have to jump through.

"This, as the previous speaker pointed out, allows the police, not RICO or DCCA, but the police to come into a place where work is being done for any kind of compensation, which means your house or commercial establishment and basically do a search. They're called an inspection, but it's a search because once you enter the premises the eye cannot make a search. Whatever you see, you can then use as evidence.

"I can understand the police wanting to do this and I know the genesis of this bill. There was a previously licensed repair facility that the police suspected of being a 'chop shop.' The police went in and did their inspection not realizing that this person no longer had a license. That person sued the police. That officer is upset about that. That's the genesis of this bill.

"It's well intended, but it's an unwarranted search. Even if we pass this, eventually, some court is going to kick it out because you have to have probable cause. When you obtain a license, you sign a statement allowing inspection of your premises and your paperwork and the like. But if you don't have a license, and you're working for compensation, we're saying now that the police can just come in 'willy-nilly' whenever they want, whether it be your house or commercial establishment or whatever. I think its intent was done with the right motivations, but it just goes afoul of the law. I don't think we need to grant our police this extensive search power. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 3117, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Meyer, Rath, Thielen and Whalen voting no and Representatives Marumoto and Okamura being excused.

**S.B. No. 2467, SD 2, HD 1:**

Representative Case moved that S.B. No. 2467, SD 2, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

"I think it really should be known as the 'hit handyman with the sledgehammer' because that's exactly what this bill does.

"Mr. Speaker, I first should disclose that I come from a licensed contracting family, where there are three licensed contractors," and the Chair ruled "no conflict."

"Thank you, Nicky is extremely opposed to this bill, but I haven't spoken to my two sons to see their position. The bill calls for the administrative seizure of a handyman's tools and the seizure process could be started if a DCCA investigator finds that the handyman went over the handyman exemption of \$1,000 and is or was a defendant or a respondent in a separate complaint case, citation or lawsuit filed with DCCA.

"Should that handyman be found to be in violation of the requirement of having a contracting license, all of the tools,



documents, materials or any other property owned by the handyman would be subject to forfeiture.

"There are a number of reasons, Mr. Speaker, to oppose the bill. I'm going to speak to some of them and some of them I am going to ask to be put into the Journal. First of all, the Hawai'i Supreme Court in a 1990 case *Butler v. Obayashi*, ruled that even if the owner of the home knows that the handyman was unlicensed, that owner does not have to pay the handyman for anything, for the work performed or for the materials provided. That's penalty enough. That's a Supreme Court decision. That handyman does the work at the handyman's risk because the property owner doesn't have to pay a cent for the labor or the materials.

"Then I realized that the term unlicensed contractor is a broad term and it also encompasses some of the charlatans who sold roofing and then blew town in the Puna community. I also think of the handymen who play by the rules and work toward getting a contractor's license despite the onerous and anti-competitive legislation that we have in place that makes it very difficult for them to get licensed. I think of union tradesmen who are not working due to the poor economy and a lot of those different folks fall into this category.

"When we heard the bill in committee it was stated that the bill would only go after the repeat offenders, the real bad guys out there, but the bill doesn't separate the good from the bad. The DCCA just has to fulfill two procedural criteria before seizing the handyman's tools. First, they have to find that the handyman is performing some work that is over a \$1,000, \$1,001 in value, and the handyman doesn't have a contractor's license. Then the DCCA also has to find that the handyman is or was a defendant or a respondent in a separate case. Well that doesn't amount to a hill of beans. Any of us here could be named defendants, any of us. That doesn't mean that we were guilty of the charge. We could just simply be named a defendant by the DCCA in an administrative proceeding.

"It's easy to file a lawsuit as we all know. Let's put this in the context of how we protect others who are charged of criminal behavior. Take the example of a first time and a repeat offender. In our penal code, we look to offer rehabilitation and redemption to deserving first time offenders and we choose to punish certain repeat offenders. Deserving first time offenders get a sentence of probation, but certain felonious repeat offenders are eligible to be more harshly punished through mandatory minimum sentences.

"Both of those categories, they've been convicted and found guilty. Felonious repeat offenders can be sentenced to harsher mandatory minimum sentences if they were convicted of a prior felony. Were we to provide this procedural safeguard in this bill to the situation of mandatory minimum sentences, there need not be a conviction of a previous felony in order to be eligible for imposition of a mandatory minimum. The only additional..."

Representative Meyer yielded her time to Representative Thielen.

Representative Thielen continued, stating:

"The only additional procedural requirement would be that the defendant has been simply charged with a felony in a previous separate case or complaint. Think about this, applying this bill's procedural safeguards. If you were charged because you struck, assault second, Section 707-7-11; threatened to strike someone in the heat of the moment, terroristic threatening, Section 707-7-15; or you picked up someone's cell phone, like the beautiful purple cell phone of my colleague in the back row, by accident that could be theft second, Section 708-8-31, you would now be eligible for a mandatory minimum sentence. It doesn't matter if you were innocent, the charge eventually dropped for whatever reason, and the person filing the charge outright lied, you're stuck. As would be the

handymen and union trade workers who made a mistake. You're stuck. No conviction, nothing.

"So look at our forfeiture laws codified in Chapter 712A. Almost every procedural criteria allowing a law enforcement officer to take personal property requires some judicial or law enforcement officer decision making. Whether it be probable cause, warrant determination or a prior judgment concerning the property to be seized. The point is some analysis and decision making, aside from the underlying crime itself, has to take place before seizure is initiated. There is no such distinction in this bill.

"If we pass this bill, Mr. Speaker, our laws would give drug dealers and drug manufacturers more due process than we would give to handymen. Is that what we want to be known for this legislative session? That drug dealers and drug manufacturers have more due process than a handyman. I'd like to ask that the rest of my remarks go into the Journal," and the Chair "so ordered."

Representative Thielen's additional remarks are as follows:

"So let's say a handyman who does a \$5,000 renovation job gets caught and hasn't been paid by the homeowner, because the economy is bad, and the homeowner's cash flow is a little tight. The handyman is going to get fined \$2,000 for a first offense per Section 444-23c. The handyman doesn't get paid for the job and sues to collect for work done. The court is going to rule that the handyman is due the handyman exemption, at most \$1,000, pursuant to *Butler v. Obayashi*. So the handyman walks away from the job losing \$1,000 on a \$5,000 job? That's the best case scenario, Mr. Speaker, because if that job required a building permit or it was part of a larger project, our handyman walks away with nothing from the court because the handyman exemption does not apply to those types of jobs. So our handyman could walk away from a \$5,000 job with a \$2,000 fine and no payment from the homeowner, a \$7,000 loss, Mr. Speaker. And on top of this, we now want to take away the handyman's tools. This is overkill in the most outrageous sense of the word.

"Mr. Speaker, the due process protections in this bill are supposed to protect the good handymen from being unfairly lumped in with the bad. However, as you can see, these procedural protections do not take into account one's guilt or innocence.

"Now I pointed out this disparity in Committee. Even if one were to disagree over the severity of the penalty portion of this bill, I would think everyone who truly desired consumer protection would want to stay true to the purpose of the bill, to punish those unlicensed contractors who repeatedly and flagrantly violate both the letter and the spirit of the law and provide no work or shoddy work in return for compensation. I was asked if changing this portion of the bill 'would change my vote.' What does that have to do with correcting flawed legislation? Because Representative Thielen won't support the bill, we'll forget about the honest worker and the union guy out of work and pass it out?

"Mr. Speaker, we protect the civil rights of many different groups of people. Hawai'i is known for its support of civil rights, and is often at the forefront of civil rights protection. Now we are looking to remove those same rights for handymen. That idea is repulsive to me, and should be to all of my colleagues. It is decidedly un-American and I cannot support such legislation in good conscience. I will not see this State become the 'People's Republic of Hawai'i,' and for the above stated reasons, I vote no."

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

"When I arrived here they told me if it appears on the Order of the Day, it is going to pass, so I won't belabor this. My job

is to fight back socialism and I'm going to give it a shot. This Karl Marx bill is something that crushes capitalism, kills the entrepreneurial spirit. We're telling a person who has worked 20 years as a carpenter who can't jump through that hoop to get a license because he hasn't served his five years in a supervisory capacity.

"He's not applicable to get a contractors license. He can't go out by himself and he can't work for his neighbor or his friends on a referral and reference basis. Oh, he can, but if he happens to come over a \$1,000 he is now a criminal. We are going to come take his car, tools and possessions. Amazingly, I found somebody who agrees with my point.

"There was an order from the Circuit Court, First Circuit, State of Hawai'i, and it's an order dated March 10, 2000, by Judge Gail Nakatani. It's only a two page and I would be glad to give this to the Majority Members. But I would like to read her last sentence. 'In addition plaintiffs provide insufficient legal authority to defend its actions constitute unfair and deceptive acts as a matter of law, although there is a policy favoring licensed contractors it is not illegal or impermissible to perform unlicensed construction work.' That is from Gail Nakatani who hopefully will go to the Supreme Court someday. But we are going to punish people for working. That is the most outlandish, ridiculous, stupid idea I have ever heard.

"We are going to take the entrepreneurial spirit or that person who got laid off or wants to be in business for themselves, and we're going to take their method of making a living. Karl Marx would be proud of this bill, Mr. Speaker. Thank you very much."

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

"First of all, in regards to the references to Karl Marx, I don't think that those references deserve any extensive comment on my part. But let me just say that I don't think that the many licensed contractors who strongly support this bill and also very strong supporters of entrepreneurship and our free enterprise system would take too kindly to the remarks of the Representative of South Kohala attempting to link his support of this bill to Karl Marx.

"Mr. Speaker, in regards to the specifics of this bill, I will reiterate what I have stated previously on this House floor. This measure is a good measure and it deserves our support because it is definitely a pro-consumer bill to the extent that it will strengthen compliance with our contractors licensing law. The Representative from Kailua has made reference to a Supreme Court opinion, *Butler v. Obayashi*. I'd like to point out that in that opinion the Supreme Court stated that the Hawai'i Revised Statutes, Chapter 444 providing for the licensing of contractors expresses a very strong public policy. The contractors in this state shall apply for and receive licenses.

"Mr. Speaker, I believe that the Supreme Court rendered the opinion that they did because of the fact that they recognize that our contractors licensing law contains many important consumer safeguards. There are requirements in our law that relate to disclosure, insurance, bonding requirements in applicable cases, workmanship, contractors recovery fund and other requirements that are applicable to licensed contractors, but which were also established and set up to protect consumers. Given these important consumer protections, I think we need to seriously consider how some of those who would oppose this bill can say on the one hand that they support the consumer and on the other hand so vigorously oppose a measure, which is designed to strengthen and maintain the integrity of our contractors license law.

"Mr. Speaker, the reason why this measure is before is because, as you know, we have received volumes of letters, testimonies and communications from the Regulated Industries Complaints Office or RICO, concerned licensed contractors and

others who strongly support this bill because they recognize that unlicensed activity has become a significant problem undermining the integrity of a contractors license law.

"Moreover, Mr. Speaker, unlicensed contractor activity has become a consumer problem. While I sympathize with unlicensed contractors who may be performing jobs in very dire economic circumstances, I think we also need to recognize the reality that there are many unlicensed contractors who are engaging in activities that are detrimental to consumers.

"There are contractors who operate on a pure cash basis and are very adept of hiding their earnings from attachment disclosure and taxation. Then there are the 'fly-by-nighters' who come into a community collect money from customers, performed defective work or fail to perform their jobs completely, leaving the area and harming consumers. And then of course there are those contractors who choose to disobey the law, who don't obtain workers compensation coverage or health insurance coverage. There are other benefits that are designed to benefit workers and consumers for the purpose of trying to do the work on the cheap so that they can undercut law abiding licensed contractors.

"So, Mr. Speaker, I believe that there are strong consumer protection measures that are contained in this bill and therefore, warrants our strong support. I would also like to point out that this bill raises issues of fundamental fairness. I just don't think it's fair for contractors who obey the law and choose to obtain their licenses to have to compete with unlicensed contractors who skirt the requirements of the law so that, again, they can perform their work on the cheap. I also think that we are not being fair to licensed contractors if we say that for those who choose not to obtain their licenses that they can go on and continue to retain possession and ownership of their tools and equipment so that they can continue to earn a living without a license. I think this breeds disrespect for the law and would not be an appropriate position for the legislature to take.

"As for those who argued that this measure is too harsh and draconian, let me also say that we made a number of amendments to this bill. It does apply only to repeat violators. It has deleted provisions that would have required retroactivity and also a restitution provision which RICO felt might be unduly burdensome and unfair to license contractors. But in any event, I think this bill has been given extensive discussion, but let me just respectfully request to my colleagues once again to support this measure, which I believe is pro-consumer measure. Thank you."

Representative Rath then rose to speak in rebuttal, stating:

"The book is *Das Kapital* and I suggest the previous speaker read it. First off, DCCA, RICO Division, in 1999, had a total of 268 cases for unlicensed contractors. A lot of them were sting operations where the RICO agents went out and enticed people to come in and give them higher bids. In those 268 cases, they came up with a grand total of over \$2 million in fines. Of which, Mr. Speaker, they only collected a little under \$38,000.

"So the vast majority of the fines went unpaid. The reason for that is you can't take the shirt from a naked man, you can't get what somebody hasn't got. These are people on the bottom of the economic totem poll. They are right down there making basically a little under \$20,000 a year in taxable, spendable income.

"But let me point out something else. Twenty-two percent of those violations were licensed contractors aiding and abetting and that's who paid the fines. That's where the \$37,000 came from. What they were doing was they were hiring the unlicensed contractors to avoid paying workers compensation and all the other titles and the amount of money that goes with having employees. Now these poor people who are on the bottom of the totem poll are trying to get by, and some are union and some are non-union, just working men, and they

might go over. They might put on a lanai for somebody and discover some rotten boards, bid it at \$900. Now if they replace the boards it goes to maybe \$1100, they are now guilty and they can lose their car or their tools and everything else.

"This is obviously ridiculous. We should raise that \$1,000 limit to an acceptable amount where it is livable and make it to Small Claims Court so it's collectable. You do have the *Butler v. Obayashi* Supreme Court decision that says, those amounts over \$1,000 aren't collectible. But let's talk about the licensed contractors just for a second and their relationship in this.

"The unlicensed guys who are not illegal as long as they're under \$1,000, making under \$20,000 a year. They can't afford Mr. Lyons for a lobbyist so somebody's going to have to speak for them so I am going to try to do that. The licensed guys better watch out because whatever the government will do to somebody else, they will eventually do to you. This is draconian. This is the wrong way to go. The reason you can't collect the money is because they haven't got anything.

"You want to correct the problem. Twenty-six states do not have licensing. The ones that do, in the vast majority of those is no more than getting a G.E. license in Hawai'i. You go down and register, give them your name, address or the place of where your business is, give them seven or eight bucks or something and you're licensed. It's so they can find out where you are. So you can put a name on a truck and you've got a number as a reference aside from your phone number and address.

"Mr. Speaker, there are ways to address the problem without going to this measure. Without using drug forfeiture laws and bypassing our penal system and the rights of people to due process. There are better ways to do it. I have no problem and I don't think anybody has any problem registering, getting a G.E. license and providing some simple liability insurance and raising the limit. But to go in and confiscate their tools and equipment, you're just pounding people who are already down, a little father down. Thank you, Mr. Speaker."

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

"Although I had some concerns when it first came out, the Chair has gone a long way to making it much fairer as he stated.

"I have concerns about what the previous speaker was saying about entrepreneurship. Yet, we're talking about consumer protection here. If entrepreneurship, and I don't know about 200 complaints from RICO, I only know about one. That one had an unlicensed contractor come in, the people, the general public, this particular person didn't know about having licensed and unlicensed contractors, hired this person and the person took the money and left. No recourse. At least with a licensed contractor they have recourse at DCCA.

"If entrepreneurship and the definition of entrepreneurship is to go out and 'rip off' the general public, maybe I can go along with the previous speaker. But, Mr. Speaker, there are instances, specific instances, that have happened in the general public that consumer safety, consumer protection -- and that's why we have the Committee -- is needed. I believe this bill goes a long way to making it fair. Thank you."

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

"I voted with reservations in Committee to make sure this bill had a chance, but I am opposed for a very specific reason. In my district, we have a lot of substandard roads, a lot of substandard subdivisions. The problem I have with those members of those subdivisions in trying to maintain their own roads up to some passable standard, they continually run into problems with the licensure/non-licensure issue. So that's the

only reason, I'm really going down on this bill. It's a very specific problem in my district. Thank you."

Representative Thielen then rose to speak in rebuttal, stating:

"I would like to point out to the members that the Chair of the Consumer Protection Committee did not address at all the lack of procedural protections, of due process protection because he can't. How can he defend the fact that you've merely named a defendant, no determination of guilt and that's enough? So to his credit he didn't try to defend the bill on that very, very serious defect in the bill.

"I think we have got to be extremely careful that we don't pass a law that makes our handymen guilty without the procedural protections that we give drug dealers and drug manufacturers. That just makes absolutely no sense.

"The Chair may get up and he may say, well it's enough to be named a defendant for the same type of thing, let's just figure they're guilty. Well, that's not exactly the American way of our jurisprudence system. I would hope it wouldn't be something this body would support."

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

"Before I ramble, a little bit different point here that I hope the Chair will listen to, that is the section that he added regarding the unfair deceptive business practice. I looked into the impact of that and I note that it truly makes this measure worse, and no one has spoken to it yet.

"Basically, what it does is trebles the damages, requires the person to pay attorney's fees, and if there are no damages at all, they at least get \$1,000 out of the person. We've taken their tools, their truck, their materials, their paperwork and their contract. We've taken everything. Now we're saying, okay we've protected the licensed people. We've given RICO what they want, a tremendous a hammer to nail whoever they want to nail. Now we're going to take care of the lawyers and make sure they get something out of this too. To call this a deceptive business practice on top of everything else we've done to the person is so onerous that I'm amazed.

"I just want to cover a couple of points. There was a statement made earlier that the licensed people believe in free enterprise. That is not true because by far the lion's share of the testimony, matter of fact, almost all of it, came from either DCCA or licensed contractors. The reason why licensed contractors, and this was in their testimony, the reason why they want this law is to stop these people from doing contracting work. For those of you who don't know, that's not free enterprise where you stop people from competing against you. Maybe that's part of the problem here, the misunderstanding of what free enterprise is.

"Secondly, the only reason why we regulate, and if you check our statutes, it says is to protect the consumer and the investors, et cetera, not to protect those who already have a license. That's in our statutes. That is the purpose of regulating to protect the consumer and hence, the name of our Committee, Consumer Protection.

"The safeguards that were noted, most of the safeguards in the licensing law totally fail because if you do a big project, building a house or a massive renovation or building out a room, the cap is like a \$30,000 of this fund that you can go to. Just as many licensed contractors 'rip off' the public as unlicensed contractors. In fact, I want to elaborate on what my colleague from West Hawai'i mentioned. That is about the licensed contractors participating in this unlicensed activity.

"If anyone should understand the law and not use unlicensed contractor, it's the licensed contractors. But this law, supposedly extremely fair, pro-consumer, all we're after is

protecting the consumer, if a licensed contractor hires an unlicensed one and pays them more than they should, they know the law. They have their license through the process and everything else, nothing happens to them other than a 'manini' fine.

"The unlicensed guy who might not have any idea, might be here fresh from Samoa or from the Philippines, isn't totally aware of what's going on, but get's hired to do a job and loses everything. The licensed guy walks away with a little slap on the wrist. That's fair? No, it's because we're protecting the licensed contractors. We're not giving two bits about what the general public and the price of what we're doing. By its very nature, the fact that we leave licensed contractors out of this for violating the law speaks volumes as to the true intent of this thing.

"We've heard enough so I won't continue on, but if we really are sincerely after protecting the consumer, get rid of the unfair deceptive language and have it apply three times harder to licensed contractors for violating this law, which of course there's nothing there because, again, this bill is to protect licensed people that's why they testified for it. Not consumers, not homeowners builders, it's licensed contractors and I'm not going to vote for it. Thank you."

Representative Menor then rose to speak in rebuttal, stating:

"I just wanted to make some brief remarks in response to the previous speaker's arguments. First of all, in regards to the adequacy of current law to discourage unlicensed activity, clearly the laws that we have in place now have not been adequate or effective enough to discourage unlicensed activity as evidenced by the fact that unlicensed contracting remains a significant problem.

"The reason why this bill is needed is because it will provide a much stronger and more effective deterrent. It would, basically, give RICO the ability to take the tools and implements away from an unlicensed contractor at the time that the operator is discovered at the job site so that we can effectively and immediately stop the activity and prevent further consumer harm. So this measure is needed in that regard.

"Secondly, I think that the statistics that have been cited by the Representative from South Kohala, in fact, buttresses the position that we've taken in support of this measure because of the fact that I think that those statistics demonstrate that in terms of numbers, we do have a significant problem with respect to unlicensed contracting. And the fact that the vast majority of complaints have been made against unlicensed contractors and licensed contractors.

"Furthermore, I think that the Representative from South Kohala has made some erroneous interpretations and remarks with respect to the statistics that have been provided by RICO. He indicates, for example, that out of the \$37,746.02 that were collected by RICO in 1999, that those were paid by licensed contractors. That's erroneous. We've been able to obtain clarification from RICO and they indicated that out of that amount \$24,746.02 came from the unlicensed respondents.

"In addition, the Representative from South Kohala has made the representation that most of these cases involve sting operations. Again, nothing could be further from the truth. The statistics of RICO indicate that the vast majority of cases result from complaints from consumers, homeowners and other parties and that sting operations are conducted very rarely.

"In regards to the concerns about the adequacy of due process safeguards, I'm glad that the Representative from Kailua has asked me to clarify that point. If you look at the bill carefully, it clearly delineates procedures that are designed to safeguard the individual rights of unlicensed contractors. There are provisions that provide that persons with the interest in

property or the equipment or tools must receive notice of forfeiture. They're also given the opportunity to participate and to appear at a Chapter 91 hearing. In addition, there are provisions in the bill that allow for appeal rights of the courts.

"The criticism of the bill that was made earlier was that these safeguards fall short of what would be provided to criminal defendants under the asset forfeiture law, but an important point that needs to be made is that these provisions track the asset forfeiture law. In fact, the draft that is before us was developed in consultation with RICO and the Attorney General's Office, who strongly recommended that we follow the asset forfeiture law because it included procedural safeguards that were absent from the original language of the bill. I think that important point needs to be clarified.

"The other point that has been made or criticism that has been levied is that this bill would apply to those who should presumed innocent. Again, nothing could be further from the truth. Again, this bill applies to repeat violators. Specific language of the bill that relates to repeat offenders would have this apply to those situations where an unlicensed contractor has received a citation or a complaint, has been warned about his or her unlicensed activity, but notwithstanding the notice and the abatement order that is included in the citation continues in that operation.

"Now, I've been able to confirm from RICO that it is their practice and procedure that before they issue a citation or a complaint, they verify whether or not the individual has an active license. Really, verification of a contractors license is not a complex matter. It's a relatively straightforward matter. Either a contractor has a license or they don't. Again, what this bill would cover are situations where an unlicensed contractor has knowingly violated the law, has been notified by RICO about their violations, has been warned about ceasing their operations..."

Representative Rath then rose on a point of order, stating:

"I believe the speaker has exceeded his time."

Representative Lee yielded her time to Representative Menor.

Representative Menor continued, stating:

"Lastly, in regards to the provision that the Representative of South Kona has raised about the unfair and deceptive acts and practices, I think he's raised a legitimate point. In developing this bill, the Attorney General's Office and RICO presented our Committee with a draft that included this language. This provision was not the focus of much attention within the CPC Committee. But I would like to assure this body that if there are concerns about that measure, which I don't think is integral or essential to this particular bill, that we can take up this issue further in Conference Committee. Thank you very much."

Representative Whalen then rose to speak in rebuttal, stating:

"I'd just like to have a few moments to very briefly hit the points that were brought up, for clarity sake. There was some misinformation."

The Chair asked Representative Whalen to keep his rebuttal brief and not test the patience of his colleagues.

Representative Whalen objected, stating:

"Mr. Speaker, it is my understanding that we're elected to represent our constituents and our people. If we're required to stay here a little bit longer, then that's necessary. I realize we work together, but I don't believe your admonition to me that my making a speech, presenting my position and trying to convince my colleagues that certain votes should be made is trying to their patience. If it is, perhaps they should think about

not running for re-election if the legislative process is a trial and a burdensome duty for them to go through. Is that my understanding of what your statement was?"

Representative Souki then rose on a point of order, stating:

"It seems that the Representative from Kona is not speaking to what is germane presently. If he would please stick to the subject at hand. I also believe that he spoke twice. I might be wrong. If he spoke twice, he's already been given the ability per the House Rules to state his case. I believe his case has been stated. Mr. Speaker, I believe you should advise the speaker that he has no ruling at this point."

Representative Case then rose on a point of information, asking:

"Has the Representative spoken twice? Thank you, Mr. Speaker."

The Chair, after being informed that Representative Whalen had not spoken twice, asked that he "please proceed."

Representative Whalen continued, stating:

"Mr. Speaker, I acknowledge Speaker Emeritus is correct. I should have said a 'point of personal privilege,' when I mentioned that your comments I felt were inappropriate regarding my presenting the position that I feel my constituents would support.

"Obviously, it's been cleared, I have not spoken twice. Briefly, back to the issue now. Since we've clarified that point. The Chairman of the CPC Committee mentions that if a unlicensed contractor is working and it goes over a \$1,000 and this bill is here to stop that activity and the consumer harm, that is nub, the gist, the crux of the problem. Because someone goes over \$1,000 does not mean that there is consumer harm. The only way that there is harm is there's harm to the licensed guy.

"Secondly, the CPC Chair, and I appreciate his willingness to look at the unfair deceptive practice, but did not address the problem that so many people have in getting a license. Why so many people work without license? Why is that unaddressed? Third, the due process concerns. Yes, the process of getting things taken away there is the forfeiture language.

"However, the language is there. He keeps referring to repeated offenses. That is not the case and I have to admit that my colleague from Kailua is correct that nowhere in our law do we say that merely being cited in a complaint or being named as a party makes you a repeat offender. That's what this bill does. It doesn't require a conviction or an order or a judgement from the Director saying that you violated the law. All it says that you've been cited and being cited does not mean that you've violated the law.

"Finally, the CPC Chair and his eloquent speech about protecting the consumers against unlicensed people did not address at all the situation and it's prevalent where licensed contractors hire unlicensed contractors, subcontracting out to them. If this is truly the concern, then I reiterate the fact that we should hit the licensed the guys three times harder than the unlicensed guys. I heard no comment that we will move in that direction. In fact, again, I say this bill is merely to protect licensed people."

At 6:26 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 6:28 o'clock p.m.

Representative Halford then rose and asked the Clerk to register a no vote for him because of the "penalties in this measure", and the Chair "so ordered."

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

"Thank you, Mr. Speaker. I had a green slip in on this measure, but I am grateful for the debate we've just had. Given what the Representative from Mililani has stated, I'd like to record a yes with reservations and ask that my no vote be taken back. Thank you," and the Chair "so ordered."

Representative Herkes then rose to ask that his vote in opposition be changed to an aye vote with reservations, stating:

"Could I make that same request," and the Chair "so ordered."

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

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

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

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

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

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

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

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

Representative Moses 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 S.B. No. 2467, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNLICENSED CONTRACTORS," passed Third Reading by a vote of 39 ayes to 10 noes, with Representatives Auwae, Fox, Halford, McDermott, Meyer, Pendleton, Rath, Schatz, Thielen and Whalen voting no and Representatives Marumoto and Okamura being excused.

**S.B. No. 2430, HD 1:**

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

**S.B. No. 2088:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2088, entitled: "A BILL FOR AN ACT RELATING TO SHORT-TERM INVESTMENT OF STATE MONEYS," passed Third Reading by a vote of 49 ayes, with Representatives Marumoto and Okamura being excused.

**S.B. No. 2542, SD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2542, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 49 ayes, with Representatives Marumoto and Okamura being excused.

**S.B. No. 2942:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2942, entitled: "A BILL FOR AN ACT RELATING TO GENERAL FUND EXPENDITURE CEILING REPORTING DATES," passed Third Reading by a vote of 49 ayes, with Representatives Marumoto and Okamura being excused.

**S.B. No. 2947:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2947, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF TAX INFORMATION," passed Third Reading by a vote of 49 ayes, with Representatives Marumoto and Okamura being excused.

The Chair directed the Clerk to note that S.B. Nos. 3117, 2467, 2088, 2542, 2942 and 2947 had passed Third Reading at 6:35 o'clock p.m.

At 6:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 6:48 o'clock p.m., the Speaker assumed the rostrum.

**S.B. No. 426, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 426, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Fox and Moses voting no and Representative Okamura being excused.

**S.B. No. 3002, SD 2, HD 1:**

Representative Case moved that S.B. No. 3002, SD 2, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

Representative Auwae's remarks are as follows:

"I can understand why a surviving spouse of a deceased member of the Employees' Retirement System would want to continue to receive pension and other retirement benefits upon remarriage. The problem, however, is that these people are not necessarily entitled to keep these benefits.

"When a person enters into a new marriage they will presumably have an additional household income once again. They would not necessarily continue to need their late spouses' benefits. In essence, the deceased spouse would be continuing to support not only their surviving spouse, but a new partner as well. I do not believe this was the intention of the pension benefit.

"The other aspect of this bill that I take issue with is that it only affects a few people, spouses or reciprocal beneficiaries of a deceased police officer, fire fighter, deputy sheriff, or public safety officer. Once this option is allowed for this limited group of individuals, it would open the door for this option to become available to others affected by this retirement benefit restriction.

"It is difficult to say that we are going to allow this option for a few people affected by this pension and benefit restriction and not everyone affected by it. This open door could potentially have a large fiscal effect down the road. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 3002, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Leong, Marumoto, McDermott and Moses voting no and Representative Okamura being excused.

**S.B. No. 3003, SD 1, HD 1:**

Representative Case moved that S.B. No. 3003, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

Representative Thielen's remarks are as follows:

"In the interest of saving time, I am requesting that my comments be entered into the House Journal.

"The purpose of SB 3003, SD1, HD1 is to require all new and returning employees to be enrolled as contributory members and to allow current employees the option of enrolling in the contributory plan. The end result will be that all employees will be contributory members at some point in the future.

"While this bill is laudable in that it seeks to strengthen all public employees' future retirement benefits, there are areas of concern.

"First, this bill assumes that government employees are incapable of managing their retirement planning and therefore, the State government will mandate them to save more for their retirement through enrollment in the contributory plan. Because of this, all employees will find their paychecks decreased by the 7.8 percent contribution that is required to be withheld as members of the contributory plan. Currently, public workers are enrolled in the noncontributory plan, but have the option of making contributions to the Deferred Compensation Plan should they wish to enhance their retirement savings.

"With SB 3003, SD1, HD1, eventually all public workers would be enrolled in the contributory plan and would not have the option of increasing their take home pay without securing a second job. This scenario would be detrimental to the many employees who need money now to pay their rent or mortgages, buy groceries and pay medical bills.

"Second, the ERS itself has estimated that after 25-30 years, when all members are contributory, employer contributions will have increased \$73 million annually. Additionally, this bill will increase retiree health care costs, since contributory employees may retire at an earlier age than noncontributory employees. These items are troubling, given that the state's economic situation and the current fiscal condition of the public health fund.

"Finally, this bill seems to conflict with another bill that the Legislature is proposing, SB 2369, SD1, HD1, which would allow hardship withdrawals from the ERS and move employees into a noncontributory status. If the public policy goal is to move all employees to a contributory status, SB 3003, SD1, HD1 will collide with SB 2369, SD1, HD1.

"For these reasons, although I believe it is commendable to help public employees strengthen their future retirement

income, I will be voting with reservations on SB 3003, SD1, HD1."

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

The motion was put to vote by the Chair and carried, and S.B. No. 3003, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Marumoto voting no and Representative Okamura being excused.

**S.B. No. 2369, SD 1, HD 1:**

Representative Case moved that S.B. No. 2369, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

Representative Thielen's remarks are as follows:

"In the interest of saving time, I am requesting that my comments be entered into the House Journal.

"The purpose of SB 2369, SD1, HD1 is to provide for a one-time withdrawal of the member's accumulated contributions to the ERS in the event of economic hardship, and move the member to noncontributory status.

"SB 2369, SD1, HD1 seeks to address those unexpected emergency situations that none of us can foretell. When sudden illness, accident, or casualty befalls someone, it is also desirable to have a backup, emergency source of funds to draw on to meet the crisis.

"What concerns me about this bill is the potential public policy conflict we face when we allow exceptions that require an employee to convert to noncontributory status when, at the same time, the Legislature is proposing to move employees en masse to contributory status as is the case with SB 3003 SD1, HD1.

"It seems off to vote to for one bill that encourages contributory enrollment for all public employees, while also voting for this bill that allows employees to convert to noncontributory status.

"I am, of course, in favor of emergency hardship withdrawals, but am voting with reservations on SB 2369, SD1, HD1 because of the apparent inconsistent public policy message this bill seems to send in light of SB 3003, SD1, HD1."

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

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

Representative Auwae's remarks are as follows:

"Retirement is a source of long-term financial security for an employee and their family. Withdrawing one's contributory retirement would substantially affect their life. The age at which a person retires is usually very much dependent upon what type of retirement they have.

"This is an issue that needs to be well thought out before making any decisions. While it is true that in the short-term a contributory member will have less take home pay than their

counterparts in the noncontributory system, in the long-term this is a beneficial source of income during a person's retirement years.

"The bill does specify that a person must be deemed as enduring an 'economic hardship' in order to qualify for this one-time withdrawal option. The term 'economic hardship' is still too broad, however, which leaves this withdrawal policy open to abuse. The problem is further enhanced by the fact that there is no penalty imposed for premature withdrawal of a member's contributions before retirement.

"While I can sympathize with the fact that circumstances may arise that would render it necessary for a person to withdraw their contribution, I also feel that it is necessary to control this policy very tightly. We should ensure that only those few extreme cases can take advantage of this option.

"In its current form, this bill allows for a financial safety net for individuals who simply overextended themselves financially. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 2369, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Takai and Yonamine voting no and Representative Okamura being excused.

**S.B. No. 2326, SD 1, HD 1:**

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

**S.B. No. 2802, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2802, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

**S.B. No. 2859, SD 1, HD 1:**

Representative Case moved that S.B. No. 2859, SD 1, HD 1, pass Third Reading, seconded by Representative Yonamine.

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

"Thank you, Mr. Speaker. On the merits of this draft, which is reportedly identical to House Bill 2518, House Draft 1, which this House passed out on March 7th of this year, I incorporate my remarks on that measure, on that date by reference.

"Additionally, when I gave those remarks on March 7, 2000, I did so in the sincere belief as the current occupant of this particular chair that that draft did not represent the mainstream of the Majority Caucus. Today, we again pass this same version, but after efforts by the Finance and Labor Chairs to provide opportunities for members to make an informed decision, and I commend them for those efforts.

"I must now ask myself whether my initial evaluation of the majority members' sentiment was wrong, or whether members have changed their minds since this session began, or whether they are taking a wait and see attitude towards the result of conference, where we are at a wide disparity with the Senate, or whether they really do agree that we need to go further with civil service reform, but are either finding some other way to say so or unwilling to say so. In truth, perhaps, it is some of each of the above, but it is clear to me that I cannot say with any confidence today, at least, that my reservations represent the majority sentiment, and I do not say so.

"But I will say this, as we get whipsawed, tugged, pulled, lobbied and cajoled and yes, even threatened in the next three weeks on what, like it or not, is one of the most important issues this session: I hope that each member will make his or her own informed decision. Please don't let anyone make this decision for you. Take ownership of it because we will all be judged by this result.

"As we go into that conference, I share information again from our bosses: skip the layer that lives in this Capitol with us during session and go to what the people think. I refer again to The People's Pulse, which is an effort by the Hawai'i Business Roundtable and Pacific Resources Partnership, a joint management and labor organization to develop and identify what the people of Hawai'i are thinking. This People's Pulse is dated Spring 2000, you all have it in your offices, but I think it's important to note again the results of this poll, which I cited earlier on another bill.

"I cite this: 'Residents still strongly support civil service reform. Civil service reform continues to garnish strong support among residents across the State. Support on four of the five proposals remains high despite more public debate over the issue.'

"The Pulse goes on to cite five specific proposals. One being merit pay based on job performance instead of seniority on which roughly three quarters of the people polled were in support. Allowing early retirement incentives in lump sum payments to reduce the government workforce, about 70 percent in support. Varying co-payment for government retiree medical insurance based on years of service, again, about 70 percent support. Allowing counties to negotiate government employee contracts separately, so-called jurisdictional autonomy, which I personally believe is the most important single issue in the civil service reform, (which is not a question of Chapter 89, but question of whether counties administer the collective bargaining process individually or whether we do it on a statewide basis), two-thirds in favor.

"What is particularly interesting is that this particular poll broke down the people responding, including government employees and union households. When you look at the results there, you discover that, in fact, government employees generally, and union households specifically, mirrored the results that are being given by the rest of the State. There's not a broad disparity. Again the question: is that sentiment translating to the Legislature? I submit that as we go through in conference and as we all make our own individual decisions and then collectively make a decision on this overall issue, that we must pay attention to what the people want. Thank you, Mr. Speaker."

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

"Your joint Labor and Public Employment and Finance Committees, and I do respectfully disagree with our Majority Leader, has passed a comprehensive omnibus bill on civil service reform with this House Draft, which is the first step of a shift on how government will operate in the 21st century.

"This bill incorporates 16 of the 18 of the Governor's points and it clearly sets in motion a sweeping wind of change in response to the public's concern about the cost effectiveness of government by promoting worker productivity and performance based systems. This bill goes a way in fashioning and transforming Hawai'i's present antiquated civil service system into a modernized public workforce. Let me tell you how it does this.

"The business of government, as your Chair of Labor Committee, which started this process last session, is to transform government to become more efficient like the private sector. I think that in response to some of the previous speaker's comments that the deliberation of this body, as he so

eloquently stated, is not to be subject to public pressure or uninformed decision making.

"It is in fairness that your Committees have had to take a look at how to judge efficiency, which is so clear in the private sector, with the following factors, i.e. profitability and results. In government, unlike the private sector, our CEO is the Governor. We have two boards of directors, not one, i.e. the Senate and the House. Our job, as the board of directors, in the House is to benefit all of our shareholders who are our citizens, while at the same time incentivizing our public workers and employees. So how do we do this?

"Our Governor has recommended to increase our profitability and effectiveness in terms of government efficiency. Let's focus on civil service modernization. Your Committees have risen to that challenge with what is civil service reform. The Governor says that it's new systems, new expectations for employees and cost containment. While the Governor's proposal to reform civil service is visionary, such vision cannot be implemented by the sweep of a hand. Successful and productive change must be accomplished through a constitutionally sound process with consensus and trust by all involved.

"I believe that your joint Committees have met this challenge with the elements of this bill. So let me now digress to make some similarities in terms of private sector analogies. What this bill does in terms of profitability principles is that we make performance an important piece of our profitability equation. This bill implements..."

Representative Rath then rose on a point of order, stating:

"The speaker has exceeded her time."

Representative Goodenow yielded his time to Representative Yoshinaga.

Representative Yoshinaga continued, stating:

"This bill implements the merit principle for employees performance of their duties. Disciplinary sanctions may be imposed against under performing employees if they were forewarned and given an opportunity for retraining. Pay for performance, emphasizing new standards for managers to be more efficient and accountable for productivity are no longer entitled to pay increases based on collective bargaining.

"This makes them more accountable by tying pay increases to their performance. Managers, therefore, do not only have more incentive to perform, but also held accountable for their own destiny. We further affirm, in this bill, that we will not tolerate hiring drug users in safety sensitive positions. We need to put out a message to discourage drug offenders from applying for work government. This bill authorizes drug testing for applicants in employment for safety sensitive positions and allows a rejection of job applicants who test positive for drugs.

"The second principle of profitability is accountability. We have provided for accountability in this bill by giving the counties greater autonomy, not necessarily total autonomy, but in balance by giving other jurisdictions the majority of votes on those bargaining units that affect them the most, such as police and firefighters.

"It also authorizes the use of separate memoranda of agreement to address individual concerns. Teamworking in contract negotiations ensures the principle of equal pay for equal work throughout the state. It also avoids institutional discrimination against government workers. We allow the parties the freedom to negotiate to resolve their differences by restoring the right of the affected employees to vote or ratify to strike as they will. This empowers the employees but holds



them accountable instead of delegating these important decisions to an outside arbitrator.

"The third principle of profitability that this bill satisfies is that of flexibility. What this bill does is give government the flexibility with enabling language for classification and recruitment in a streamlining process. The bill also authorizes the by-passing of Chapter 91 hearings for rulemaking procedures for such classification and recruitment.

"Another principle of profitability that this bill handles in a very real way is in regard to timeliness. Our global economy is moving faster and government must be responsive in a timely way to meet needs of our consumers and citizens. What this bill does is allow the Hawai'i Labor Relations Board and the courts to resolve conflicts of laws. It enlists the help of the third branch of government to assist us in policy making and clarifies that the Civil Service Commission does not have jurisdiction over disputes involving wages, hours and working conditions.

"The bill emphasizes the timely completion of bargaining by requiring that all monetary items be submitted to the Legislature no later than January 31st, of even numbered years. This bill thus provides a timetable for bargaining commencement and completion so that the Legislature can receive the cost items no later than January 31st, of a subsequent year. No longer will the Legislature need to have to wait for these cost items late in the process. The Legislature can give due consideration and fair deliberation on all cost appropriations in conjunction with the entire budget.

"The final principle of profitability that the Governor proposed is cost containment. What this bill does in regard to this is eliminate the abuse of overtime pay.

"In another measure that we are passing, hopefully this afternoon, will be adopting the Governor's concept of an employer-union trust to deal with liability and cost of the health fund. The bill expedites the recovery of public monies. The bill establishes enabling language for implementation of managed competition."

Representative Takai yielded his time to Representative Yoshinaga.

Representative Yoshinaga continued, stating:

"Therefore for all of these reasons, Mr. Speaker, while we may debate what is meaningful civil service reform, I submit and I ask for all members' support, that this bill goes a long way in beginning toward providing our civil servants as well as the people of Hawai'i with a fresh start into the new millennium and by so doing remove the burden from government workers and allow them to perform their jobs with renewed dedication and efficiency. Thank you, Mr. Speaker."

Representative Garcia then rose to speak in support of the measure with reservations, and asked that the remarks of Representative Case be entered into the Journal as his own, and the Chair "so ordered". (By reference only.)

Representative Garcia continued, stating:

"I appreciate the Chair of the Labor Committee stating that this is a fresh start with respect to this measure and I appreciate the steps that both she and the Chair of Finance have taken. Bold steps and we have a long way to go. Thank you."

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

"I have some grave reservations but my vote is offered to keep civil service reform alive as your Minority strongly supports meaningful reform just as we were lead to believe the Majority did. I sincerely believed that most of the Majority

Legislators expected this bill to be something to which we could proudly point and say, 'We've made a difference'.

"Despite the fact that the Order of the Day labels this as civil service reform, the measure before us eliminates virtually all major reform elements of the original Administration and Majority Package bill. This bill would deal a stinging defeat to meaningful civil service reform. I do not believe that is what the general public or the members of the House want.

"This draft is a big mistake. We should amend this bill in Conference and pass out true Title 7 reform on May 2nd. This is a very complex and controversial bill and the version before us is not even close to reform. Thank you."

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

"The Governor proposed major changes to this portion of the Hawai'i Revised Statutes. His changes were fairly comprehensive, many of which I agreed with, perhaps some I did not. But I believe that, that bill would have gone a lot farther than this particular draft does.

"The Governor in fact listed 18 areas which required some attention. Civil service modernization is an important point and one which we gave lip service to on Opening Day, which apparently we are not going to address in a real and substantive way. Mr. Speaker, there are at least two reasons why I think civil service modernization should be at least one of our priorities as a legislative body.

"First, we all know that efficient and affordable government operations are key to economic growth. We also know that we need effective delivery of core government services which include, education and public safety.

"The second reason why civil service modernization should be something of a priority, something we give more than lip service to, is that government operations in Hawai'i are, quite frankly, inefficient. They could be much more efficient, many label them as unresponsive and cumbersome. They also prolong disputes and debates and they don't adequately reward innovation and good employees, nor do they provide mechanisms to address some of the other concerns that arise.

"Civil service reform is about creating rules that fit the new economy that are appropriate for our times. So for those reasons I support this measure, but I have grave reservations that we haven't gone far enough with this particular bill."

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

"Mr. Speaker, there are additional reasons for the urgency of comprehensive civil service reform.

"First, the 'one size fits all' model prevents individual employer jurisdictions from making their own agreements and administering their own resources.

"Second, a dispute resolution arbitration system has proved unworkable.

"Third, the scope of collective bargaining has expanded far beyond its original purposes, so that virtually all conditions of work are, or alleged to be, negotiable and thus grievable.

"Four, the arbitration of cost items has produced unrealistic and unaffordable results. The timetable for legislative consideration has put the Legislature at a disadvantage.

"Five, excluded employees are linked to collective bargaining and thus have a built-in conflict of interest. Thank you, Mr. Speaker, for allowing me to express my reservations."

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

"The Governor's package which as introduced by the Majority, offered reforms to correct each of the enumerated problems referred to by my colleague from Waikiki.

"The original Majority Package measure splits public employee administration into five separate jurisdictions which are: State, Judiciary, City and County of Honolulu, Counties of Kauai, Maui and Hawai'i, and the Hawai'i Health Systems Corporation. It also provided for two quasi-separate jurisdictions which are: the Board of Education and the University of Hawai'i Board of Regents. This was to create jurisdictional autonomy.

"The bill before us today maintains a uniform statewide system. It adds representation or a vote for some jurisdictions and some bargaining units within those jurisdictions and offers a little individual jurisdictional flexibility.

"In other words, this bill takes baby steps in the name of reform. Thank you, Mr. Speaker."

Representative Stegmaier then rose to speak in support of the measure with reservations, and asked that the remarks of Representatives Garcia and Case be entered into the Journal as his own, and the Chair "so ordered". (By reference only.)

Representative Stegmaier continued, stating:

"Over the period of time that I have lived in Hawai'i, I have had the opportunity to work in the Department of Hawai'ian Home Lands, the Department of Business and Economic Development, the Department of Commerce and Consumer Affairs, the Department of the Attorney General; and for a short time, the University of Hawai'i and the Judiciary while I was a law student. Because of this I am very much aware of the need for seizing the opportunity that we have to make as many reforms as we can."

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

"One of the things the bill does do is that it moves in the direction of the Governor's position to allow for a strike instead of merely arbitration. However, in the areas where arbitration is still an issue for the firefighters and police officers, it didn't strengthen the standards in regard to the State's fiscal position when determining when or if any raises should be given.

"In regard to that, especially the Majority who is very well aware of the pressure of trying to balance the budget and give pay raises that the arbitrator has said are appropriate when there is not enough money, that it is certainly an issue that should be considered but again this bill should move further in that direction. This is one of the reservations I have. Thank you."

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

"The Governor's approach contained in the Majority package specifies certain statutorily required work conditions now bargained collectively or allegedly subject to collective bargaining. Vacation, sick leave caps, no pay for no work, salary overpayment recovery and drug testing.

"This watered down bill we are voting on, provides no change except for salary overpayment and pre-employment drug testing. Just imagine the message we are sending to our children. Zero tolerance in our schools but nothing goes in State Government. Thank you."

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

"I have some additional reservations which pertain to the dispute resolution for non-disciplinary performance actions. The comprehensive Majority Package bill, through a dual track approach, expedited dispute resolutions outside the grievance process through a merit appeals board for non-disciplinary performance related actions.

"Performance standards in the ability to deal with employees who fail to meet them should be key in any reform of our civil service system. The Majority Package bill did it very well. But the draft before us leaves the present system of benign acceptance of poor or mediocre performance intact. Thank you, Mr. Speaker."

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

"The Governor's approach laid out in the Majority Package bill adopted specific steps and time deadlines for unit-wide negotiations on bargainable issues to prevent indeterminate disputes.

"The reason for the Governor's item is to make sure cost items are made available to the Legislature by January 31st, by requiring all dispute resolution processes to be exhausted by December 31st of the prior year. Obviously this seems reasonable and with the best interest of all the parties. However, the best we do here is to adopt a submission deadline. We are silent on remedies for the practice of retroactive approval or legislative inaction.

"The Majority Package bill also mandated implementation of a performance appraisal system, including provisions for the removal of employees substandard performance appraisals and sanctions for false certification of performance appraisals. The bill before us substantially weakens the performance appraisal section and that was a key element in any meaningful reform. Thank you."

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

"Regarding the precedent of statute verses collective bargaining, the Majority Package measure and the Administration Package very clearly, claimed that collective bargaining does not supersede civil service and other statutes. Care was taken to balance the right of the Legislature to determine the scope of collective bargaining with the right to bargain as provided in our Constitution. I'll leave it to the labor lawyers to determine if this draft provides any meaningful change. Thank you."

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

"To cover specifically two items. Excluded employees. The Majority Package bill de-links excluded employees from collective bargaining and administers them exclusively through civil service. The draft before us provides no meaningful change from the status quo.

"Streamline personnel rulemaking. The Governor's proposal in the Majority Package bill exempted personnel rulemaking from Chapter 9. This deluded effort we are about to vote on denies that flexibility and makes no change. Thank you, Mr. Speaker."

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

"When this bill started, it allowed a public employer to implement a proposed change about good faith negotiations and consultations. This bill now denies that flexibility as well. To sum it up this is not a very good bill and certainly not worthy of the name reform.

"We want reform, you want reform, the general public wants reform. We even bet that a large number of public employee unions' rank and file want reform. And the most ironic part is that some of our members across the aisle are taking the heat for this effort. All of us should rise on a collective point of personal privilege and support our colleagues who are the object of this vitriolic hate piece circulated this morning in an attempt to intimidate them and the rest of us dedicated to reforming the civil service system.

"Mr. Speaker, I suggest if some of us are to be vilified, then let it be for a good bill. One that provides concrete reform. Thank you, Mr. Speaker."

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

"I think we can do a little bit better. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2859, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Nakasone voting no and Representative Okamura being excused.

At 7:21 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:22 o'clock p.m.

The Chair directed the Clerk to note that S.B. Nos. 426, 3002, 3003, 2369, 2802 and 2859 had passed Third Reading at 7:22 o'clock p.m.

#### **MATTERS DEFERRED FROM EARLIER ON THE CALENDAR**

##### **S.B. No. 2326, SD 1, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2326, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE BENEFITS," was recommitted to the Committees on Labor and Public Employment and Finance, with Representative Okamura being excused.

##### **S.B. No. 2750, SD 1:**

Representative Case moved that S.B. No. 2750, SD 1, be recommitted to the Committee on Finance, seconded by Representative Yonamine.

Representative Takamine rose to give clarification for the recommitment, stating:

"With respect to S.B. 2750, SD 1, the House companion measure to that was H.B. 2409. This afternoon the Senate did move that measure forward with a SD 1, and it will be coming to the Finance Committee and the intention is to agree to the amendments made."

The motion was put to vote by the Chair and carried, and S.B. No. 2750, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, INFORMATION AND COMMUNICATION SERVICES DIVISION," was recommitted to the Committee on Finance, with Representative Okamura being excused.

##### **S.B. No. 2858, SD 1,:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2858, SD 1, entitled: "A BILL FOR AN ACT MAKING AN

EMERGENCY APPROPRIATION FOR THE STATE MEDICAL ASSISTANCE PROGRAM," passed Third Reading by a vote of 50 ayes, with Representative Okamura being excused.

The Chair directed the Clerk to note that S.B. No. 2858, had passed Third Reading at 7:25 o'clock p.m.

##### **Stand. Com. Rep. No. 1464-00 and S.B. No. 3176, SD 2, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee and S.B. No. 3176, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were recommitted to the Committee on Finance, with Representative Okamura being excused.

##### **S.B. No. 2430, HD 1:**

On motion by Representative Case, seconded by Representative Yonamine and carried, S.B. No. 2430, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," was recommitted to the Committee on Judiciary and Hawaiian Affairs, with Representative Okamura being excused.

#### **ANNOUNCEMENTS**

Representative Kawakami: "I would like to remind all of you that tomorrow is "Blood Day", and to please remember the time that you are scheduled. We would like to have 100 percent participation. The Senate is challenging us and we know we can beat them. Thank you."

Representative Saiki: "I'd like to request waiver of the 48-hour hearing notice requirement for the purpose of hearing H.R. No. 123, H.C.R. No. 140, H.C.R. 110, and H.R. 99. In addition I would like to request a waiver of the 48-hour hearing notice requirement for decision making only on S.B. 2927, SD 1. These measures are scheduled to be heard and acted upon tomorrow morning at 10:00 in conference room 325. Thank you," and the Chair "so ordered".

Representative Morihara: "I would like to announce our annual Dave's Day, presented by all of the Davids in the House and the Senate. Our ice cream fest will start at 2:00 p.m. and we invite all of you, your staff and guests. Thank you."

Representative Takai: "The House Foodbank Drive is nearing the end. This week Friday is the end of the drive and I would encourage all of you to collect your pledges and bring them in to our office. In addition, we are going to be doing our rounds on Thursday, so if you have any food products or things you would like to donate to the Foodbank please make them available on that day.

"Also as you all know the U.H. football Spring practice is about wrapped up and there will be a few of us who will be going to the U.H. Cooke Field tomorrow morning. If you are interested, we will be there at 8:00 a.m. so just show up or see me after today's session. Thank you."

#### **ADJOURNMENT**

At 7:29 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., Thursday, April 13, 2000. (Representative Okamura was excused.)