

## THIRTY-FIFTH DAY

Tuesday, March 19, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:15 o'clock p.m., with the Vice Speaker presiding.

The invocation was delivered by Representative Hermina M. Morita, after which the Roll was called showing all members present with the exception of Representatives Auwae, Kahikina, Meyer and Pendleton who were excused.

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

## INTRODUCTIONS

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

Representative Ito introduced friends and long-time Kaneohe residents, Mrs. June Takeno and Mrs. Helen Liu.

Representative McDermott introduced students from Assets School and their teachers Ms. Nicole Matsumoto, Ms. Aina Padua, Mr. Miles Yamamoto, and Ms. Martha Mau.

Representative Ontai introduced Master Robert Lau, State Elementary School Chess Champion, and National Open Co-Champion. He was accompanied by his sisters, Ms. Emily Lau, the 2001 Intermediate School State Champion, and Ms. Kate Lau; and mother Mrs. Linda Inouye.

Representative Ontai also introduced chess club supporter Mr. Colin Raynor, and members of his staff, Mr. Randy Prothero and Ms. Ellen Diggs.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

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

67            Jointly to the Committee on Energy and Environmental Protection and the Committee on Water and Land Use

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

108          Committee on Energy and Environmental Protection, then to the Committee on Consumer Protection and Commerce

121          Committee on Public Safety and Military Affairs

174          Jointly to the Committee on Water and Land Use and the Committee on Tourism and Culture, then to the Committee on Finance

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

2232,        Committee on Finance  
SD1

2547,        Committee on Agriculture, then to the Committee  
SD1            on Judiciary and Hawaiian Affairs

## STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 727-02) recommending that S.B. No. 2008, SD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2008, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 728-02) recommending that S.B. No. 2231, SD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2231, SD 1, entitled: "A BILL FOR AN ACT RELATING TO KAHŌLAWĒ ISLAND RESERVE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 729-02) recommending that S.B. No. 2804, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2804, entitled: "A BILL FOR AN ACT RELATING TO SUBLEASING OF PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 730-02) recommending that S.B. No. 2805, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2805, entitled: "A BILL FOR AN ACT RELATING TO SOIL AND WATER CONSERVATION DISTRICTS," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 731-02)

recommending that S.B. No. 2811, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2811, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 732-02) recommending that S.B. No. 2814, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2814, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 15, THIRD SPECIAL SESSION LAWS OF HAWAII 2001," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 733-02) recommending that S.B. No. 2912, SD 1, pass Second Reading and be referred to the Committee on Water and Land Use.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2912, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AQUACULTURE PRODUCTION," passed Second Reading and was referred to the Committee on Water and Land Use with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 734-02) recommending that S.B. No. 2206, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that S.B. No. 2206, SD 1, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Rath rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Gomes rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative McDermott rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Briefly Madame Speaker, we've already passed a constitutional amendment that would reduce the decision making power over education down to local levels. It doesn't seem to be appropriate at this time to be 'beefing up' DOE. Thank you."

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Jaffe rose and asked that the Clerk record 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. 2206, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Djou, Fox, Gomes, Jaffe, McDermott, Moses, Ontai, Rath and Stonebraker voting no, and with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 735-02) recommending that S.B. No. 3041, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3041, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 736-02) recommending that S.B. No. 2283, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2283, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 737-02), recommending that H.R. No. 33, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 33, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," was referred to the Committee on Finance with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 738-02), recommending that H.C.R. No. 56, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," was referred to the Committee on Finance with Representatives Auwae, Kahikina, Meyer and Pendleton being excused.

#### ANNOUNCEMENTS

Representative Fox: "Thank you Madame Speaker. The Republicans will be sending a letter to you requesting that a bill, S.B. 2832 Liquor Tax Increase, be re-referred to the Committee on Economic Development and the Committee on Finance, rather than the single referral to Finance. We don't know understand why it departs from the pattern that we had in the first part of the Session when a similar bill with the House bill designation went to those two Committees."

Representative Ahu Isa for the Committee on Economic Development and Business Concerns, and the Committee on Water and Land Use requested a waiver of the 48 hour notice to hear H.R. 108 and H.C.R. 150 at 8:30, and the Chair "so ordered."

Representative Souki for the Committee on Transportation requested a waiver of the 48 hour notice requirement to hear SB 2488, SD 1; SB 2315, SD 1; SB 3060, SD 1; and SB 2336, SD 1, in Room 309 with decision making to follow, and the Chair "so ordered."

Representative Morita for the Committee on Energy and Environmental Protection and the Committee on Judiciary and Hawaiian Affairs reminded the members that there would be decision making at 2:00 in room 325 on two bills heard this morning in the 9:00 joint hearing.

Representative Hamakawa for the Committee on Judiciary and Hawaiian Affairs requested a waiver of the 48 hour notice requirement to hear S.B. 2431, Relating to Campaign Spending. The bill was heard and a decision was made in Committee on Thursday. There are additional points that the Committee will reconsider for decision making, and the Chair "so ordered."

#### ADJOURNMENT

At 12:28 o'clock p.m. on motion by Representative Lee, seconded by Representative Davis and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 20, 2002. (Representatives Auwae, Kahikina, Meyer and Pendleton were excused.)

## THIRTY-SIXTH DAY

Wednesday, March 20, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:16 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Glen Yamaguchi of the New Hope Christian Fellowship in Kapolei, after which the Roll was called showing all members present with the exception of Representatives Auwae, Bukoski, Halford, Meyer, Rath 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 MESSAGES

The following message from the Governor (Gov. Msg. No. 215) was received and announced by the Clerk was placed on file:

Gov. Msg. No. 215, transmitting the report, Mental Health Services from the Child and Adolescent Mental Health Division.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. No. 393) was received and announced by the Clerk was placed on file:

Sen. Com. No. 393, transmitting S.C.R. No. 18 entitled: "SENATE CONCURRENT RESOLUTION ADOPTING OUTCOME INDICATORS OF WELL-BEING FOR HAWAII'S CHILDREN AND FAMILIES," which was adopted by the Senate on March 19, 2002.

## INTRODUCTIONS

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

Representative Djou, on behalf of Representative Suzuki and himself, introduced students from the Christian Academy in Moanalua, and their teacher, Mr. Raymond Chung, and parent, Mrs. Dottie Miller.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

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

108 Jointly to the Committee on Economic Development and Business Concerns and the Committee on Water and Land Use, then to the Committee on Finance

124 Committee on Finance

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

117 Committee on Economic Development and Business Concerns, then to the Committee on Finance

135 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Legislative Management

173 Committee on Finance

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

2791, SD2 Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs

3007, SD1 Committee on Education, then to the Committee on Finance

INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)

The following resolutions (H.R. Nos. 158 and 159) were read by the Clerk and the following actions were taken:

H.R. No. 158, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING NISSAN HAWAII HIGH SCHOOL HALL OF HONOR ON THEIR 20TH ANNIVERSARY," was jointly offered by Representatives Takai and Ito.

Representative Takai moved that H.R. No. 158 be adopted, seconded by Representative Ito.

Representative Takai introduced the honorees from the Nissan Hawaii High School Hall of Honor program:

Mr. Lance Masatsugu, Executive Director;

Ms. Lynn Sato, Executive Secretary; and,

Mr. J. Robertson and Mr. Toshi Nakasone, members of the selection committee.

The motion was put to vote by the Chair and carried and H.R. No. 158, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING NISSAN HAWAII HIGH SCHOOL HALL OF HONOR ON THEIR 20TH ANNIVERSARY" was adopted with Representatives Auwae, Bukoski, Gomes, Halford, Kahikina, Meyer, Nakasone, B. Oshiro and Whalen being excused.

H.R. No. 159, entitled: "HOUSE RESOLUTION CONGRATULATING THE 24TH ANNUAL MISS CHINATOWN HAWAII SCHOLARSHIP PAGEANT," was jointly offered by Representatives Yoshinaga and Ahu Isa.

Representative Yoshinaga moved that H.R. No. 159 be adopted, seconded by Representative Ahu Isa.

Representatives Yoshinaga and Ahu Isa introduced the following honorees with the Miss Chinatown Hawaii Scholarship Pageant:

Queen Janna Marie Gum, First Princess Chun Hui Chen, Second Princess Doris Ding Gar Lum, and Executive Director Mr. Paul Chun.



The motion was put to a vote and carried, and H.R. No. 159, entitled: "HOUSE RESOLUTION CONGRATULATING THE 24TH ANNUAL MISS CHINATOWN HAWAII SCHOLARSHIP PAGEANT" was adopted with Representatives Auwae, Bukoski, Halford, Kahikina, Meyer, Nakasone and Whalen being excused.

At 12:37 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.

### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Djou and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Arakaki, Auwae, Bukoski, Meyer, Nakasone, Takai, Takumi, Thielen and Whalen were excused.)

### UNFINISHED BUSINESS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 726-02) recommending that H.B. No. 2300, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 2300, HD 2, pass Third Reading, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2300, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 42 ayes to 2 noes, with Representatives Fox and Rath voting no, and with Representatives Arakaki, Auwae, Bukoski, Meyer, Nakasone, Takumi and Whalen being excused.

The Chair directed the Clerk to note that H.B. No. 2300, HD 2 passed Third Reading at 12:48 o'clock p.m.

### STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 739-02) recommending that S.B. No. 2741, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2741, SD 1, pass Second Reading, seconded by Representative Lee.

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

"Thank you Mr. Speaker. On Standing Committee Report 739, S.B. 2741, it is a special fund and I don't think it is good policy."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2741, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Djou, Ontai and Stonebraker voting no, and with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 740-02) recommending that S.B. No. 2422, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2422, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 741-02) recommending that S.B. No. 2321, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2321, HD 1, pass Second Reading, seconded by Representative Lee.

Representative Rath rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Jaffe rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2321, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Djou, Jaffe, Moses, Ontai, Rath and Stonebraker voting no, and with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 742-02) recommending that S.B. No. 2234, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee

was adopted and S.B. No. 2234, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL EXPLOITATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 743-02) recommending that S.B. No. 2708, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2708, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 744-02) recommending that S.B. No. 2705, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2705, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 745-02) recommending that S.B. No. 2754, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2754, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 746-02) recommending that S.B. No. 2041, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2041, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 747-02) recommending that S.B. No. 2500, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2500, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 748-02) recommending that S.B. No. 2703, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2703, 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 Auwae, Bukoski, Meyer and Whalen being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 749-02) recommending that S.B. No. 2375, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2375, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO HIRE SECURITY GUARDS AND TO PURCHASE SECURITY CAMERAS FOR SENIOR AND DISABLED RESIDENCE COMPLEX," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 750-02) recommending that S.B. No. 2411, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2411, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MARKETING OF HAWAII PRODUCTS AND SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 751-02) recommending that S.B. No. 2682, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2682, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 752-02) recommending that S.B. No. 2751, as amended in

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

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2751, 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 Auwae, Bukoski, Meyer and Whalen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 753-02) recommending that S.B. No. 2776, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2776, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 754-02) recommending that S.B. No. 2127, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2127, pass Second Reading, seconded by Representative Lee.

Representative Rath rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2127, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Djou, Ontai and Rath voting no, and with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 755-02) recommending that S.B. No. 1157, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1157, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS OF OCCUPATIONAL SAFETY AND HEALTH MATTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 756-02) recommending that S.B. No. 2112, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2112, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 757-02) recommending that S.B. No. 2102, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2102, SD 1, HD 1 pass Second Reading, seconded by Representative Lee.

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

"Mr. Speaker, in opposition Standing Committee Report 757. This is a constitutional amendment to abolish the BOE and replace it with an appointed Superintendent of Education and district school boards unspecified.

"Mr. Speaker, I strongly believe that this bill is seriously flawed because it does not provide for the election of the local school districts. Three times the voters of Hawaii have voted on the issue as to whether the education system should be governed by an elected board, or by somebody appointed. And three times the people of Hawaii have voted in favor of elected boards. If we have a contest in November around the question of whether or not we are to change our governance system, and if the opponents of changing the governance system can argue that what we are offering them is to remove an elected board and replace it with an unspecified board and jurisdiction under an appointed superintendent, I feel very strongly that the people of Hawaii will reject that constitutional amendment.

"I do not understand why this has not been fixed since it went again through the Education Committee. We were assured in earlier stages that the word 'elected' would go in there for the local school boards. I believe this is a vital change that has to take place if this reform measure is to have any chance of passing. Thank you."

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. May I just briefly state that my no vote will become an aye if the word 'elected' is inserted into this bill."

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

"Thank you Mr. Speaker. I would like a no vote for the very same reasons; because the local board members will not be elected by the people. If that can be changed by the time it comes back to us for Third Reading, then I am in support of this bill."

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

"Thank you Mr. Speaker. At this time I vote with reservations because I really believe we should have elected persons. Thank you."

Representative Yoshinaga rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

"Thank you Mr. Speaker. With reservations for the same reasons. If this comes back to us the way it is, it will be a no vote. If it gets changed to elected, it will be a straight aye."

Representative Jaffe rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. I am in support with reservations. I just have a quick question and we will take it up more in the Judiciary Committee. On page 7, the constitutional question. I think it should be just one simple question. There should be a period after 'education' on line 12. I don't see any need to include the question of the superintendent as a constitutional question, nor would I want to have that particular position embedded in the Constitution. So for those reasons, I am with reservations at this point. Thank you."

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

"Thank you, Mr. Speaker. I rise with reservations. I would like to see this elected, and that language inserted, if for no other reason than I found out how wonderful it is to work with elected people. I think that the people who run the schools should have that same experience. Thank you."

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

The House of Representatives reconvened at 12:53 o'clock p.m.

Representative Gomes rose to clarify, stating:

"Thank you, Mr. Speaker. Just a punctuation errata if I may. When I last spoke with regard to this bill and the constitutional question, I suggested we insert period after the word 'education.' I think it should be a question mark on that page. I also would like to see the word 'elected' in there for elected school boards."

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

"Mr. Speaker, I will vote for the bill although I was one that was very insistent that it be local school boards, elected. However this, as I understand it, is S.B. 2102, SD 1, HD 1, which means it goes to conference. And all the objections and ideas can be ironed out there and I have been assured, that is exactly what the intention was. 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. 2102, 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 Hawaiian Affairs with Representatives Djou, Fox, Halford, Jaffe and Thielen voting no, and with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 758-02) recommending that S.B. No. 3018, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 3018, SD 1, HD 1, pass Second Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I speak in favor of this bill with serious reservations. This remains a flawed bill. It constitutes a great deal of power in the hands of the unelected, appointed Superintendent. This Superintendent has real control over the budget, has control over education policy, is part of an operation that is described as a statewide education system. The Superintendent has the power to submit to each of the 15 district boards, 3 names out of which the head of the district board will be chosen; and has the power to make rules without reference to the district boards. In all these ways, power remains concentrated with a statewide Superintendent, when it should be devolving to the local elected school boards.

"It is possible to rewrite this bill to make it clear that the local elected school boards retain the power. Suggestions have been made to the Majority about how to make these changes, and they have not been made. If this bill remains flawed, it will help sink the constitutional amendment. Thank you Mr. Speaker."

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

"Mr. Speaker, this bill has some good elements in it. The element of multiple elected boards or local elected school boards is a good concept. It should be in the constitutional amendment, not in this bill. Thank you."

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

"Mr. Speaker, with reservations. We have often heard that we are considering 'works in progress.' Well this work needs to get finished. And we need to finish it very soon, and we need to get this corrected so that the ballot question ahead of it can pass. It will not pass if people are afraid of what this bill does. Thank you."

Representative Yoshinaga rose and asked the Clerk to record 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. 3018, 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 Hawaiian Affairs with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representatives Kanoho and Morita, for the Committee on Water and Land Use and the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 759-02) recommending that S.B. No. 2238, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2238, SD 1, entitled: "A BILL FOR

AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 760-02) recommending that S.B. No. 2812, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2812, SD 1, pass Second Reading, seconded by Representative Lee.

Representative Yoshinaga rose and asked the Clerk to record 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. 2812, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," passed Second Reading and was referred to the Committee on Finance with Representative Yoshinaga voting no, and with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 761-02) recommending that S.B. No. 2795, SD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2795, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 762-02) recommending that S.B. No. 2768, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2768, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 763-02) recommending that S.B. No. 2761, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2761, SD 2, HD 1, pass Second Reading, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2761, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Finance with Representative

Stonebraker voting no, and with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 764-02) recommending that S.B. No. 2763, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2763, SD 2, HD 1, pass Second Reading, seconded by Representative Lee.

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

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

"To remain consistent with my vote on the marriage license increase. This bill is directly related to that. This program will be set up due in part to the \$10 increase. Actually it is a \$15 increase; \$10 of it goes directly to the Hawaii Birth Defects Program. It is a special fund and a program as important as this should be funded out of the general fund. As I noted earlier, in the marriage license bill, 82% of that goes directly into the general funds. So to remain consistent with my vote earlier I would urge my colleagues who voted against the marriage license fee increase to also vote down 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. 2763, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," passed Second Reading and was referred to the Committee on Finance with Representatives Djou and Stonebraker voting no, and with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 765-02) recommending that S.B. No. 2777, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2777, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representatives Saiki and Takumi, for the Committee on Labor and Public Employment and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 766-02) recommending that S.B. No. 2964, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2964, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 767-02)

recommending that S.B. No. 2788, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2788, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE APPEALS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Auwae, Bukoski, Meyer and Whalen being excused.

### THIRD READING

#### H.B. No. 1800, HD 1:

Representative Takamine moved that HB 1800, HD 1, pass Third Reading, seconded by Representative Kawakami.

Representative Takamine rose to speak in support of the measure and asked that his written remarks be inserted in the Journal and the Chair "so ordered."

Representative Takamine continued, stating:

"Thank you, Mr. Speaker. I rise in strong support of the measure. In putting together H.B. 1800, H.D. 1, your Finance Committee was faced with two basic choices to address the \$315 million shortfall and balance the budget. First, we could take a 'slash and burn' approach to government services without regard to its impact on the public. Something any person with a blindfold and a magic marker could accomplish. This, Mr. Speaker, is not what sound leadership is about. Therefore we chose to perform the job as we were elected to do. Study the problem carefully and make the difficult but responsible fiscal choices.

"Mr. Speaker, I honestly wish I could stand here today and present a budget measure that fully funds all of our core programs, pays all of our bills, satisfies every court mandate, and invests heavily in the future. But Mr. Speaker, H.B. 1800, HD 1 cannot do all of that. Not in the aftermath of September 11th and certainly not with the State's revenues being impacted. The budget presented in H.B. 1800, HD 1 is a budget grounded in reality. Make no mistake about it, we are still feeling the ripples of September 11th. The terrorist attacks that arrested our economic momentum brought serious financial hardships on local families. Homelessness and unemployment escalated suddenly and rapidly. The explosion in the demand for social services from both public and private agencies was truly staggering and in many instances, heartbreaking.

"Mr. Speaker, the budget crisis we face is a \$350 million shortfall. This is not a random number plucked out of the air. It is a hard fact and that is what this bill addresses. The bottom line Mr. Speaker is that H.B. 1800, HD 1 cuts spending drastically. Without additional sources of funding, this bill represents a general fund reduction of over \$143 million, with every program and every service experiencing reductions, including Mr. Speaker, education and human services. The Finance Committee members know these cuts well and they include the following.

"Mr. Speaker, as much as we recognize that high tech is the key to the future, this bill eliminates funding for the computer education program. It also eliminates funding for summer school and substantially reduces the funds for the A+ After School Program. It drastically reduces funds for the English as a Second Language Program. It also reduces funding for the Hawaiian Studies and Language Immersion Program. It substantially reduces funds for the Gifted and Talented

Program, as well as eliminating funding for the Principal and Vice Principal Incentive Program.

"Although we have always tried to protect those who are the most vulnerable in our communities, H.B. 1800 reduces funding for the Assistance to the Aged, Blind and Disabled program. It further reduces funds for the Financial Assistance Payments to Temporarily Disabled program. It also it substantially reduces funding for the Developmental Disabilities Home and Community-based Medicaid Waiver program. It also reduces funds for the county Career Criminal and Victim Assistance program, and Mr. Speaker, this is just a sampling of the kinds of reductions made in H.B. 1800, HD 1. Many more reductions are also included.

"Mr. Speaker, we further denied an additional \$28 million in new funding requests for things like out-of-state prison beds, a library, parks, services for needy children and families, and the list goes on.

"You will not see a billion dollars in new capital improvement spending in this budget as originally requested by the Administration. There is no need Mr. Speaker, because over the last few years we have laid the foundation for substantial capital investments even exceeding the Governor's request. And it will avoid the high levels of debt service that would otherwise result. We have accomplished this through judicious use of a variety of funds. Let me explain.

"If you take the \$340 million in capital improvements included in this bill, then add the bond appropriation we approved in the 2001 session and in the Third Emergency Special Session, then add appropriations from revenue bonds, special funds, and federal funds, we arrive at a total capital investment amounting to \$2 billion. That is more than double the amount requested by the Administration."

Representative Hamakawa rose to yield his time and the Chair "so ordered."

Representative Takamine continued, stating:

"Thank you very much. Mr. Speaker, H.B. 1800, HD 1 represents fiscal restraint and social responsibility in meeting our most critical needs, protecting the most valuable public services and a refusal to place the burden of our current financial problems on future generations. But let's be clear Mr. Speaker, we are not yet out of the woods in spite of any economic forecasts to the contrary. We are still transitioning from a crisis management mode with respect to our financial situation.

"Mr. Speaker, your Committee identified several areas of critical need that were given the highest budget priority. First was to care for the most vulnerable and fragile of our people, particularly in the aftermath of September 11th. We are determined to save them from the devastation of hunger, homelessness, and severe hardship wherever possible.

"Second, we sought to invest in education especially for our elementary, secondary and high school students. Even then, in the absence of any other sources of funding, we will be facing increased class sizes in the critical kindergarten through second grade groups, as well as cutbacks in other education services.

"And finally, we are committed to preventing this adverse temporary economic situation from seriously impairing the long term vision and potential of the University of Hawaii System including our community colleges.

"Mr. Speaker, H.B. 1800, HD 1 essentially reflects no growth in spending compared with the previous budget, despite a



marked increase in fixed costs. Fixed cost increases include \$60 million more needed to meet our federally mandated responsibilities in special education, adult mental health, and developmental disabilities. An additional \$60 million is required for increase debt service. Health and retirement benefits totaling an additional \$65 million is a critical expenditure that helps us attract and retain good employees. Not to mention additional funds to meet previously negotiated pay raises for teachers and other government employees.

"Mr. Speaker, there are those who would point to the approximately 1,450 additional positions as further growth. The numbers don't lie, but let us all understand that over 1,400 of those new positions, and let me repeat that again Mr. Speaker, over 1,400 of those new positions go the Department of Education, virtually all of them are tied to the Felix Consent Decree. Furthermore these positions were previously approved and funded, but not provided position counts in the budget. In this budget, we are technically required to formalize those positions. Incidentally I understand that the vast majority of these positions are filled with employees already hard at work.

"Growth Mr. Speaker, is generally a matter of choice. We usually can choose to increase spending, or not increase spending. You might even recall that the conservative national group, the American Legislative Exchange Council recently ranked Hawaii as having the second lowest growth amongst all 50 states during the 1990s, in spite of all the federal court mandates. This Mr. Speaker, was an 'apples to apples' comparison of general funds expenditures. If we subtract the federal mandates Mr. Speaker, I submit that Hawaii would actually show zero or negative growth. But we have no choice in the matter. We had to fund those positions in the past and we must do so now.

"To complete the discussion on the new positions Mr. Speaker, the remainder of them go to the University of Hawaii, towards additional deputy sheriffs to meet enhanced security requirements of Honolulu International Airport, and lastly to the Department of Human Services Child Welfare Services Program. These are not luxuries Mr. Speaker. They go directly to meet our core needs and our mandated responsibilities.

"Then there is the false 'storefront' called 'attrition.'"

Representative Kanoho rose to yield his time, and the Chair "so ordered."

Representative Takamine continued, stating:

"Thank you very much. As our concerted investigation has proven, the concept of slowly destroying the workforce to save millions is a fallacy. Instead, the hope for savings is a mirage. Essential services will deteriorate while demand grows, and the public will soon learn that this 'slight of hand' is impossible unless, Mr. Speaker, we include core services like education.

"Mr. Speaker, I refer you and the members of this Body to the editorial from the Monday edition of *The Honolulu Advertiser*. It succinctly explains what we concluded after our own due diligence, that attrition alone will not produce the promised savings. And it is poor public policy at best, irresponsible behavior at worst.

"The real solution lies elsewhere, Mr. Speaker. I too believe we must identify and eliminate extraneous, duplicative and nonessential programs and services. To that end, your Finance Committee aggressively solicited specific ideas that could be applied to this year's budget. Not surprisingly, the response was very sparse. At that point Mr. Speaker, we had to take a step back and look at the larger picture before moving forward. We looked at our actions of the past and we looked ahead

through the eyes of the State Council on Revenues. Here is what we saw.

"We saw definite legislative commitment to reforming State government. The business and personal income tax cuts we adopted several years ago are beginning to reach full impact. Privatization became law. And the State's economy gained momentum.

"Then came September 11th. Air travel ground to a halt. Travel destinations were especially hard hit. Unemployment was huge and sudden. People suffered extreme hardships, and the economies of many states went into meltdown. Now we see signs of recovery on the national level. Although our own Council on Revenues predicts growth of minus .7% this year, it predicts about 5% growth in each of the subsequent 6 years. Mr. Speaker, we must conclude that our current situation is an anomaly. Behind us and ahead of us are growth forecasts vastly different from today. Therefore, we must deal with today's reality using extraordinary measures. But we need not abandon our long-term commitment to structural reform.

"Mr. Speaker, H.B. 1800, HD 1 was not created in a vacuum. In the larger view, this bill addresses our immediate and critical needs, our fixed costs, and maintains essential core services. It does not compromise implementation of the largest personal income tax reduction in our history. It does not affect the de-pyramiding of the general excise tax for subleases, which assist many businesses. It maintains the de-pyramiding of the general excise tax for intermediary services. It upholds the tax deferrals for businesses we adopted in the Third Special Session, which resulted in \$17 million in savings for more than 48,000 local businesses. It does not compromise current legislation passed by this House, which would provide further income tax relief for individuals and businesses, allowing even more cash to circulate in our recovering economy.

"What H.B. 1800, HD 1 does do Mr. Speaker, is to require us to tighten our belt and live within our means. H.B. 1800, HD 1 does nothing to deter this legislature from pursuing its mission to further streamline government. We have already established the fallacy of attrition, but at its very essence lies merit, which is perhaps better addressed in H.B. 2840, HD 1 that we approved.

"H.B. 2840, HD 1 would establish a mechanism, a commission, to conduct the difficult task of classifying core government functions and programs. This long term planning tool would enable us to streamline government services and redistribute government resources in a manner that makes good sense and good policy.

"In crafting H.B. 1800, HD 1, your Finance Committee was also very cognizant that the fact that key element to hastening our economic recovery is consumer confidence."

Representative B. Oshiro rose to yield his time, and the Chair "so ordered."

Representative Takamine continued, stating:

"Thank you very much. Mr. Speaker, as a consequence, we considered it vital to convey a strong signal to consumers that while substantial budget cuts are unavoidable, we are prepared to take extraordinary steps to balance the massive loss in essential services called for in H.B. 1800, HD 1. This is the reason for using a portion of the Hawaii Hurricane Relief Fund. Through H.B. 2654, HD 2, we would transfer \$100 million from the Hurricane Fund to restore essential services that otherwise would be eliminated.

"What kind of essential services am I referring to? Let me cite just a few examples: Keeping our kindergarten through second grade class ratios at 20 students to 1 teacher versus about 23 to 1 without the funding. Being able to implement multi-track schooling. Leasing 535 prison beds on the mainland to prevent release of these offenders into the community because we lack sufficient space in Hawaii. Subsidizing health centers in the most underserved areas like Hana, Waianae and Kahuku. Protecting the effectiveness of our criminal justice system by helping county prosecutors retain their Victim Witness Assistance Programs. Improving educational quality through the Hawaii Content and Performance Standards. Retaining vocational training programs, Mr. Speaker, and retaining preventive educational programs.

"Mr. Speaker, we endeavored to protect the integrity of the Hurricane Fund by replacing the transfer with \$100 million bond authorization to be immediately available in the event of a natural disaster. I fully recognize that there is a difference of opinion with respect to the use of the Hurricane Fund. But I firmly believe that this was necessary to meet our social obligations, and to prevent the loss of essential services in the absence of other funding sources.

"Finally Mr. Speaker, I strongly believe that if we do not use some of the Hurricane Fund to restore those essential services, we erode consumer confidence and impede our own economic recovery. Mr. Speaker, I would suggest that those who voted against H.B. 2654, HD 2 on the basis of cutting state spending should be in strong support of H.B. 1800, HD 1 because it calls for broad and deep spending cuts and eliminates the services funded by H.B. 2654, HD 2.

"To reiterate Mr. Speaker, H.B. 1800, HD 1 is a budget based in reality and represents true fiscal responsibility. But it is not a budget of despair or desperation. We recognize that this terribly difficult situation triggered by the events of September 11th is a large but temporary 'bump in the road.' We will negotiate this bump Mr. Speaker, and we will be careful not to worsen our situation as we do so. But we have no intention to alter our chosen course toward a more streamline, efficient, and responsive government. For now, let's tighten our belts. We have found innovative ways to retain the most essential services for the people without mortgaging the future of our children and grandchildren.

"This balanced budget will put us in a strong position for when our economic fortunes improve. Thank you Mr. Speaker, and if I may, there have been factsheets that have been circulated to the members. If I may be allowed to enter this into Journal, in addition to additional written comments."

Representative Takamine submitted the following written remarks and Factsheets:

"I would like to acknowledge the hard work of the Finance Committee's staff.

Mr. Kevin Kuroda, Finance Committee Chief Clerk

Research Section:

- Mr. Nandana Kalupahana
- Mr. Brian Takeshita
- Mr. Jo Hamasaki
- Ms. Heather Edwards
- Ms. Katie Lambert

Front Office:

- Ms. Amy Lum
- Ms. Lilinoe Lindsey
- Ms. Jasmine Ohashi

- Ms. Jacque Dacay (part-time)
- Ms. Ai Yamane (part-time)

Budget Section:

- Mr. Brian Hallett
- Mr. Eric Nouchi
- Mr. Nathan Chang
- Mr. Drake Hirayama
- Ms. Kim Inoshita
- Ms. Sheila Izuka
- Ms. Hokuala Johnson
- Ms. Karen Kawamoto
- Ms. Jade Takehiro
- Ms. Marti Townsend"

"FACTSHEETS

HB 1800, HD 1  
General Fund (A) Growth  
Increase in Position Counts

Attached are factsheets that detail the general funds increases from fiscal year 2002 to fiscal year 2003. **\$81.9 million** is due to the employer's contribution to the retirement system, health fund, and debt service (**FIXED**). Also detailed are increases for the Hawaii Health Systems Corporation, Mental Health Services, Special Education, Healthy Start Programs, and Child Placement Board and Related Costs. The total increase is **\$113.3 million**. As always, the Committee is open to realistic specific suggestions to reduce expenditures.

Also attached are factsheets that display 1,686.5 position counts for positions **mandated** by the federal court to comply with the Felix Consent Decree. Nine of the twelve Felix Response Plan items require these position counts, majority of which are already funded in the current (FY 2002) budget. Resources are authorized, positions are filled, and the position counts are provided to reflect the permanent nature of the work mandated by the federal court. As always the Committee is open to realistic specific suggestions to deny the position counts while complying with the federal court. (**The final deadline for compliance is March 31, 2002**)

	FY02	FY03	FY03-FY02
<b>Employee's Retirement System</b>			<b>Increase</b>
Education – Pension	44,978,086	62,038,907	17,060,821
UH - Pension	18,852,954	26,004,144	7,151,190
B & F - Pension	50,152,960	69,176,683	19,023,723
Education-Soc Sec (SS)	54,842,386	55,816,091	973,705
University of Hawaii-(SS)	21,995,891	22,386,420	390,529
Budget & Finance-(SS)	59,392,412	60,446,889	1,054,477
Total	250,214,689	295,869,134	<b>45,654,445</b>

	FY02	FY03	
<b>Pub Employees' HealthFund</b>			
Budget and Finance	113,578,231	121,223,675	7,645,444
Education	107,397,431	116,127,712	8,730,281
University of Hawaii	39,148,874	42,458,902	3,310,028
Total	260,124,536	279,810,289	<b>19,685,753</b>

	FY02	FY03	
<b>Debt Service</b>			
University of Hawaii /Education	171,945,276	178,765,521	6,820,245
Budget and Finance	245,093,957	254,815,660	9,721,703



Total	417,039,233	433,581,181	<b>16,541,948</b>
			<b>Fixed Cost Total Increase</b>
	927,378,458	1,009,260,604	<b>81,882,146</b>

<b>Hawaii Hlth Syst Corp</b>			
HTH 210	2,000,000	15,000,000	13,000,000

<b>Mental Health Services</b> (Adult 420/430; Adolescent 460; Admin 495)			
HTH 420	44,012,756	47,348,944	
HTH 430	28,880,422	28,797,215	
HTH 460	89,904,235	89,698,963	
HTH 495	13,975,850	16,201,942	
	176,773,263	182,047,064	5,273,801

<b>Special Education</b>			
EDN 150	221,201,070	228,137,359	6,936,289

<b>Healthy Start Programs</b>			
HTH 550	23,727,771	27,259,472	3,531,701

<b>Child Placement Board and Related Costs</b>			
HMS 303	23,581,347	26,290,829	2,709,482

<b>Others</b>		
447,283,451	478,734,724	<b>31,451,273</b>

<b>Fixed Costs and Others Total</b>		
1,374,661,909	1,487,995,328	<b>113,333,419</b>

**Department of Education**

**Detail of Supplemental Position Requests**

**Session 2002**

FRP#	FRP Title	Position Title	Position Count
1	Extended School Year		
2	Integrated SPED Database (ISPED)		
3	School-Based Srvc	SBS (School Based Svcs.)	
		Contracts Mgr	1.00
		SBS Fiscal Specialist	1.00
		SBS Contracts Secretary	1.00
		SBS Admin Support Officer /Contract Spec	7.00
		Account Clerks/Contract Clerk	8.00
		Felix Personnel Mgt Specialist	1.00

Felix Personnel Clerk	1.00
Program Coordinator	7.00
Clerk Typist	7.00
SBBH Behavioral Specialist	250.00
School Psychologist	45.00
Social Workers	76.00
<b>Total</b>	<b>405.00</b>

<b>Targeted Technical Assistance</b>		
4	Director of Mediation Office	1.00
	Clerk Typist II	1.00
	<b>Total</b>	<b>2.00</b>

<b>5 Maui District</b>		
	Educational Director	1.00
	District Educational Specialist (DES)	1.00
	Secretary	1.00
	Educational Assistants	7.00
	School Psychologist w/Master's Degree	1.00
	<b>Total</b>	<b>11.00</b>

<b>6 Removal of Barriers Recruitment and Retention</b>		
	Personnel Technician	3.00
	Personnel Clerk	4.00
	Personnel Mgt Splct IV/ Recruiter	1.00
	Personnel Specialist	1.00
	Secretary	1.00
	Student Services Coordinator	1.00
	<b>Total</b>	<b>11.00</b>

<b>Srvc for Children with Autism</b>		
	District Consulting Teacher	10.00
	State Consulting Teacher	1.00
	<b>Total</b>	<b>11.00</b>

<b>SPED Training and Licensing</b>		
	Educ Admin Svcs Director	1.00
	Workforce Developer	1.00
	Computer Technology Specialist	1.00
	Educational Officer	1.00
	Evaluator for Hilo/Kona	0.50
	Grant Specialist	0.50
	Mentor for molokai High	1.00
	Secretary	1.00
	<b>Total</b>	<b>7.00</b>

<b>Coordinated Srvs Academy</b>		
	Autism Program Specialist	1.00
	Functional Behavioral Assessment Prgm Spec	1.00
	Structured Reading Prgm Spec	1.00
	School-Based Behavioral Health Prgm Spec	1.00
	Effective Service Planning Prgm Specialist	1.00

	Clerk Typists	3.00
	State Consulting Teacher	10.00
	Total	18.00
11 Educational Assts	Educational Assistant I	518.50
	Educational Assistant II	344.00
	Educational Specialist	1.00
	Resource Teachers	2.00
	Personnel Management Spec V	1.00
	Personnel Management Spec IV	2.00
	Personnel Technician	2.00
	Personnel Clerk	5.00
	Total	875.50
Related Support		
12 Services	EA/Counseling Aides	10.00
	EA/Home School Liaisons	10.00
	High Risk Counselors	41.00
	Student Srvc Coordinator Position	51.00
	Resource Teachers (Service Testing)	6.00
	Clerk Typist (Service Testing)	1.00
	Complex School Psychologist	24.00
	Felix Special Assistant for DAS	2.00
	FRP Director	1.00
	Special Assistant for SSSB (SPED Section)	1.00
	Speech Language Pathologists (SLPs)	21.00
	Felix Contract Compliance Officer	1.00
	Secretary	1.00
	Occupational Therapists III	5.00
	Physical Therapists III	2.00
	Physical Therapy Assistants II	1.00
	Clerk Typists II	7.00
	Regular Instruction Teachers	127.00
	SPED Teachers	34.00
	Total	346.00
	TOTAL	1686.50

REQUEST FROM THE  
HOUSE COMMITTEE ON FINANCE  
BUDGET OFFICE

#4 Please explain how the department derived each FRP category.

The Felix Consent Decree mandated that the Department of Education (DOE) design and implement a seamless system of care that "consists of (1) a system of care of program, placements and services, and (2) organizational and managerial infrastructure capable of supporting the system of care".

In response to the Felix v. Cayetano Contempt Order delivered by Judge David Ezra, the DOE implemented the Felix Response Plan (FRP) to speed the state's progress toward full

compliance with the Felix Consent Decree. The following twelve (12) priority areas were included in the FRP.

FRP #1 – Extended School Year

In order to provide for uninterrupted services to students throughout the year, the DOE agreed to provide personnel to deliver the full range of services for Felix class children during Extended School Year (ESY).

FRP #2 – Integrated SPED Database (ISPED)

The DOE agreed to complete the technical development of the management information system, known as ISPED, and to coordinate its implementation within the DOE. ISPED would be used for case management, timeline tracking, data management, State and Federal IDEA compliance monitoring and Felix and Federal data reports production.

FRP #3 – School-Based Services

The DOE agreed to provide better coordination of the planning and approval process involved in the delivery of school-based mental health services.

FRP #4 – Targeted Technical Assistance

The DOE agreed to assist the fifteen (15) complexes, identified as requiring intensive targeted assistance, in improving on the delivery of services to Felix class children.

FRP #5 – Maui District

The DOE agreed to provide additional resources to Maui District to meet its unique tri-island district program needs.

FRP #6 – Removal of Barriers

The DOE agreed to remove personnel, procurement and collective bargaining barriers that interfere with the provision of services to children with disabilities.

FRP #7 – Recruitment and Retention

The DOE agreed to recruit special education personnel and implement pay incentives to assist in the recruitment and retention of special education personnel.

FRP #8 – Services for Children with Autism

The DOE agreed to expand its expertise in the area of autism and increase services for autistic children. The DOE would develop a state plan for the delivery of services to students with autism, coordinate training for personnel and develop an array of services for autistic students.

FRP #9 – SPED Training and Licensing

The DOE agreed to increase options for training and licensing of special education (SPED) teachers and other service providers.

FRP #10 – Coordinated Services Academy

The DOE agreed to assist school level teams on a complex-by-complex basis in addressing areas of need through training and staff development. Specialists in Reading, Autism, Functional Behavioral Assessment, Service Planning and School-Based Behavioral Health would coordinate and conduct these statewide training and staff development activities.

FRP #11 – Educational Assistants

The DOE agreed to increase the number of trained educational assistants.

FRP #12 – Related Support Services

The DOE agreed to provide an adequate number of related services support staff to fully implement the provision of school-based services. Related services support staff would include PSAP and school-based services educational assistants, high-risk counselors, student services

coordinators, school psychologists, speech-language pathologists, occupational and physical therapists and additional SPED teachers."

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

"Mr. Speaker with 9/11 we are given an opportunity, and that opportunity was to start the laborious process that we have to undertake, as a State, sooner or later, to bring the growth of government in line with the growth of the rest of the economy. Unfortunately Mr. Speaker, with this budget we have blown that opportunity. The previous speaker told us that this budget cuts spending drastically. I am sure that he meant this budget combined with H.B. No. 2654, and the answer of course, is that is not the case. Combining those two budgets, we have growth in the total operating expenditures of this State of 16.5% over the previous second year of the previous biennium. That is in a 2-year period. We have grown 16.5% with this budget.

"Mr. Speaker, I would briefly like to set the context of growth of government and hope that other members of the Minority will take up other issues relating to the budget. In the period 1990-2000, the gross state product of Hawaii grew by 35%. In that time, the State operating budget has grown by 91%. That is 91% against an economy that has grown 35%. If we look specifically to what has happened during the Cayetano years, the biennium budget that we are currently dealing with is 52% larger than the last biennium budget of Governor Waihee. Measured from the same period, the first year of the biennium when the original budget was passed, 52% larger. Let's look at what happens at employment over the last 10-year period.

"From January 1993 to January 2002, private sector jobs in Hawaii have grown by 990. That is only 990 new jobs created in the private sector over the last decade. In that same period of time, government jobs have grown by 5,960. In the last year, in the year severely affected by 9/11, we know that our economy has taken a hit, so it is not a surprise to find that private sector jobs in that period have declined by 10,600 jobs, a reduction in employment. Yet in that same period of time government jobs have grown by 6,400. What we see is a continuing picture of government growth as if something else was happening. As if our economy was growing, when it isn't.

"Mr. Speaker, in this document that we got on Monday, the introduction to the budget, was a passage that talks about how in the year 2000, we were back on track in Hawaii. Personal income was growing by 3%. Well I remember an article that I saw in the *Advertiser* recently. It was on March 9th and I went back and looked at it. Mr. Speaker, this article is about salary growth in Hawaii compared to the rest of the nation and the figures are from the year 2000. Apparently these are the most recent years for which such a comparison is available. Hawaii had the second, and this is the year we were bragging about, the year 2000 had the second lowest growth rate of salaries of any state in the United States. The only state we beat out in 2000 was Louisiana. We live in the 'never, never land' where we talk about things that are good when they rank us second to the last in the country.

"In the State of Massachusetts, just by comparison, the salary growth was 9.8%, not 3% but 9.8%. That is what was going on in Massachusetts. If you compare Hawaii's salary level to the rest of the nation you would find out that we are at 87% of the national average. That is with a cost of living that is 12% above the national average. If you compare our salaries with the West, we are dead last among all states in the West. We are only 77% of the average salary in the West. So you know, in a year when we are supposed to be doing great we find out where we really are, way behind our counterparts in the West and well

below the national average in salary. Mr. Speaker, this same document..."

Representative Leong rose to yield her time, and the Chair "so ordered."

Representative Fox continued, stating:

"Thank you very much Representative Leong. In the same document Mr. Speaker, you and I discussed this earlier, or at least I addressed you earlier. We have the incredible statement that the dramatic shock to the economy arguably resulted in the worst budget shortfall to face the State. I simply do not understand how people that served in this Body in 1995-96 could be the product of writing such a sentence. Just to remind you Mr. Speaker, in 1995 we had a shortfall of \$530 million. That was the budget shortfall just in 1995 alone. The next year according to you when you were the Finance Chair, the shortfall was another \$350 million. The Governor estimated it at \$220 million. The combination of those two figures, \$850 million, puts this current shortfall well into a different category.

"Now if you turn to the next page you'll find this statement. In 1994 there were 45,604 civil service positions. By 2000 the work force had dropped to 43,327. This was bragging about the loss of positions that have taken place in the State since 1994. Well if we go back to those same years 94-95, we find out that at the end of 1995 the count stood at 42,734. Governor Cayetano, and you Mr. Speaker, when you were Finance Chair and others involved in the Legislature at that time reduced the number of government positions by 2,870 that is a reduction. Since then the actual workforce has gone up by 751 positions. So let's understand what really happened. We had a sharp drop in the first year of Cayetano's Administration, and since then we been adding positions every year, and so let's not be bragging of how we've reduced the positions in the years since.

"We are told that we cannot reduce positions through attrition. That inevitably what happens over the course of vacant positions is that we have to expect that there will be vacant positions. Mr. Speaker, the process of working attrition has two parts in it. Number one, we can take out vacant positions that don't have anybody in them. We can remove those positions to save money. Second, we can stop filling positions which come vacant over the course of the year. In the process of those two actions we can quite easily find 2000 positions that will prevent us from raiding the HHRF and saving 2000 positions so we won't have to raid the HHRF. And if we undertake that activity of saving those 2000 positions, we will not have to eliminate a single warm body and we can stick by the pay increases we promised our workers. This can be done and it is something that we ought to move ahead with.

"Finally Mr. Speaker, I would refer to, 'eliminating vacant positions will not transfer into reductions in the budget.' This is double talk. You take out a position that has somebody in it. When that person leaves you remove that position. You are saving not only the position itself you are also saving the fringe benefits that go along with that position. We have a way to save the HHRF from being raided. It is allowing for vacant positions, as the same order as Liberty House, Bank of Hawaii, Queen's Medical Services, Aloha Airlines in the private sector. It is the same way. It's done in other states. You simply leave a position vacant when it becomes vacant. That can help us reduce the budget by \$79 million, and with that reduction we will not have to touch the HHRF. Thank you Mr. Speaker."

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

"Thank you Mr. Speaker. I rise to speak in strong support of H.B. 1800. I will keep my remarks brief. Mr. Speaker and

colleagues, in addition to the horror, the shock, the sadness and the anger that we collectively felt on that unforgettable morning in September, we also witnessed an economic crisis when Hawaii's main industry came to a near halt, and its consequences rippled through many other sectors of our community and our economy. All of us here in this Body representing the diverse communities scattered throughout our islands realized that we needed to involve everyone. We needed to hear first hand how September 11th affected the everyday worker, the small businessperson, and the person living on the street. And rather than sitting still, your Finance Committee in tandem with the Senate Ways and Means Committee, took the Legislature to the people. Public hearings on the Big Island, Kauai, and on Maui, in addition to the one here in our auditorium presented the Administration's proposed financial plan and solicited input from anyone who had ideas on how to best address the looming budget shortfall. We emphasized the need for a broad based collaborative, bipartisan effort to come up with an effective and inclusive economic plan. So Mr. Speaker and colleagues, this bill is the combination of a very thorough process.

"Besides the various community hearings, your Committee had two weeks of budget briefings with each department. Your Committee held a briefing on the State's unemployment situation since the attacks. This all took place in January and in February. Your Committee held a briefing on the Administration's updated proposals on budget cuts and reductions to address the revenue shortfalls followed by a public hearing on the budget bills. Then earlier this month, your Committee held two more briefings dedicated solely to why the Administration had not used attrition as a tool to address the shortfall. So Mr. Speaker your Committee adopted an exhaustive, and I believe comprehensive approach in formulating the people's budget.

"This bill before us was not done in a vacuum and today, even though we are perhaps seeing signs of a recovery since 9/11, we are still facing a budget shortfall. So Mr. Speaker and colleagues even before terrorists hijacked those 4 airplanes, Hawaii was still trying to pull itself out of a long and persistent economic slump. So let's not kid ourselves when we talk of a recovery. It is not a full economic recovery. We are trying to get back to pre-September 11, and that period Mr. Speaker and colleagues, is marked by closures in sugar operations statewide, bankruptcies and layoffs in numerous local businesses, and a very soft tourism market. We still have a long road to travel before we enjoy real and sustained economic growth. I am confident that we are on the right path.

"We have before us a budget that reflects our present reality, as well as our future hopes. As our current President Bush so eloquently remarked two years ago, 'It is clearly a budget and it's got a lot of numbers in it.' And yes Mr. Speaker and colleagues, this document contains a great deal of figures. Figures representing people and figures representing programs. Even in these austere times, it is education, special education, our prison systems, and the health and the well-being of all our people, which continues to take precedence as growth areas in our State government.

"In addition, we are experiencing increases in our 'must fund' items, the largest of which is debt service. The Committee Report lists other major 'must fund' items and I am sure that you all read that. This budget succeeds in finding a delicate balance, an accomplishment for which I duly commend Chair Takamine, his entire staff, and the members of the Finance Committee. We continued to support public education as our top priority even though some reductions in core services were unavoidable."

Representative Chang rose to yield his time, and the Chair "so ordered."

Representative Kawakami continued, stating:

"Thank you Representative Chang. By passing this measure, we are assuring the public that this Body's votes are responsive to the needs of our communities and responsible in how it allocates its monies. And like a ship that has been battered and blown off course by an intense storm, we are making repairs, we are salvaging what still works by getting rid of what doesn't, and steering ourselves back on the right course and making sure nobody gets washed overboard. It is for these reasons Mr. Speaker, that I ask this Body's unanimous support of H.B. 1800 HD 1. Thank you Mr. Speaker."

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

"Thank you, Mr. Speaker I am rising in opposition to this measure, and because my voice sounds like I have frog in the throat I will be much more brief than the previous speakers.

"Mr. Speaker, H.B. 1800, HD 1, this supplemental budget, personifies the direction of what we as a Legislature want to take the direction of Hawaii State government. I am rising in opposition to this bill and this measure because I believe it is sending us down the wrong direction. I'd like to just very briefly explain.

"First and foremost when I look at the bottom line of what this budget is about, the bottom line of this budget increases spending here in our State government by a \$100 million and increases the number of jobs in the State government by almost 1,500. I believe that with Hawaii's economy languishing, I do not believe that our government should be spending more money and expanding the size of our State government. This is not movement in the right direction.

"Second, Mr. Speaker, in order to make this budget balance and to make the financial plan that we are going to present work, I believe that we are deploying a grand financial 'shell game.' The biggest 'shell' of course is the 'shell' where which we are stealing a \$100 million from the HHRF to make this budget balance. There are also other 'shells' in this 'shell game.' Those 'shells' include extending payments through the unfunded liability in our employment retirement system, which may produce some short-term savings but over the long-term, will pass along hundreds of millions of dollars in future interest payments to the next generation.

"Also of course, Mr. Speaker, hidden under another 'shell' in this grand 'shell game' is an increase of taxes. But we aren't directly increasing taxes, rather instead, we are cloaking these tax increases in the form of 'sin tax' increases or fee increases on marriage or burial disinterment, or on driving fees. Again Mr. Speaker I believe that this is movement in the wrong direction.

"Finally, Mr. Speaker, I would again like to note that our economy simply cannot afford our current State government. We should not be trying to force our too large State government upon our economy. But if we are, we should be looking to grow our State economy and making Hawaii's economy more vibrant and viable. I am very concerned that yet again, there is not enough attention paid to the entrepreneurs and small business owners that drive the heart and soul of the Hawaii economy. Without sufficient attention to reform from either tax relief or some relief to us and the private sector, our economy will not grow. Continuing along this path is movement again in the wrong direction. Trying to force a government, which is too large upon our State economy. For

all of these reasons Mr. Speaker, because the bottom line is that we are increasing the size of State government. We are increasing the size of government, because we are increasing our taxes, because we are not paying sufficient attention to entrepreneurs in our economy, I am standing in opposition to this measure. Thank you."

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

"Mr. Speaker, I am standing in support of the measure. Mr. Speaker, as an imperfect person living in an imperfect society, I chose to represent an imperfect community in an imperfect government. My platform that I chose when I ran for office came directly from the Bible. Proverbs 31:9 reads, 'Open thy mouth and judge righteously, and plead the cause of the poor and needy.' Having heeded these words in my heart, it was a perfect fit when I was asked to sit on the Committees of Human Services, Housing and Health. When you ask me to represent our prestigious Body as the Chair of Human Services, I accepted that wholly, because of what I've hidden in my heart.

"The Department of Human Services provides assistance to those least able to care for themselves. The most needy people in our community. Inevitably, hard economic times are precisely when demands for these services increase the most. Thus your Committee has made every effort to preserve the essential services of this Department while keeping the limited resources of the budget in mind. To that end, no public services currently provided to people by the Department have been reduced. Furthermore every effort has been made to maximize the utilization of federal funds.

"Providing for children with special needs is of utmost importance to your Committee. Unfortunately, this is one of the areas where demand is increasing the most, with increasing reports of child abuse necessitating removal of children from their families to assure their safety. The average monthly number of children in care increased from 4,000 in fiscal year 2001 to 4,500 in this current year. Accordingly, an additional \$3.1 million across all means of financing is being appropriated for out of home placement cost. I might add that out of the \$3.1 million, \$2 million comes from the general funds. This is in line with the Department's goal of ensuring the safety of Hawaii's children and complying with the federal mandates and the requirements of the Federal Adoption and Safe Family Act of 1997.

"Mr. Speaker, as most of you know, I work for the agency, The Boy's and Girl's Club of Hawaii, that works with children. In my work, I've done a lot of polls and I have seen a lot of polls. It is really interesting when we talk to young people, the utmost first priority of their concern was safety. They want to feel safe at home, they want to feel safe in their community and especially the want to feel safe in their schools. In alignment with providing for the safety of abused and/or neglected children, there have been increasing demands on personnel for services provided by them. In order to meet these needs, your Committee has determined that additional personnel are needed. It has determined that the areas of greatest needs are in the Child Welfare Services Intake and Title IV E eligibility determination roles.

"I made mention previously of the fallacy of attrition, because Mary Soares who works at the intake in Kapolei had made mention that, 'Mike, I need more people to help me to work, so we can get the services out there and prevent a lot of these unfortunate situations for our kids.' Your Committee is providing for 4 positions and \$249,606 across all means of financing to create a centralized intake unit to ensure efficient handling of reports of child abuse, including receiving and assessing these reports. It is also providing for 4 positions and

\$115,539 across all means of financing to create a centralized Title IV E eligibility determination unit. Of integral importance, this unit will provide for the accurate and timely determination of eligibility for Title IV E Foster Care Payments, maximizing state claims for federal funds. As Title IV E is currently the only untapped source of federal funding for Child Welfare Services, it is important to maximize efforts to drawdown these federal funds. Especially during the time when State funds have been sorely depleted due to forces beyond the control of the State."

Representative Schatz rose to yield his time, and the Chair "so ordered."

Representative Kahikina continued, stating:

"Thank you, Mr. Speaker. Projections based on current eligibility determination, workers feel that this determination unit will bring in approximately \$8.25 million in federal funds that can be used to offset the increasing costs of out of home placement expenditures. Your Committee also believes that prevention services are necessary to reduce future cost to the State. In light of the hard economic times, it is providing a \$150,000 increase in the ceiling for the Spouse and Child Abuse Fund. This money will allow for increased child abuse and neglect prevention services without adversely impacting the general fund.

"The Department of Human Services remains a difficult area to assess cuts and your Committee has attempted to minimize impacts as best as it could. It is taking a \$1.68 million general fund reduction. Let me say that again. The Department is taking a \$1.68 million general fund reduction in assistance to the aged, blind, and disabled for payments due to lower than projected costs. Further, the \$900,000 Kalima Kokua grant-in-aid providing extra curricular sports and education activities for middle school children has been eliminated. There has been a minimum reduction of funds of \$249,941 for training and scholarships for pre-school teachers. There has been a savings of \$198,988 for the electronic benefits transcripts. The design and development have been realized sooner than they anticipated the projected completion.

"In order to mitigate pressure on the general fund, a variety of grant-in-aids, along with funds for general assistance payments have been eliminated in the budget and will be restored hopefully, in another vehicle. The grant-in-aids include: \$421,000 for Blueprints of Change, \$242,000 for Parents and Children Together, \$300,000 for Good Beginning Alliance, and \$9,000 grant-in-aid for Hale Mahaolu. Additionally, \$3.2 million in funds for general assistance payments to temporarily disabled adults has also been provided hopefully, in another vehicle. While \$1 million has been removed completely, it was possible to remove \$1 million from the general fund block grant without any negative impact on the recipients' monthly payments due to that lower and unusual number of recipients.

"In line with the department-wide reductions imposed to meet the needs of the temporary budget shortfall, 10% of vacancy funds were withheld for a total of \$312,230 in general funds. The Deputy Director and the Deputy Director's Secretary position were all removed. So Mr. Speaker, as an imperfect person serving in an imperfect government, I ask my colleagues to support this measure."

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

"Thank you, Mr. Speaker, I rise in strong opposition. As I was sitting here and listening to the Finance Chair as he began talking about the budget, he stated that he wished he could do

more. And I thought to myself how sad; how very, very sad. Because Mr. Speaker this budget is the biggest budget in the history of the Hawaii. Let me repeat that. This is the biggest budget in the history of the State of Hawaii. What that means Mr. Speaker, is that it is the biggest burden that we have ever placed on our citizens. That is where the financing for this burden is borne. It is borne on the backs of our citizens. They are the ones who have to carry the burden. Our small business people, our big business people, our executives, and our working stiff's. They are the people who support this. It is not we who provide it. It is not we who do that. Money doesn't come out of this Legislature. I wonder sometimes where the people who talk about the budgetary figures and the money, just where they think this money come from. It comes from the taxpayers. It comes from the citizens and the people who are engaged in business and are working for a living. This is a hardship and a burden on them. It is a big burden and it is crushing them down. It is destroying our economy. It is destroying, not only our future, but the future of our children. People don't want to come and invest here because our taxes are high. Capital doesn't want to come here, because you can't have a reasonable expectation of making a profit, or if you do, getting to keep it.

"We are going in the wrong direction. 9/11 isn't the problem with Hawaii. It's budget and it's government. It really, really isn't. It's that we've got too big a government and we spend too much. There are 35 cities in the USA that are larger than our population of the entire State. The 36th one, Salt Lake City, is exactly the same size with 1.3 million. We are a State that is the size of a city. The expenditures of our government are just too big a burden. This budget, these expenditures are not cuts. They are cuts in projected growth of government. This is \$100 million and 1,500 more employees that are a burden upon the people who pay for it; the citizens of Hawaii.

"One of the most precious things we have in Hawaii, one of those things that we have to hang on to and protect is our economy. Our economy has been depreciating. It's been battered while the mainland has been growing by leaps and bounds in the last decade, and has been booming. Ours has been battered and torn. I looked in *Pacific Business News* the other day and the number of bankruptcies are just staggering. You've heard it in our hearings and in our Committees. We've heard from the small business community. We heard from the employers, that they are just on the edge, and we have our citizens worried to death about whether they are going to have a job next week, next month or next year. Or if they are ever going to be able to retire. The economy is our most precious item right now. We've got to have a strong economy to support ourselves and sustain our government. Right now Mr. Speaker, our economy is floating around the bowl, and all this budget does is flush the toilet. Thank you very much."

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

"Thank you, Mr. Speaker, on the same measure I stand in support. Mr. Speaker, at the close of the 2001 Legislative Session, optimism was high as the economy slowly showed signs of growth. According to statistics, tax collections were up, visitor arrivals were steady, and businesses were growing and becoming profitable. And a majority of Hawaii's residents had jobs. But then the unthinkable happened on 9/11. And as a result of that, we are here today faced with a job of doing the business of the people, and stayed in very difficult and challenging circumstances.

"I'd like to think that we are all in this together, one Body working towards a common goal. With the amount of the revenue shortfall that is presented before us today, a balanced budget could not have been easy. Far from it Mr. Speaker, and

to produce this bill required good judgment, prudence, compassion, and most of all strong leadership. So I would like to thank the Chair and Vice Chair of the Finance Committee for their leadership, and members and staff for all their hard work. I appreciated very much their openness and honesty and their willingness to share information with us in such a manner during the course of developing this bill. So thank you again Chairman and Vice Chair, members of the Finance Committee, and your staff.

"During these difficult economic times, while travel and tourism are very important, the focus changed from total dependency on tourism to other areas to create and develop a more diverse economy. Agriculture is very critical to the future success of these economic diversification goals. Mr. Speaker, in your Opening Day speech, you emphasized the importance of developing new innovative initiatives to diversify our economy. Your Committee on Agriculture has attempted to do that in pushing for a few measures toward this direction. As your Chair of the Agriculture Committee, I am pleased that some of agriculture's priorities are being addressed in this very measure. Diversified agriculture as we know, is a thriving growth industry and it has continued, consistently, to be a part of this economy in the past 20 years. And let there be no mistake of this fact. Its future must be protected.

"Capital improvement projects included in this bill are in the hundreds of millions of dollars. This is a very large number indeed. In agriculture, there is a proposed new plant quarantine building on Oahu.

"This bill also pledges the reduction of State government by 2%, across the board. I believe that this is a very significant number without cutting important core functions of government. This bill restored funding for the Measurement Standards Program, which was cut by the Department of Agriculture. This is an example of important government functions Mr. Speaker, which just cannot be eliminated because it is critical for the protection of our consumers.

"The CIP funding for the construction, repair, and improvements to the agricultural water infrastructure throughout the State is very critical, to ensure the future of the agriculture industry. We have irrigation systems that used to support thousands of acres of sugar and pineapple plantations many years ago. Today these systems are aging or simply have dried up because of lack of care and maintenance. Your Committee's proposal requests CIP funds totaling \$45 million, with matching federal funds of \$5 million. This bill Mr. Speaker H.B. 1800, HD 1 appropriates not nearly close to that amount. But the question is, is it enough? Well no, not really. But it is a good step towards providing farmers and ranchers up graded agriculture water to make their operations economically viable and successful year round, especially during months of drought. So Mr. Speaker and colleagues..."

Representative Lee rose to yield her time, and the Chair "so ordered."

Representative Abinsay continued, stating:

"Thank you Representative. Thank you Mr. Speaker. I believe that this bill has been carefully developed with the utmost consideration for education, and social and human services, while targeting economic recovery and development. So I ask my colleagues to support this passage on Third Reading. Thank you Mr. Speaker."

Representative Thielen rose to speak in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."



Representative Thielen continued, stating:

"Thank you, Mr. Speaker. I am rising to speak with serious reservations about the budget. Mr. Speaker, one of the main areas where our budget is going to is into the so-called Felix class of students. And the Finance Chairman, a while ago told me that about \$700 million has been spent this biennium for the Felix Class children. Also today out of all of our public school students, approximately 8.5% are classified as Felix Class students. That means you line up a group of 10 kids, and 1 of those 10 kids is going to be defined as a Felix student, and therefore eligible for this special services that are provided.

"Well I read to the members not that long ago, the definition of a Felix Class student. It is so broad Mr. Speaker, that there is virtually no definition. When the consent decree was signed by the State Attorney General's Office, by the attorney who is representing the State, there are those in this Body, and certainly those in the legal community that were shocked that we would sign-off on a document with virtually no definition, but just give an open checkbook for the different services to delve into to get money under the so-called Felix Class situation.

"There are those who are saying, 'But wait a minute. We have a judge on the federal bench that is saying that you have to comply.' Well, Mr. Speaker. Actually every attorney in this Body knows that when you have a document that has a faulty definition or no definition whatsoever, you bring in skilled attorneys. This budget should have money in it to hire the special attorneys to bring them into the case to go after the very skilled, highly skilled and professional private attorneys that have created this situation. You go back into federal court and you say that we are going to do a physiologically based definition of what a Felix student is. For those that do not qualify under a really physiological reason, then those students will be given added educational tools to help them if they are having problems in learning. But we are not going to continue saying that 1 out of every 10 of every one of our students are so-called Felix Class students. We are not going to continue with this open checkbook, allowing the federal courts to just write the checks, virtually, to all of the service providers. Mr. Speaker, \$700 million is a lot of money and would go along way toward a lot of other programs, including mainstream education. Those other 9 kids standing in the row in front of you are being shortchanged. As are those that are mistakenly labeled under the Felix Class.

"I mentioned to you the other day: are you having difficulty sustaining attention? Easily distracted? Are you shifting from one uncompleted activity to another? Are you losing things necessary for your tasks? Do you interrupt or intrude on others? Do you have difficulty waiting your turn in groups? Do you blurt out answers to questions? Do you talk excessively? If you only had 6 of those, you would be classified as a Felix Class student. This is what is driving our budget out of control, Mr. Speaker.

"Let me go back to what attorneys in this Body and attorneys out in the private sector would do. They would go back into court. They would be prepared, and they would be able to challenge those private attorneys. Get an accurate definition and if the lower court rules against you, you would have done what I had done when I was a practicing attorney. You would go up to the 9th Circuit, and very often, the 9th Circuit will reverse what the lower court has done. Right now we have no control over our budget because we have no control over the Felix situation."

Representative Davis rose to yield his time, and the Chair "so ordered."

Representative Thielen continued, stating:

"Thank you Representative. Mr. Speaker, we have very proven educational methods for helping our school children learn and those proven educational methods are much better than popping them into this class where generally, that class of kids are prescribed psychiatric drugs. You get into the drugging of our students at a young age. It is now starting as early as two years old Mr. Speaker, and that is 15% of our nation's youth that are on these psychiatric drugs. You start drugging them at age two and they are on these psychiatric drugs all the way through the school system.

"Well, what the DEA is finding out Mr. Speaker, is as those children become addicted to Schedule II drugs. These are Schedule II of the controlled substances drugs. As they become addicted, there is a definite link in later life to them becoming adult addicts. We also are having school children grinding up their younger sibling's psychiatric drugs and selling them. So first, we are creating drug addicts, then we are creating drug dealers. And all in the elementary school.

"And we don't have a handle on this Mr. Speaker. I know it's been said to me, 'Well Representative Thielen, don't worry about it because we are not as bad as the rest of the nation.' Well that is not a very good response. Why don't we take the lead to say we need to go back into federal court with skilled attorneys. We need to appropriate the money, if necessary, to hire those special deputy attorneys general to go back into court. Get a definition of the Felix class child that is based upon sound medical science, not on theoretical 'someone is likely to interrupt.' Not on that type of thing that would then say that we've labeled them a Felix kid. Go back into court and be willing to take that all the way to the U.S. Supreme Court if we need to do so. But we have instead let that whole thing run away with us to the detriment of our youngsters that are mainstream education students, and to the detriment of the human service programs that are suffering also. That is where we have to get a handle on it.

"Mr. Speaker, I know we have a interim legislative task force, or group that is looking into this, but there has got to be a lot more energy put into that. This has to come with some money to say that we are willing to fund adequate counsel that can go in and stand up to those private attorneys. Bring us back to where we should be Mr. Speaker, with a definition that is based in medical science. With the others, give them the added educational tools that they need. The added educational training and instruction that they need.

"We should also take a look at the nutritional aspects too. Such as, if the kids are on sugar and are they all hyped-up."

Representative Souki rose to a point of order, stating:

"Mr. Speaker point of order please. Mr. Speaker, I am getting quite hungry and I believe I've heard that speech before. Thank you very much."

Representative Thielen responded, stating:

"Mr. Speaker, there we go again with the 'interrupts, has difficulty waiting his turn.'"

The Chair responded, stating:

"Representative Thielen, I believe your comments are well taken in regard to the \$700 million."

Representative Thielen continued, stating:

"Yes and Mr. Speaker, on page 330 of the bill before us, which is talking specifically about the number of students that are within this class, which translates to 8.5% or almost 10% of our youth. That is false Mr. Speaker. I mean, that is absolutely false. One out of ten of our students is not a special education student. They are being mis-defined, wrongly defined, and placed into this class to the detriment of others who legitimately belong in the class."

Speaker Say: "Representative Thielen, would you summarize."

Representative Thielen: "That is about it Mr. Speaker. I appreciate the time and hope that people are listening to what I am saying."

Speaker Say: "It is going to be reflected in the Journal so I think the Investigative Committee will probably look at it."

Representative Thielen's written remarks are as follow:

"When our school children exhibit some of the behaviors I listed previously, then many of them are placed on psychiatric drugs, which are Schedule II Drugs under the Controlled Substances Act. I will list the devastating impacts these drugs cause to our children as outlined by the U.S. Drug Enforcement Administration:

"Methylphenidate (MPH), most commonly known as Ritalin, ranks in the top 10 most frequently reported controlled pharmaceuticals stolen from licensed handlers.

"Abuse of MPH can lead to marked tolerance and severe psychic dependence.

"MPH is abused by diverse segments of the population, from health care professions and children to street addicts.

"A significant number of children and adolescents are diverting or abusing MPH medication intended for the treatment of ADHD.

"In 1994, a national high school survey (Monitoring the Future) indicated that more seniors in the U.S. abuse Ritalin than are prescribed Ritalin legitimately.

"Students are giving and selling their medication to classmates who are crushing and snorting the powder like cocaine. In March of 1995, two deaths in Mississippi and Virginia were associated with this activity.

"The U.S. manufactures and consumes 5-times more MPH than the rest of the world combined.

"MPH aggregate production quota has increased almost 6-fold since 1990.

"Every indicator available, including scientific abuse liability studies, actual abuse, paucity of scientific studies on possible adverse effects associated with long-term use of stimulants, divergent prescribing practices of U.S. physicians, and lack of concurrent medical treatment and follow-up, urge greater caution and more restrictive use of MPH.

"We must stop drugging our children and instead use proven educational methods for successfully helping children with learning challenges. "Thank you, Mr. Speaker."

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

"I rise in opposition to this measure.

"First of all, yesterday, a colleague who I respect greatly whispered to me, 'You know, Ed, a vote against the budget is a vote against every State program in it.' I certainly understand that. I've heard that before and I understand that it is part of the legislative culture, perhaps a time-honored reason for a yes vote on a big budget bill like this, but I simply decline to live in that particular box. This budget bill has obviously many good, necessary programs that I do support. I also support some of the overall policy judgments in the bill: for example, the judgment to limit capital improvement spending. I think that is good.

"But where, in the big picture, in the overall approach, in the overall impact, a budget so clearly, in my mind, avoids, at the clear expense of our successors, the people that are going to have to make decisions after us, our basic responsibility to preserve the long-range physical stability of the State, I simply have to stand and oppose it, and say, 'Let's go back to the drawing board and do it right.' We can't simply dump today's challenges off on tomorrow.

"Now we've already heard a lot here today in some very good speeches about reality, and perhaps all we are really learning is that each of us has a little bit different reality depending on what our starting point is and where we are trying to go. So let me say what my starting point and end point are.

"My goal is a sustainable State government that can provide the core services that we've heard so much heartfelt feeling about over time. So, in that context, let's take a look at the reality, in my mind, that we do face, and I would challenge anybody to deny, as well as the practical options available -- the options that we are choosing in this bill and in the package of bills that we have sent out of this Legislature, and why the option we have chosen in this bill is the worst choice.

"Our initial two-year executive budget bill, which we passed last year over my reservations, did substantially increase State spending for the 2001-03 fiscal biennium, which we are in the middle of right now. And we did that by relying upon, and indeed maxing-out on, Council on Revenue projections of revenue growth of over 11% for the current fiscal biennium.

"Now I think we knew very well then that those revenue projections were optimistic. And I think we also knew very well then that we would in fact see higher expenses in the biennium than we funded last year. So in some ways, we knew very well a year ago that our two-year budget was dangerously close to unbalanced even as we passed it; that, as I said in a speech on this floor on May 1st of last year, 'A single hiccup on the national or international horizon will drive this budget out of whack in no time.'

"Even worse, we knew then that in the out years, the next fiscal biennium beginning July 1 of next year, which is now just 15 months away, and beyond, we faced even greater fiscal stability challenges. Then, in those out years, the Council of Revenues was predicting continued revenue growth of over 5% per year. We could certainly foresee unchecked expenses increasing in excess of that, and that was even before accounting for the next round of public employee pay raises and collective bargaining, which the unions would also want to have an effective date for any raise which is just 15 months away.

"The economic impact of September 11th was most severe, leaving the Council to downgrade its revenue projections by amounts totaling over \$300 million over two years, and contributing greatly but not exclusively to the situation that we face today. But let's be very clear that it also exacerbated the fiscal dilemma of the out years, now just 15 months away.



Because although the Council of Revenues has since retained its 5% growth projections for those out years, the base upon which that 5% rests is reduced. So even if those gross projections prove out, we will in fact have less total revenues in the out years than anticipated.

"And to worsen the situation, the financial plan implemented by this and other bills which we have passed out provide for a carryover balance at the end of the current fiscal biennium, on July 1, 2003, of only about a \$100 million. That is all we are taking into those out years in reserve. That is very low from the bond rating agencies perspective.

"Now these are our practical options. The first is to control costs and to adjust them to realistically projected revenues. The second is to raise taxes on a permanent basis."

Representative Takai rose to yield his time, and the Chair "so ordered."

Representative Case continued, stating:

"Thank you. The third is to fund the current shortfall through one-time transfers of special funds to maintain the level of general fund expenses that we want.

"Now let's be very honest to everybody out there. We have in this bill and the financial plan it implements, and the other bills that we have passed out that are part of this package, regardless of what we say, clearly elected the third option. We have transferred out of the HHRF and other special funds over \$200 million. The rest of our actions are mostly piecemeal, also on a one-time basis.

"This is clearly the worse choice we could make because it fundamentally avoids our responsibility to assure long-range fiscal stability. Once used, these funds are history. So what we are essentially saying is that we are just going to worry about the next 15 months. We are knowingly handing off to our successors a terrible situation for the years to come with higher expenses, lower revenues, and even fewer options. But hey, that is their job, not ours.

"Even the second option to raise taxes, which I do oppose as counterproductive, but at least is more honest, is more direct than the option that we have chosen. Clearly the best option from the viewpoint of overall responsibility to assure long-range stability and restore some equilibrium between government expenses and the ability of our economy to sustain them is to control costs and adjust them now to realistically projected revenues now and for the foreseeable future.

"Contrary to the carefully crafted speeches of the Finance Chair and others, and frankly the carefully orchestrated presentations to the Legislature and the public, and the careful framing of the questions asked, there are in fact plenty of options. We've heard many of them here today ranging from attrition to vacant position elimination, salary reductions and, yes, program and position reductions or elimination. What is missing is the will, not the ability, to do what is right. What is missing is facing up to this basic question: how do we sustain this high-cost government over time?"

"Mr. Speaker, I would like to close with this quote, and I am going to quote a section out of our own *House Journal*:

At no time in the history of this State has there existed a more urgent reason to bring about meaningful fiscal reform to the state budgetary process than at the present. Gone is the decade of the budgetary surplus and unfettered state government expansion; so too are the years of legislative complacency over the State's economic future.... The

lackluster earnings of the State over the past several years reflect persistent and on-going weakness in Hawaii's economy....

In its approach to the development of this budget, your Committee turned a critical eye towards rectifying some of the underlying reasons for government inefficiency in Hawaii, including, but not limited to, the rate of government expansion and the increase in program spending over the past several years. Your Committee is committed to the development of a zero-growth budget that takes the necessary steps to avert drastic funding reductions that will become necessary if the Legislature fails to take action to restore discipline and accountability to the state budgetary process.

Your Committee subscribes to the widely-held belief that meaningful fiscal reform will not occur in the state budgetary process until changes are brought about by clear and decisive actions of the Legislature. The changes imposed upon executive agencies under this budget will not be painless. A piecemeal approach to budgetary reform will not achieve the type of results sought by your Committee. While arbitrary cuts have been avoided, your Committee has called for spending reductions within the budgets of each branch of state government.... The development of a leaner, more responsive state government serving the needs of the public from a foundation of less resources is the ultimate objective of your Committee. Your Committee believes that ... [these] objectives can only be obtained by:

- 1) Downsizing and right-sizing programs and operations wherever possible;
- 2) Consolidating duplicative and overlapping functions and services whenever warranted; and
- 3) Eliminating ineffective and nonessential programs, services, and operations as necessary.

*House Journal 1995*

"Clearly a comparable, even worse situation, but certainly a different mindset reflected in that Committee Report versus this Committee Report, which we are asked to support today. And did you recognize that? It was your Conference Committee Report for the fiscal biennium budget for the budget years 1995-97.

"Mr. Speaker, there is still time this session for us to fulfill our responsibility, not only to this year, but future years. But not if we continue down what I view as an irresponsible path, and I cannot support this measure on that basis. Thank you."

Representative Pendleton rose to speak in support of the measure, and asked that his remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pendleton continued, stating:

"Mr. Speaker I rise with very grave reservations on this measure and in the interest of time I ask that my remarks be entered into the Journal."

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in support but with reservations concerning the state budget. The reason I speak with strong reservations concerning the state budget, which is here House Bill 1800, House Draft 1, is that it is not the best we can do.

"The State budget – and this is a supplemental budget – is the manifestation of our priorities and philosophy of government. It is a demonstration of the commitments we strive to keep under conditions of finite resources and real world constraints.

Were it the case that we had budget surpluses, I might very well wholeheartedly and without reservation support this budget.

"Mr. Speaker, I certainly do not have a problem supporting the many good and necessary programs funded by this bill. This budget appropriates monies for important programs such as plant pest and disease control, vocational rehabilitation, protection of our environment, disease prevention, youth service programs, and services to the homeless, just to name a few. I have no problems funding these per se. But I have problems with our overall direction as a state.

"My reservations, in other words, stem from our penchant for misstating and misspending. In many ways, Mr. Speaker, this budget is deceptively simple. It lists the dollar figures appropriated for the various causes. There is nothing hidden on the face of things. Yet when one takes in the entire picture, when one observes the totality of spending priorities, it is clear that we could do better and that our constituents deserve better.

"First, Mr. Speaker, this budget represents another increase in state spending. We are not striving to bring the government down to a leaner more sustainable size. We are, rather, finding funding to feed this ever growing creature.

"Mr. Speaker, much has been said about how this budget actually represents a 'cut in state spending.' I believe this is a fair quotation from other speakers on this state budget. As I see it, this is not a cut.

"House Bill 1800 HD1 is a bill which authorizes \$7.344 billion in spending. Proponents indicate that we are 'cutting' over \$93 million off the projected pre-September 11 FY '03 budget of \$7.438 billion. Mr. Speaker, this is less than totally candid. It is for all practical purposes false. It is misleading to our constituents and to all those who analyze our state budget.

"Let me explain by pointing to the inextricable linkage between this budget bill, House Bill 1800, House Draft 1, with that of another bill relevant to this discussion. That other bill is HB 2654, the Hurricane Fund 'raid.' That other bill is germane and pertinent to the budget because HB 2654 takes \$100 million from that very fund and transfers that money to the general fund and then funds approximately \$90 million worth of general fund programs. If we were to properly add up the appropriations in HB 2654 and HB 1800 HD1, we see that the level of state operating appropriations is \$7.434 billion.

"In other words, Mr. Speaker, we nominally cut the state budget only to fund those same things through a raid on the Hawaii Hurricane Fund. This means that while our budget bill is a 'cut' we have found a creative way to maintain the level of state spending. We have simply altered the vehicles by which we achieve that very same level of state spending.

"That is like a condominium owner claiming he spends less per month for his condo only to learn that that cost has been shifted over to the 'association management expense' side of the ledger.

"Mr. Speaker, there is one other point I need to make. \$7.434 billion is indeed less than \$7.438 billion. Perhaps that is the cut to which members are referring. But that represents a 'cut' of roughly \$4 million, or a 0.05% 'cut'. To say this is a cut in nominal terms might be true, but in real terms, that is, in terms which make any difference from a fiscal policy perspective, we have maintained the size of government. We are simply being creative in scrounging up the money.

"When 49 other states are truly trimming state budgets, looking to non-core, non-essential programs or vacant positions

to reduce spending in order to balance their budgets, we are going in the opposite direction, much as this state did while the rest of the United States enjoyed the economic boom of the '90's. There is a time to be different, a time to be independent. But there is a time to learn from the experience of others.

"When we did our own thing back in the last decade, we suffered. Mr. Speaker, your colleagues on this side of the aisle have advocated some form of attrition in years past and present. We do not advocate this position simply to reduce the size of government, although that may be desirable in and of itself. We advocate this position in order to re-prioritize the expenditure and appropriation of money in state government. We must rightsize in order to have a more sustainable government.

"And we offer not attrition by itself. Attrition is one tool among many to be used in concert as we fiscally manage the state. I find it odd that local newspaper editorials criticize this suggestion. No one said that attrition was the silver bullet. No one said that attrition alone would solve all our problems. There is no single solution. We have to do a variety of things together to get ourselves out of this predicament. It took time to get us in this mess. It will take time to get us out of it.

"When a local company finds itself in trouble, attrition is one thing they look to. A position becomes vacant, and then you look to see whether on balance it is a core position which absolutely positively must be filled. If not, then zero it out. You have thus saved yourself from actually firing a live body. Remember that there are severance packages which must be made when one fires a live body. That is avoiding in cases involving attrition.

"Numerous economists and public officials from both parties acknowledge that tax cuts, tax exemptions, simply keeping money in the pockets of our citizens, is an important way to stimulate a flagging economy. Consumer spending accounts for roughly two-thirds of our domestic product. It is quite simple to understand that if a person has more money in his or her pockets, it will be spent or invested. That will help the overall economy.

"In other words, tax cuts help stimulate economic growth. And, over time, rather than being a net negative impact on tax revenues they have a net positive impact on tax revenues. Truly, you can end up with more revenues at lower rates when you make appropriate tax rate reductions.

"This is not a mere assertion. This is historically supported.

"The budget is so important that it is fitting to conclusively support and back up this statement with facts. Briefly, Mr. Speaker, let me note that there is a lesson or there are lessons from history applicable to Hawaii.

"For example, the United States as a nation has had three major examples where genuine tax rate reductions occurred: the 1920s, 1960s, and 1980s. What happened to the economy following these periods? What happened to the budget? What happened to the deficit following these tax reduction efforts?

"The evidence provides strong support for those who favor reductions in tax rates rather than more spending during times of surplus and for holding the line on spending in times of austerity. Recent history is especially compelling on this point.

"And I thank the Heritage Foundation for providing me with these numbers so relevant to our state budget deliberations. Tax rate increases in 1990 and 1993 at the national level boosted the top rate to 39.6 percent. This was a 50 percent increase in the tax burden on work, saving, investment, and

entrepreneurship when compared with the 28 percent rate in effect when President Ronald Reagan concluded his second term.

"The effect was negative. A recession ensued. In the 1920s the federal government reduced the top rate from 71 percent to 24 percent. The economy thereafter boomed.

"Herbert Hoover raised tax rates from 25 percent to a maximum of 63 percent. And this was followed by Franklin Roosevelt, who boosted them to 79 percent later in the decade. The 1930s, to be perfectly honest, were not among the American economy's better decades. One would have thought that higher tax rates would result in more tax revenue. But, quite to the contrary, tax revenues declined as the economy slowed.

"In the 1960s, President John F. Kennedy reduced the top rate from 91 percent to 70 percent. Many believed that lower rates were bad – or at least that they ensured that fewer revenues would be raised. But these lower rates, along with substantially lower taxes on savings and investment, resulted in one of the longest economic expansions in American history.

"The Administration of President Johnson saw a surtax. Established in 1968, it combined with the inflation-induced bracket creep of the 1970s, thereby subjecting taxpayers to higher rates of taxation even though their real incomes may not have changed. The result? A decade of stagflation.

"Now President Reagan's across-the-board tax cuts ushered in an impressive peacetime expansion, helping to create 20 million new jobs and pushing incomes and living standards to record highs.

"The relevance of this to the budget is that you need not raise taxes in order to balance a budget. You need not find new sources of spending to balance a budget. Cuts can be used.

"Cuts in taxes should occur to stimulate an economy. Cuts in spending should occur in order to close a budget gap. Such are far to be preferred to increases in taxes.

"And over the long haul lower tax rates can, in fact, result in more economic growth and consequently more tax revenues at lower rates of taxation.

"Mr. Speaker, I have concerns about our state budget because we already pay one of the highest personal income tax rates in the U.S., rate and bracket adjustments notwithstanding. Yes, we lowered income taxes a few years back. But we still have among the highest rates.

"Looking at other sources of government revenue, we as Hawaii taxpayers also pay the corporate income tax, we pay a general excise tax, a gas tax, we pay high fees on almost everything. Mr. Speaker, we pay and pay and pay. And it gets us nowhere and gives us a very big budget. Bigger is not always better. We learned that as children in school and it would be prudent that we remember that truth.

"What we are claiming with our budget is that we can do better with taxpayers' money than they can. We are claiming that we can help them more if we take more of their money in order to spend more on them.

"I disagree with that assertion.

"Mr. Speaker, we have research showing that as of February of this year, a sampling of twenty state departments indicate that these departments have an aggregate amount of \$94 million in funded vacant positions. Vacant positions, Mr.

Speaker. What are the departments doing with that money? Are they using it for a purpose other than that for which it was appropriated? Shuffling the money to something else, more funding to a program, filling a vacant position with a temporary and less qualified person? Or not spending it?

"Mr. Speaker, this is not the way to budget. If we give them money for their discretion, then that is one thing. But when we appropriate money in the form of a position, and that position goes vacant, and they are getting along fine without filling that position, we should shut down that position.

"If they need more money in a more flexible way, then they need to come to us and ask for that. We could use that money for other purposes, such as addressing the backlog in school repair and maintenance or 'funding' tax credits or exemptions that help stimulate the economy and have a dynamic return to the general fund.

"We have been told that they need these vacant positions in order to fund their on-going operations. If they need the money, we should give it to them – but not in the form of vacant positions. Imagine if businesses operated that way. A store had more people on the books than employees but used the money to pay for, say, security cameras. Or if a tour operator did that in order to have more money to run the buses and the tours. Can you imagine if Hawaiian Airlines or Roberts Hawaii or the Polynesian Cultural Center tried to operate in this fashion?

"This is one example where we need to improve the way we manage our money and plan our state budget.

"The present system enables government to grow at an irresponsible rate. While businesses are streamlining, government is becoming obese and has acquired an insatiable appetite for tax dollars. If given the opportunity in future legislative sessions, Mr. Speaker, I will introduce a constitutional amendment which would require a supermajority vote in our Legislature to approve any new tax or tax increase. I will also introduce a constitutional amendment which would require voter approval of any tax increase measure.

"Such proposals have been effective in other states. The State of Washington, for example, requires both supermajorities and voter approval for a tax increase.

"A 1993 citizens' initiative limited annual increases in general fund spending to the percentage of Washington state's population change plus inflation increases. This had the effect of curbing growth of state government.

"Tax increases in Washington now require a two-thirds vote in each house of the State Legislature -- with voter approval needed if a tax increase results in spending over the limit calculated as the state's population change plus inflation increases.

"General fund spending in Washington State -- which had been rising as much as 24% before these restrictions -- has been growing only 7% to 8% even though there was an unprecedented economic boom surging across the country.

"Washington State has had tremendous economic growth as a consequence of its tax reduction policies and prudent limits on the rate of growth in government spending.

"I want to draw things to a close by citing a legislator whom I respect a great deal, the Representative from Manoa, and commenting briefly on the philosophy presented in that quotation and connecting it to a report given by a legislative association.

"The Manoa representative has in the past stated that 'we have suffered from the basic approach of fitting revenues to expenses rather than the reverse.' He is absolutely correct. That is the fundamental problem. We have been developing our wish list and then going out and taxing the populace to raise the money to purchase that wish list.

"We should first recognize that we are one of the highest taxed states in the nation. We should also recognize that increasing taxes is not the wise thing to do, especially when we are in a precarious economic situation. A state cannot tax and spend itself into prosperity. It just does not work that way.

"The American Legislative Exchange Council, an independent organization comprised of state legislators from both sides of the aisle, has published a report entitled 'Crisis in State Spending.' In that report they describe the various options states have before them in closing their budget gaps. That report states that the absolute worst option is to raise taxes.

"The superior options are as follows. On page 6 of this report by ALEC it says that the 'first, of course, is cutting spending.' The report concedes that spending 'reduction is politically difficult because of strong vested rent-seeking coalitions.' Rent seeking is here used in the economic sense. As a term of art, rent seekers are those individuals who seek something from government. Because their particular pet funding project means a great deal to them, they will actively lobby therefore. But the general public will not lobby against them because the cost is spread among the entire taxpaying population, such that each individual tax payer might not even notice this. Hence the noisy few are heard over the silence of the majority.

"The second way government can close a budget gap is through asset sales. Asset sales raise funds. Representative Fox has indicated where this could occur. However, this means should not be used as a long-term method for funding on-going necessary government services.

"The other two less desirable ways of closing a budget gap are to borrow and to employ user charges. ALEC in its report says that rainy day funds should be used prior to borrowing. Or perhaps borrowing can occur against future revenues of the rainy day fund. This should not happen over a long period of time.

"User fees are the most controversial recommendation of ALEC in terms of closing a budget deficit. However, note that this is recommended over raising taxes. ALEC is not saying this should happen first. It is saying that this is the fourth desirable option and should occur before taking on the worst option, namely, raising taxes.

"That same report also has instructive insights useful for budget planners in general. I think that they are germane to the general issue of budgeting, especially when we look at the way we have budgeted lately.

"These insights occur in the ALEC report on page 8 and are entitled 'Ten Fiscal Commandments for Economic Growth':

First, thou shalt keep taxes low.

Second, thou shalt reduce taxes on income and wealth.

Third, thou shalt keep marginal tax rates low and relatively uniform.

Fourth, thou shalt not engage in corporate welfare by giveaways to favored investors.

Fifth, thou shalt limit taxes and/or expenditures constitutionally.

Sixth, thou shalt be diligent and moderate in collecting and spending rainy day funds.

Seventh, thou shalt protect employees from extortion of their funds for political purposes.

Eighth, thou shalt privatize much of current expenditure of funds.

Ninth, thou shalt provide help to children, not schools, in promoting learning.

Tenth, thou shalt pay your public servants according to their contribution to prosperity.

"I find these 'commandments' intriguing. They are the general rules as set for by the American Legislative Exchange Council for economic prosperity.

"We may not agree on them all – though I happen to. But we should explore implementing as many of them as possible. These represent a consensus of a large proportion of our state legislators throughout the country.

"Again, Mr. Speaker, I have serious reservations concerning this state budget. We can and we should do better. Thank you."

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

"Thank you Mr. Speaker. In support with reservations. I would just note that last year, I voted no on the biennium budget, and the reasons I voted no on that still remain. So we'll see as this progresses, and what happens to the final product.

"With regard to a couple points made on attrition. Attrition does work. We have proof of this in our own town here. One of our principle banks, First Hawaiian Bank, went through an exercise of attrition a few years ago and did it very successfully. They saved a significant amount of money and they did not have to lay-off or fire anybody as a result of that. So I certainly take issue with regard to the comments made in the recent editorial about attrition being an act of irresponsible behavior. Obviously it is not, or it certainly would not have been employed by that particular institution, knowing the Chief Financial Officer of that institution, and the type of person that he is. He would not institute something that is so 'irresponsible.'

"I think that what I found in that editorial was a mean spirited attack and unenlightened approach of an editorial, whatever it was. It said more about the writers of that editorial than it did about their knowledge on attrition, or the merits of attrition.

"With regard to the Felix issue, as my colleague from Kailua spoke about, it is a very serious concern that I continue to have. I would rather have seen the money appropriated in this budget for Felix related issues to be used to challenge that decree. We should be back in there. The Legislature was not at the table when that so-called consent was entered into. It was a disaster from the get-go. I've gotten comments from parents, including parents from Felix kids, and teachers including teachers of Felix kids, and principals that have repeatedly told me that this mandate provides resources that are totally out proportion to the actual and real need. I think this unchallenged and blind adherence to the consent decree has seriously compromised parental confidence in our education system and even worse, it has further eroded teacher morale and compounded their frustration in the classroom, which is already at an unfortunate high. We have got to stop feeding the beast. Thank you."

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

"Thank you, Mr. Speaker. I would like to rise in support of this measure. Act 260 which was enacted last year, provided pay raises for government employees. There were 49 Republicans and Democrats in this Chamber that voted for this increase. Act 190 which was enacted last year, provided pay raises for the University of Hawaii system faculty. There were 50 Democrat and Republican members in this Chamber that voted for this measure. Act 205 which was enacted last year, provided pay raises for public school teachers. There, 50 Democrats and Republicans in this Chamber voted for this increase. Between fiscal year 2001-02, these pay raises equated to \$100 million more in expenditures. Between fiscal year 2002-03 these pay raises will add an additional \$86 million in expenditures. Millions of dollars as we can see.

"Between fiscal year 2002-03, debt service will increase by \$55 million. Debt service for the capital improvement projects authorized last year. Between fiscal year 2002-03 the State's contribution to the Employees' Retirement System will increase by \$46 million. Between 2002-03, cost associated with the Public Employees Health Fund will increase by \$18 million. These are costs, Mr. Speaker, which are in the hundreds of millions, are fixed costs. These are costs that we have to pay. Then you throw in all of the current programs and services, which we, that State government, are involved in. Domestic violence, child and sexual abuse, helping the homeless, the hungry, repairing our schools, fixing our roads, fighting substance abuse, protecting our environment. And prior to 9/11, things were looking good. But then again, once the events of September occurred, we literally saw a reduction of hundreds of millions of dollars in our State revenues. So you look at the hopes of these programs and departments, which they had prior to 9/11, and the possibilities.

"Now we are looking at cutting back, and you tie it in with the millions of dollars of fixed costs that we have. And you look at the reduction of revenues, you can see that we've had a very daunting job this Session. It was a very challenging and difficult task to balance the budget and to come up with a program, which we can all live with.

"Now obviously, all of us what to minimize the negative effects on our constituents, and on the residents of Hawaii. If you ask 51 State Representatives in this room, 51 of us will give you their own plan to balance the budget. I know we have disagreed within the Majority Caucus. I am sure that the Minority also disagreed, within themselves. But our mandate is to balance the budget, and as a member of the Finance Committee, we looked at everything. Everything that both sides had asked us to look at, we did look at. And the good thing is there was agreement on some things.

"We did realize that yes, we need to cut programs and we need to cut services. Both sides agreed on that, and we did. There was a big push to look at attrition and the Finance Committee bent over backwards to look at the attrition issue. We looked at special funds. We looked at eliminating, and getting rid of some of these special funds. I think both sides agree on that. Lay off of warm bodies, yes that is something that we are doing. We don't want to do it, but we are going to be laying off some warm bodies. Eliminating vacant positions, we all agree we are going to be eliminating some vacant positions. So there is agreement on this budget. But I guess the issue is, to what degree. To how much you want to do.

"Now if I could address some concerns about an increase in jobs. In the last seven and a half years, the Administration has cut the State workforce by 12% if you exclude DOE and Special Education. There has been a reduction in your State workforce over the last seven and a half years. So that is part of that long-range fiscal stability that was being addressed. How are we going to address that long-range plan? We are

looking at helping our economy grow. Over the last few years we've looked at many ways to help many industries. High tech, diversified agriculture, biotechnology, our medical school, film industry, the construction industry. We are attempting to stimulate the economy..."

Representative Luke rose to yield her time, and the Chair "so ordered."

Representative Espero continued, stating:

"...which will add to that long-range fiscal stability that was addressed earlier. The Felix costs are definitely out of control as was stated. That is why we created a special committee to look into these. That is part of dealing with the long-range fiscal stability. Privatization, healthcare reform, just last year, that is looking at long-range fiscal stability. So yes, there is a plan in place. We are moving forward, however it is not going to happen overnight and again with September 11th, that was an event that some people say hasn't happened since Pearl Harbor within our State, and within our Nation.

"So Mr. Speaker I urge my colleagues to support this measure H.B. 1800, HD 1, because it is a responsible, compassionate budget. There's a good effort from both Democrats and Republicans, Mr. Speaker, and I believe this is a budget which our constituents will be able to live with. Thank you."

Representative Stonebraker rose to speak in opposition to the measure and asked that his remarks be inserted in the Journal, and the Chair "so ordered."

Representative Stonebraker continued, stating:

"Thank you Mr. Speaker, I rise in opposition. I am wondering if with your indulgence, I could insert my remarks, and perhaps ask your advice to this Body to do the same, in the interest of time. That would be the best thing."

Representative Stonebraker's written remarks are as follows:

"Mr. Speaker, I would like to express my opposition to House Bill 1800, the proposed budget for fiscal year 2002-2003. Mr. Speaker, this budget proposal is a bad recipe that will only lead to disaster.

"Apparently, anyone can cut and slash a budget. The Legislature has proven time and time again that all it really takes to 'balance a budget' is a blindfold and a magic marker.

"The Finance Chair has referred to the use of a magic marker in his preparation of the budget. Well Mr. Speaker, I agree that some type of magic pen was used because an illusion of fiscal responsibility was most certainly created. Move over John Hirokawa, the new 'Magic of Polynesia' is right here in the State Capitol! David Copperfield would be proud.

"You see, magic is based on misdirection and the creation of illusion, much like what this body is doing with our State's budget. We seem to be highly masterful at misdirecting funds. The greatest example lies within the raid of the Hawaii Hurricane Relief Fund.

"Currently our State's budget reflects a \$93 million cut, which equals a decrease of 1.2%. That is merely the slick deception that smoke and mirrors can create to produce a highly entertaining magic show. House Bill 2654, 'A Bill For An Act Relating To Government,' actually appropriates \$90 million to be taken from the Hawaii Hurricane Relief Fund to be deposited into the General Fund. In the end the actual decrease in increased spending is \$3 million. That is less than half of one percent (.04%), and a 200% increase from 1992!!!

Once again the misdirection and misguidance of the Legislature's magic tricks have captivated the audience.

"I have an idea, if I may aid those practicing the dark magical arts. We have already supplemented an additional \$105 million into the State budget by raiding 43 various Special Funds (House Bill 2827) under the guise of providing money for noble, service-related projects. The bill was crafted in such a way that anyone who votes against the bill would look like they are voting against these noble projects, thus becoming the 'Mr. Evil' in this 'Mini Me' of a budget.

"If we had done the same thing while raiding the Hawaii Hurricane Relief Fund, an additional \$195 million could have been spent rather than \$105 million. Then, we here at the Legislature could claim that, while we actually cut the budget by \$90 million (1/5 of a billion), we are really spending the exact same amount!!! Presto change-o! Magic before our very eyes! Instead of boasting about a 1.2% decrease we could be bragging about a 2.7% decrease, all the while activating less than half of one percent (.04%)! The reality is we have a General Fund supplemented by nearly 50 feeder funds. A reduction in our increase is still a spending increase!

"I would like to share a story about the Marshallese and their early encounters with the missionaries. The missionaries had arrived on the Marshall Islands and were interacting with the Marshallese. One day the missionaries were not around when the first load of mail arrived to the islands for the missionaries. The Marshallese, not knowing any differently, assumed that the packages of mail were food. What else would anyone need to send? So they boiled a pot of water, cooked the mail and ate it. But they found it extremely hard to swallow and never did it again.

"The moral of this story that we here at the Legislature should learn is: 'do not take the budget, cook the books and feed it to our constituents!' Members of the House, we can create an illusion, but in the end it is only an illusion, one that will lead to inevitable disaster. I urge you to vote against House Bill 1800."

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

"Thank you, Mr. Speaker, and I do remember the words of Speaker Emeritus. I am also hungry so I will be very brief. But I do rise with reservations. I want to recall the words of the Vice Chair of Finance. Remember, we did go on a statewide tour before the Session began to listen to the folks and see what they thought we should do for balancing the budget. I recall, as she had, and all the members of the Committee, that all of them, with the exception of, I think two people in one area, said they did not want us to touch the Hurricane Relief Fund, and those two said that maybe we could use it for social services. Everybody else said don't touch it, so if we are going to listen to our constituents, we should remember those words.

"I know that is not in the bill, but this budget is based on using the Hurricane Relief Fund. I think it was also a little disgraceful to take all the social funds, all the social service programs, and lump them into the Hurricane Fund to make it look like that is the only way we can do it. That isn't true Mr. Speaker. I think this budget does not fund some necessary items and does fund others that are debatable, but much less necessary. So I'll leave it with that. But I am with reservations."

Representative Saiki rose to speak in support of the measure and asked that this written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Saiki continued, stating:

"I rise in support of this measure. I would like to submit comments, but offer some brief comments on the floor. Basically I am going to talk about two of my favorite topics. First Felix, and second, attrition.

"With respect to Felix, I would like to urge all members to read the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, because both of these federal laws, which form the basis for our consent decree, as well as consent decrees throughout the United States, statutorily defines a special education child. This definition is set by statute. It is very specific and it provides for approximately 24 diagnosis of a special education student. So I would like to urge members to please read that because the definition is really beyond the State's control.

"Second, with respect to attrition as I mentioned on a previous measure a couple of weeks ago, this is really a fraud policy and the assumption that we can use attrition is unrealistic.

"Many of our services provided by the State require 24-hour support of prisons, medical services, law enforcement services, and despite perceptions to the contrary, the Executive workforce has been reduced in recent years. In 1994 there were 45,604 civil service and exempt full-time equivalent positions. By 2001 this workforce dropped to 43,327. This is a reduction of 2,277 positions made, notwithstanding the fact that our State population has grown, that we have expanded programs in response to federal mandates, and that the Legislature has not necessarily eliminated services.

"The net reduction of 2,277 positions was accomplished while the DOE workforce increased by 3,106 positions. The statistics will show that a large percentage of general funded vacancies are tied to core programs in our public schools, health, human services, public safety and the University of Hawaii System. Many of these positions are not being filled in order to meet turnover savings assessments as well as unbudgeted accrued vacation pay-outs, unbudgeted payroll for workers compensation claimants, and a filling of the essential positions with emergency hires.

"The assumption that the fringe benefits budget could be reduced with implementation of an attrition policy is also unrealistic and wrong. The cost associated with the Public Employees Health Fund are based on actual enrollments rather than the total number of authorized positions. This is information that was provided to us during our two Finance briefings on the attrition issue. Furthermore, the State's obligations for the ERS are based on actually established projections, which take into account all existing retirees and current employees and not vacant positions. I think it was somewhat fitting that the a previous speaker analogized us to being in 'never, never land' because the *Advertiser* Editorial Board actually characterized the attrition policy as 'hocus pocus.'

"I'd like to go over a few of the comments included in the editorial. The attrition plan, and this is what the editorial board wrote.

[The attrition] plan plays well to those hold the misinformed view that most state workers are slackers anyway. But it's a horrible approach to management of an organization that must provide services that most of us consider vital....

Attrition is a form of budgetary triage, and it has its place. Certainly the Cayetano administration had made use of it over the past several years.



But long term, it makes for bad policy. Particularly serious is the random nature of attrition....

Perhaps some think state workers are easily interchangeable, so that if there's a surplus of accountants, some of them can become wildlife rangers, drug counselors or doctors."

Representative Gomes rose to a point of order, stating:

"Mr. Speaker I am not sure if the previous comment is appropriate, despite the particular merits of that editorial. Again it is going to the motives of the proponents of the measure, and you've said that the House Rules say that it is inappropriate to do that."

The Chair responded, stating:

"I believe he is reading an editorial, and I have allowed members of this House to also do that. He can proceed on because it is not his."

Representative Gomes: "He is adopting it as if it were his words."

Speaker Say: "That is where the Chair recognizes that Representative Saiki can continue on."

Representative Halford then rose to a point of inquiry, stating:

"Mr. Speaker, a point of inquiry. Could I bring anything in to read as long as it pertains to a subject, however derogatory or misinformed it might be?"

The Chair responded, stating:

"Pertaining to the budget that we are addressing, in regards to attrition."

Representative Halford: "I am asking because, in the future, for any bill that we are discussing, could I bring anything I want to read, however misinformed or misguided it might be?"

Speaker Say: "If it is misguided, it is up to you to read it on the floor as a part of your speech. Representative Saiki, you may proceed on."

Representative Pendleton rose to a point of inquiry, stating:

"Point of inquiry, Mr. Speaker. I understand the sincerity with which you are making this ruling. But my question is, does bringing in any printed matter from outside of this Body then allow us to circumvent the rule. Because there are a lot of newsletters, there are a lot of newspapers, there are all kinds of things that we can quote. But reading those materials on the floor would be inappropriate, regardless of the source, Mr. Speaker. But I am wondering whether or not your ruling will allow us to circumvent the rule that we are suppose to keep this debate 'above board,' Mr. Speaker. That is my concern."

At 2:32 o'clock p.m., Representative Saiki requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:37 o'clock p.m.

Representative Suzuki rose to yield his time and the Chair, "so ordered."

Representative Saiki rose to continue, stating:

"Mr. Speaker, I actually will submit the remainder of my comments into the Journal, and I will paraphrase the excerpts from the editorial so as not to identify any Caucus or political party. But the point that I really wanted to make was that..."

Representative Gomes rose to a point of order, stating:

"Mr. Speaker, just a point of order. Does that indicate that we will be striking from the Journal the previous comments with reference to a particular Caucus?"

Speaker Say: "Yes."

Representative Saiki continued, stating:

"The point that I wanted to make was that it is really one thing for us to criticize the size and class of government. It is another to say publicly for the record, which programs, schools, libraries, prisons, clinics, parks should be closed and eliminated. And I think that is the challenge ahead of all us. Thank you."

Representative Saiki submitted the following editorial from *The Honolulu Advertiser*:

"Latest attrition plan cannot do the trick

In the past we have complained that those who are against tapping into the Hawai'i Hurricane Relief Fund are irresponsible unless they have concrete alternative ways to offset a looming \$350 million budget deficit.

It's not enough to fall back on the old litany of waste, fraud and abuse or to promise vaguely that the money will be found somewhere.

But now [some legislators] have come up with something rather specific. They want to balance the budget through instant attrition.

They feel this can be done by eliminating 4 percent of state jobs — that is, by simply eliminating all the positions now vacant.

[Representative] Galen Fox, says the state could save \$73 million a year by simply not filling half of the 3,000 current vacancies and hiring replacements for only half of the positions that become vacant within the next year. The remaining 41,000 would have to "take up the slack," says Fox.

This plan plays well to those who hold the misinformed view that most state workers are slackers anyway. But it's a horrible approach to management of an organization that must provide services that most of us consider vital. For starters, it would be an indication to state workers of low public esteem, and have a devastating effect on morale.

Attrition is a form of budgetary triage, and it has its place. Certainly the Cayetano administration has made use of it over the past several years.

But long term, it makes for bad policy. Particularly serious is the random nature of attrition. Vacant positions (which have reached their current levels through seven years of — ahem — attrition) are distributed very unevenly.

Perhaps [some legislators] think state workers are easily interchangeable, so that if there's a surplus of accountants, some of them can become wildlife rangers, drug counselors or doctors.

Somehow they have convinced themselves that we won't notice the permanent elimination of 3,000 positions — including 551 at the Department of Education, 104 in Human Services, 208 in taxation and 262 at the Department of Health.

It's hocus-pocus, but with a couple of saving graces:

- [Some legislators] recognize what we've advocated for years — state government must be downsized to fit the economy that must support it. What [those legislators] need to talk about is the tougher job of identifying entire state functions that can be eliminated or privatized, rather letting attrition drag down everything that state government does.
- They draw the line at eliminating positions at the (already decimated) University of Hawai'i, the Department of Public Safety or public classroom teachers.

Given a good look at what the "attrition position" will do to state government services, we think voters will now recognize the painful logic of Gov. Ben Cayetano's recommendation to use the hurricane fund to balance the budget."

*The Honolulu Advertiser*  
March 18, 2002

Representative Ahu Isa rose to speak in opposition to the measure, stating:

"Mr. Speaker I must regretfully stand in opposition to this bill, H.B. 1800, HD 1. But before I say anything, I wanted to just concur what the Representative from the University area, because what he says is true. I was at a dinner Saturday night and I am not going to say what department it was, but they begged us not to take away their vacant positions. They are using the money for operating costs. It is not like it is sitting there and they are not using it, and we can just use attrition.

"I stand in opposition Mr. Speaker, because over the years, we have seen an apparent disconnect between the priorities of the public, especially the business community, and the Legislature. It surfaced again in a statewide poll called the *Peoples' Pulse* released three weeks ago. We've been pining over how to make cuts in our government spending that would exceed \$300 million over the next two years, or how to exactly fund those cuts. Instead of really looking at the money opportunities to expand and diversify our economy, Mr. Speaker. We are looking at how to fund the cuts by 'robbing Peter to pay Paul.'

"Going back to the survey, this was asked of the people in an unprompted question survey where they asked the people what government can do to improve the economy to generate more business revenues to offset this deficit. Fifty-eight percent responded, 'help businesses'. Mr. Speaker, 58% responded that we should do something to help businesses to generate more tax revenue so we can fund our social programs our health programs.

"The second priority was in reforming government. This came in at 22%. Mr. Speaker, I do not feel that we did enough to create incentives in this area. I want to just tell a little story. I know that change is hard for a political body for there is always that fear that doing something new will have negative consequences for us. But I want to remind the members that 5 years ago, after a long battle with Congress, Bill Clinton signed a sweeping bipartisan law that fulfilled his promise to end welfare as we know it. For the first time government required

all welfare recipients to work and invest billions of dollars on childcare and other supports to help them succeed. The law marked a beginning of a new social contract based on work. It was a contract that expanded opportunity, demanding responsibility in return. Mr. Speaker, these changes were controversial, and now 5 years later, those prophecies of doom have not fared well. Because the people that the law was designed to help are doing much better today.

"I am not against the programs in the budget Mr. Speaker, but I am against the elimination of items from the budget that have the potential of stimulating our economy. The public's priorities are changing. The Legislature can truly make a difference in expanding and diversifying our economy. It is not so much about the budget Mr. Speaker, but about the will to change. I am sure that constituents would want us to practice this type of compassionate conservatism. Thank you Mr. Speaker."

Representative Thielen rose to respond, stating:

"I just wanted to make a very short rebuttal to the University area Representative's comments. Mr. Speaker, I agree that the federal IDEA Act is specific, but our Felix Consent Decree is far broader. The Felix Consent Decree even defines the class as not limited to those definitions under the IDEA. What I am saying Mr. Speaker, is this is an area that we must look at and get a handle on. Thank you."

Representative Yoshinaga rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

Representative Hale's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 1800, HD 1. Not being a member of the Finance Committee I had little input into this budget. However, I am aware of the many hours that went into its preparation and I complement the Committee and the Finance Committee staff for producing a realistic and workable budget in spite of the difficulties that 9-11 placed on this state's finances. It is an impossible task for 51 members of this body to agree on all its details. It is easy to criticize a project of this magnitude, particularly in an election year when some of us have a personal agenda to either embarrass this administration or this body in the hopes of a change in its composition or to further our own political ambitions.

"We all realize that 9-11 put us over \$300,000,000 behind our projections in our original 2002-2004 budget. There are no easy solutions in a deficit of that magnitude. I was one of those that did not want to touch the Hurricane Funds if possible, but I also said that our first responsibility is to have a balanced budget. To those who would downsize government I suggest that this budget does this is a fiscally responsible way. Additional personnel are mostly in meeting the federal mandates of fully implementing the Felix Decision and the ADA. We have cut many programs and imposed a 2% across the board reduction in executive departments, but this budget does attempt to meet the core functions of government in education, health, welfare and public safety.

"I believe that we should support the work of the Finance Committee and pass HB 1800, HD1."

Representative Davis rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."



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

Representative Garcia's written remarks are as follows:

"Thank you Mr. Speaker. I rise in support of this measure.

"This draft of the Executive budget bill reflects the difficult decisions and prioritization issues wrestled with by your Committee on Finance. I applaud the Chairman, members, and staff for their hard work.

"This afternoon I would like to point out a few items of interest in this measure that fall under the purview of your Committee on Public Safety.

"This measure funds sex offender treatment. As the floor presentation on Monday illustrated, our sex offender treatment program is outstanding and effective. In the coming years there will be a surge of inmates exiting prison who will need this follow-up therapy to prevent relapse into their criminal behavior.

"This measure funds planning for transitional housing throughout the State and a secure drug treatment facility on the Big Island. These are the types of facilities that present gaps in our existing continuum of resources. These services are poorly suited for existing facilities; for these programs to be effective the inmates need to be carefully reintegrated using programs in the community to reduce the likelihood of recidivism. Planning to fill these gaps will eventually streamline the corrections process and assist in reducing overcrowding.

"Continuing on the topic of overcrowding, this measure funds an expansion of the Maui Community Correctional Center, and pays for continued transfers of inmates to mainland correctional facilities. With the latent threat of another lawsuit on the topic of overcrowding, these are prudent short-term steps to ease the situation.

"On the military affairs side of the ledger, this measure funds several positions will improve public safety and assist the Adjutant General in carrying out his due diligence to prepare for the unknown future.

"Of course, Speaker, in our austere fiscal climate there are many program expenditures and supplemental budget requests that had to be reduced or eliminated. These decisions are never easy to make, but I support this measure as it passes to the Senate for further discussion. I urge my colleagues to vote yes on this measure.

"Thank you, Speaker."

Representative Magaoay rose in support of the measure stating:

"Thank you Mr. Speaker. I've been sitting here and I've been wanting to say something in strong support. I just wanted to just make one small remark. I know we are here to agree and disagree, and I think that our Finance Committee did a wonderful job of putting the budget through.

"I want to let my colleagues know that there is Act 157, Session Law of Hawaii 1998, where we had the income tax reduction. I just want to let you know that the estimated revenue loss to pre-Act 157 is \$159 million per year for 1999–2000, and \$192 million for 2001. And 2002, the expected revenue loss is \$249 million. The reason I want to say that is because it shows how bold the Finance Committee and the staff really is. Thank you."

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

Representative Lee's written remarks are as follows:

"Mr. Speaker, I would like to speak in favor of this measure.

"The budget allows us to maintain essential services to individuals and families most directly affected by the economic shock generated by the events of September 11th.

"The grounding of all air traffic following the September 11 event severely effected Hawaii's economy. This budget addresses this shock in a fiscally responsible and practical manner.

"The budget also represents long term planning by maintaining the tax cuts required to implement major structural changes made to Hawaii's tax laws over the past 3 years. The cumulative effect of these cuts over the biennium equates to approximately \$180 million in decreased tax revenues. Most states are considering the repeal of such tax cuts to address their budget shortfalls. In addition, to maintaining the largest ever-personal income tax cut, the budget allows us to retain the de-pyramiding of the general excise tax on sub-leases and intermediary services.

"In addition, HB 2840 passed previously, creates the Core Government Functions Advisory Commission to specifically look at what services and programs should be considered core and non-core functions of government. This represents a methodical, comprehensive approach to budget reduction and long term financial planning.

"As has been noted, the Finance Committee devoted considerable efforts to free up resources to provide funds for high priority items while reducing the overall budget due to the effects of September 11. One area that was seriously considered was the policy of balancing the budget through attrition. I would like to insert into the record an editorial from the Honolulu Advertiser of March 18, 2001 addressing this issue.

"Mr. Speaker, the bottom line is that we have a reasonable plan. It now goes to the Senate. Of course, changes will be made. However, we are on the right path. I urge the members to support HB 1800. Thank you."

Representative Lee submitted the following editorial from *The Honolulu Advertiser*:

"Latest attrition plan cannot do the trick

In the past we have complained that those who are against tapping into the Hawai'i Hurricane Relief Fund are irresponsible unless they have concrete alternative ways to offset a looming \$350 million budget deficit.

It's not enough to fall back on the old litany of waste, fraud and abuse or to promise vaguely that the money will be found somewhere.

But now [some legislators] have come up with something rather specific. They want to balance the budget through instant attrition.

They feel this can be done by eliminating 4 percent of state jobs — that is, by simply eliminating all the positions now vacant.

[Representative] Galen Fox, says the state could save \$73 million a year by simply not filling half of the 3,000 current vacancies and hiring replacements for only half of the positions that become vacant within the next year. The remaining 41,000 would have to "take up the slack," says Fox.

This plan plays well to those who hold the misinformed view that most state workers are slackers anyway. But it's a horrible approach to management of an organization that must provide services that most of us consider vital. For starters, it would be an indication to state workers of low public esteem, and have a devastating effect on morale.

Attrition is a form of budgetary triage, and it has its place. Certainly the Cayetano administration has made use of it over the past several years.

But long term, it makes for bad policy. Particularly serious is the random nature of attrition. Vacant positions (which have reached their current levels through seven years of — ahem — attrition) are distributed very unevenly.

Perhaps [some legislators] think state workers are easily interchangeable, so that if there's a surplus of accountants, some of them can become wildlife rangers, drug counselors or doctors.

Somehow they have convinced themselves that we won't notice the permanent elimination of 3,000 positions — including 551 at the Department of Education, 104 in Human Services, 208 in taxation and 262 at the Department of Health.

It's hocus-pocus, but with a couple of saving graces:

- [Some legislators] recognize what we've advocated for years — state government must be downsized to fit the economy that must support it. What [those legislators] need to talk about is the tougher job of identifying entire state functions that can be eliminated or privatized, rather letting attrition drag down everything that state government does.
- They draw the line at eliminating positions at the (already decimated) University of Hawai'i, the Department of Public Safety or public classroom teachers.

Given a good look at what the "attrition position" will do to state government services, we think voters will now recognize the painful logic of Gov. Ben Cayetano's recommendation to use the hurricane fund to balance the budget."

*The Honolulu Advertiser*  
March 18, 2002

Representative Halford rose in opposition to the measure, stating:

"I would like to point out that the largest tax increase in the state of Hawaii took place in 1995 the taking away the tax credits on food and medical services..."

The Chair interjected, stating:

"Representative Halford, that particular issue is not being referenced, as far as the overall budget is concerned."

Representative Halford responded, stating:

"Mr. Speaker, our budget is supported by the taxes we take from our people on food and medical services, and to further reference that, it was said earlier that the most fragile and vulnerable of our society have been taken care of in this budget. I'd like to point out that taxes on essential food and medical services is a direct assault and attack on the most fragile members of our community."

Representative Leong rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in strong support of HB 1800 HD 1. Mr. Speaker, the economic downturn of the past six months has affected our entire state. Not even the Department of Education was able to escape the 2% across-the-board reductions statewide. These cuts included reductions in the A+ After School Program, the Computer Education Program, the English As A Second Language Learners Program, Summer School, and the Marine Education Programs. All told, the Board-approved reduction to the Department is over \$17 million.

"In addition, approximately \$3 million was reduced for vacant positions in the Department.

"It is unfortunate that we have had to apply the instruments of budget trimming to the Department of Education, but such is the fiscal reality of the last six months. I thank the Chair and members of the Finance Committee for their hard work, dedication, and willingness to make difficult decisions.

"The unfortunate reductions in the budget make all the more apparent the necessity of House Bill 2654 HD 2 and Senate Bill 706 SD 1 HD 1, which allowed this body to utilize Hurricane Relief Funds to accommodate current needs of the DOE. I'd like to remind this body that \$34.5 million of HB 2654 HD 2 funded such important items as the 20:1 student-teacher ratio, vocational ed, alternative learning programs, the Youth Challenge Academy, the Gifted and Talented Program, and multi-track education.

"Mr. Speaker, all of these programs would have been either cut or sharply reduced if we had not made the important decision to pass HB 2654 HD 2.

"Mr. Speaker, this has been a difficult session for us because of the budget situation. But I am confident that we will rebound, because I know firsthand the tenacity, resilience, and strength of our public schools and their students. I know that they will see us through. And I know that we will make the right choices to give them the best opportunities available. Thank you Mr. Speaker"

The motion was put to vote by the chair and carried, and H.B. No. 1800, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 35 ayes to 10 noes, with Representatives Ahu Isa, Case, Djou, Fox, Halford, Jaffe, Marumoto, Ontai, Rath and Stonebraker voting no, and with Representatives Arakaki, Auwae, Bukoski, Meyer, Takumi and Whalen being excused.

The Chair directed the Clerk to note that H.B. No. 1800, HD 1 passed Third Reading at 2:47 o'clock p.m.

**S.B. No. 2283, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2283, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 46 ayes Representatives Arakaki, Auwae, Bukoski, Meyer and Whalen being excused.

The Chair directed the Clerk to note that S.B. No. 2283 passed Third Reading at 2:48 o'clock p.m.

**ANNOUNCEMENTS**

Representative Souki for the Committee on Transportation announced that there would be decision making in room 309 for the Committees of Consumer Protection and Commerce and Transportation, immediately following today's session.

Representative Takai, for the Committees on Health and Consumer Protection and Commerce, requested a waiver of the 48 hour hearing notice requirement for the purpose of hearing S.B. No. 2085, SD 2, at 11:30 a.m., tomorrow, in room 329, and the Chair "so ordered."

Representative Takai for the Committees on Human Services and Housing and Health also announced that there would be decision making on bills previously heard this morning in room 329 immediately following session.

Representative Takai for the Committee on Higher Education also announced that there would be decisions making on bills previously heard, at 2:00 today in room 329 following the decision making of the Committees on Health and Human Services and Housing.

Representative Kahikina: "I just wanted to make a correction. I apologize to the Vice Chair for not informing him. But the decision making for the Committees on Human Services and Housing and Health on today's agenda will be taken up tomorrow morning prior to our hearing scheduled in room 329 at 8:30 am March 21st."

Representative Hamakawa for the Committee on Judiciary and Hawaiian Affairs requested a waiver of the 48 hour notification requirement to hear S.B. No. 2043, SD 1, Relating to Adoption, to be added to the 2:00 agenda for tomorrow afternoon, and the Chair "so ordered."

**ADJOURNMENT**

At 2:50 o'clock p.m. on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, March 21, 2002. (Representatives Arakaki, Auwae, Bukoski, Meyer and Whalen were excused.)

## THIRTY-SEVENTH DAY

Thursday, March 21, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:15 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Jan Youth of Honpa Hongwanji Hawaii Betsuin, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Auwae, Gomes, Kahikina, Kawakami, McDermott, Meyer, Stonebraker, Takai and Yonamine who were excused.

On motion by Representative Lee, seconded by Representative Djou and carried, reading of the Journals was dispensed with and the Journals of the Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-First and Twenty-Second Days were approved. (Representatives Arakaki, Auwae, Gomes, Kahikina, Kawakami, McDermott, Meyer, Stonebraker, Takai and Yonamine were excused.)

## INTRODUCTIONS

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

Representative Pendleton introduced the 3rd and 4th grade students from the Windward Adventist School, and their teachers, Mrs. Pam Williams, Ms. Cheryl Curry, and Ms. Kalei Nuihiwa. Also with the group was his wife, Mrs. Noemi Pendleton, and daughter, Danielle Pendleton.

Representative Ontai introduced Cub Scout Pack 464, Den 1 from Mililani, and their Den Leader, Mr. Scott Yamauchi and Assistant Den Leader, Ms. Emi Fukuda.

At this time, Speaker Say and Representative Lee thanked the Cub Scouts, Ms. Emi Fukuda and Mr. Scott Yamauchi for the beautiful leis that they were wearing.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following Senate concurrent resolution (S.C.R. No. 18) was referred to committee by the Speaker:

S.C.R.No.Referred to:

18 Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Education

## COMMITTEE REASSIGNMENTS

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

H.R.Nos.Re-referred to:

135 Committee on Consumer Protection and Commerce

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

16 Committee on Finance

192 Committee on Consumer Protection and Commerce

S.B.Nos.Re-referred to:

2422, SD2, HD1 Committee on Transportation, then to the Committee on Finance

2478 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance

2500, SD2, HD1 Committee on Human Services and Housing, then to the Committee on Finance

2912, SD1 Committee on Economic Development and Business Concerns, then to the Committee on Finance

## STANDING COMMITTEE REPORTS

Representatives Morita and Hiraki, for the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 768-02) recommending that S.B. No. 2278, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2278, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMBINED HEAT AND POWER SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 769-02) recommending that S.B. No. 2094, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2094, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 770-02) recommending that S.B. No. 2582, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2582, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

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

No. 771-02) recommending that S.B. No. 2743, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2743, pass Second Reading, seconded by Representative Lee.

Representative Rath rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2743, entitled: "A BILL FOR AN ACT RELATING TO CENTRAL SERVICE EXPENSES," passed Second Reading and was referred to the Committee on Finance with Representatives Moses and Rath voting no, and with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 772-02) recommending that S.B. No. 2723, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2723, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 773-02) recommending that S.B. No. 2729, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2729, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 774-02) recommending that S.B. No. 2730, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2730, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MERGERS," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 775-02) recommending that S.B. No. 2481, SD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2481, SD 1, entitled: "A BILL FOR

AN ACT RELATING TO LIVESTOCK," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 776-02) recommending that S.B. No. 2490, 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 M. Oshiro, seconded by Representative Lee 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 COFFEE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 777-02) recommending that S.B. No. 2136, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2136, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF FIREWEED," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 778-02) recommending that S.B. No. 2482, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2482, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ABATE AGRICULTURAL THEFT," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 779-02) recommending that S.B. No. 2665, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2665, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 780-02) recommending that S.B. No. 2666, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2666, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A SEAL OF QUALITY FOR FRESH AND PROCESSED AGRICULTURAL PRODUCTS," passed Second Reading and was referred to the

Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 781-02) recommending that S.B. No. 2239, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2239, SD 2, pass Second Reading, seconded by Representative Lee.

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

"A no vote for me please, and I will reserve comment for later."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2239, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OCEANIC INSTITUTE," passed Second Reading and was referred to the Committee on Finance with Representative Rath voting no, and with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 782-02) recommending that S.B. No. 2609, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2609, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 783-02) recommending that S.B. No. 3021, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3021, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTION PICTURE AND FILM PRODUCTION," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 784-02) recommending that S.B. No. 2764, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2764, SD 2, HD 1, pass Second Reading, seconded by Representative Lee.

Representative Rath rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Djou rose to speak in opposition of the measure, stating:

"We are raising too many fees and taxes right now with this budget. We don't need another tax on dying. Thank you."

Representative Whalen rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Leong rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Jaffe rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Fox rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2764, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Finance with Representatives Djou, Fox, Jaffe, Leong, Moses, Ontai, Rath and Whalen voting no, and with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 785-02) recommending that S.B. No. 2412, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2412, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 786-02) recommending that S.B. No. 410, SD 3, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 410, SD 3, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 787-02) recommending that S.B. No. 2307, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2307, pass Second Reading, seconded by Representative Lee.

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

"The fact that this measure comes from the Transportation Committee made me look at it more carefully. I think that it may tie-in with our traffic cameras.

"We're talking about our rules of evidence with electronic or digital pictures, and that is exactly what those 'scam' cameras are doing to our motorist. They are out there taking pictures of motorists, creating traffic hazards and unsafe situations. I don't want to do anything that is going to help that system stay in place or help it in the court system."

Representative Souki rose to point of order, stating:

"That bill has no relevance to the traffic cameras at all. I wish that the Representative would read the bill, and understand the bill."

Representative Thielen continued, stating:

"Thank you so much, Mr. Speaker. I took a look at the Committee from whence this bill came and I became rather suspicious, so I am going to cast a no vote and urge my fellow colleagues to look at it very carefully. We don't want to do anything that will help those traffic cameras to stay on our streets or create unsafe situations. Thank you."

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

"The one thing about digital pictures is, unlike photographs, they are extremely easy to alter, and the chain of evidence has to be concise. There has to be some way of verifying that they have not been electronically altered. For these reason I am voting no. Thank you."

Representative Espero rose speak in support of the measure, stating:

"This bill is in reference to photogrammetric technology, which is intended to minimize delays in the case of accidents on our roadways and freeways. This has nothing to do with the traffic cameras. For instance, instead of having H-1 closed for 4 hours, this may cut down the time to 3 or 2 hours and that is the purpose of this bill. To look at this technology which may assist in speeding up the whole process of investigating these accidents. Thank you, Mr. Speaker."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. However, there is nothing in the bill to prevent it from being used in the instances of the traffic 'scamera' and their digital photographs."

Representative Bukoski rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2307, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Bukoski, Rath and Thielen voting no and with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 788-02) recommending that S.B. No. 2335, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

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

was adopted and S.B. No. 2335, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEIGHBORHOOD ELECTRIC VEHICLES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 789-02) recommending that S.B. No. 2337, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2337, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 790-02) recommending that S.B. No. 2277, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LICENSE PLATES," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 791-02) recommending that S.B. No. 2330, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2330, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WHARFAGE FEES," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 792-02) recommending that S.B. No. 3017, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3017, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SYMBOLS AND TRADEMARKS," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 793-02) recommending that S.B. No. 3011, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3011, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXPENSES OF THE LEGISLATURE," passed Second Reading and was



referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 794-02) recommending that S.B. No. 2038, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2038, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 795-02) recommending that S.B. No. 2540, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2540, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 796-02) recommending that S.B. No. 2907, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2907, SD 2, HD 1, pass Second Reading, seconded by Representative Lee.

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Please record a no vote for me, and I will comment on Third Reading."

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

"I simply want to reserve judgment on this until Third Reading."

Representative Pendleton rose and asked that the Clerk record an aye with reservation for him, and the Chair "so ordered."

Representative Bukoski rose and asked that the Clerk record an aye with reservation for him, and the Chair "so ordered."

Representative Leong rose and asked that the Clerk record an aye with reservation for her, and the Chair "so ordered."

Representative Schatz rose to declare a possible conflict of interest, stating:

"We built the Ko Olina Marina website," and the Chair ruled, "no conflict."

Representative Schatz continued, stating:

"Thank you, Mr. Speaker. I will be voting yes on this measure."

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

"Mr. Speaker, I stand in strong support. Anyone who wants to invest their private funds in an area that has about, three bankruptcy filings so far, and that's permitted resort development, marinas. We need jobs, construction, and we're looking for foreign investment to come in with foreign dollars.

"Here we have an opportunity. This company wants to partner with Weinberg, who will donate the land for a super aquarium and a mega resort. And if you know anything about the area, we are looking at Waianae, Nanakuli and Maili. We should be supporting a company like this, who will be providing jobs for our people. That is why I felt this measure should go through. I wish my colleague would reconsider and support it. Thank you."

Representative Moses rose to disclose a potential conflict of interest, stating:

"Maybe I should declare a possible conflict of interest, because it is next to my district," and the Chair ruled "no conflict".

Representative Moses continued in support of the measure, stating:

"Thank you, Mr. Speaker. This measure would provide jobs. Yes, there are tax credits involved, but it's all private money and when we keep hearing that we will lose tax revenue. Well, we can't lose tax revenue that doesn't exist. Right now, we are getting no revenue from this venture because it isn't there. We stand to gain 80% tax revenue each year, there is 20% that we won't get, but we wouldn't get it anyway. So, I don't see that we are losing in the long run. Plus, it's going to create a lot of immediate jobs -- constructions jobs and then long term, permanent jobs. Thousands of jobs. So I think it is something good for the State. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker. If you'll allow me, I'd like to make my comments in opposition now, plus during Third Reading."

"I believe it's necessary and right to give tax credits to entuse different industries and different developments. However, there is large difference between a tax credit, which is a little help with taxes, and a taxpayer subsidy. And I believe that this is excessive to the point that it crosses that line from being a tax credit, and actually becomes a subsidy of the State."

"I think that is an area to reduce. We should take a look at that, and we have to be fair. If we are going to do this for Jeff Stone, then we ought to look around and see if there are other areas, on other islands in our State, because the State is actually bigger than the island of Oahu, believe it or not, and look at spreading this \$100 million tax credit. If we are willing to give up a \$100 million, because that is what we're putting on the table here, maybe we would like to spread that around a bit. A little to Molokai, a little to Maui, a little to Lanai, maybe Kauai, and even the Big Island. And be a little fairer with giving away the taxpayer's money. And like I said, this is a little excessive. This is catered to one area, and it all goes to one person. That's my objection."



Representative Espero rose to disclose a potential conflict of interest, stating:

"I am employed by a company that does have an interest in Ko Olina resort," and the Chair ruled "no conflict."

Representative Ahu Isa rose to respond, stating:

"I would like to rebut the statement made by the Representative of Kohala, Kona.

"I think this bill, from the perspective of the EDB Committee, we saw it as an economic stimulus package. It goes over to Finance, of which my colleague sits on. So you don't know, at this point if it is a refundable, or non-refundable tax credit, or if it is exempting the GE or whatever it is. It goes to your Committee and I think it's a great economic development package. Thank you Mr. Speaker."

Representative Meyer rose to a point of inquiry, stating:

"If somebody is getting paid by a company that would benefit from this, how is it not a conflict, Mr. Speaker?"

The Chair responded stating:

"The response from the Chair that Representative Espero is not in conflict, is because he is not one of the partners, but an employee of the company, which is a much larger entity than an individual."

Representative Meyer continued, stating:

"But, if you benefit by being paid, and this company benefits directly..."

The Chair continued, stating:

"He is already being paid his salary, as with other members of the House who may be representing a financial institution, the insurance institution, etc. The Chair will allow him that, and there is no conflict on this particular measure."

Representative Souki rose to a point of information, stating:

"The Constitution provides that every Representative should represent his constituency and should not be denied a vote."

Representative Meyer rose in support of the measure with reservations and asked that the remarks of Representative Rath be entered in 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 report of the Committee was adopted and S.B. No. 2907, 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 Rath and Thielen voting no and with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 797-02) recommending that S.B. No. 2938, pass Second Reading and be referred to the Committee on Finance.

Representative Garcia rose to disclose a potential conflict of interest:

"I am a Filipino, and should this bill pass tonight and become law, State money would be used to set up to celebrate the

arrival of my race to the islands," and the Chair ruled, "no conflict."

Representative Garcia continued, stating:

"By the way, I am in support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2938, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDDTH ANNIVERSARY OF THE ARRIVAL OF FILIPINOS TO HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 798-02) recommending that S.B. No. 2895, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2895, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPRESENTATION OF HAWAII AT THE FESTIVAL OF PACIFIC ARTS," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 799-02) recommending that S.B. No. 2750, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2750, SD 1, 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 Gomes, Hiraki and Kahikina being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 800-02) recommending that S.B. No. 2817, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2817, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 801-02) recommending that S.B. No. 621, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 621, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 802-02) recommending that S.B. No. 2069, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2069, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII EDUCATIONAL POLICY CENTER," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 803-02) recommending that S.B. No. 2457, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2457, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOUSE EMBRYONIC STEM CELL RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 804-02) recommending that S.B. No. 2516, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2516, SD 2, pass Second Reading, seconded by Representative Lee.

Representative Hale rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Jaffe rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Rath rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Meyer rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB2516 SD2. Ostensibly this bill is suppose to encourage development of cogeneration facilities on the island of Hawaii by extending the authorization to issue special purpose revenue bonds for such projects from June 30, 2003 to June 30, 2007.

"Mr. Speaker, I have reviewed the only testimony on this bill presented by Hui Enekinia, and it doesn't say much. That's really the problem with this bill. I'm not opposed to cogeneration. What I am opposed to is providing special purpose bond issuance authority for something that doesn't say much, where there is no articulated plan of development.

"It seems to me, Mr. Speaker, that we're putting the proverbial 'cart before the horse' here. We're giving these people even more time to make use of special purpose revenue bonds which are supposed to be used for support of valid

business projects when there is no valid business project in evidence.

"I believe this is to be imprudent public policy that sets a dangerous precedent, one that could ultimately do harm to the credibility of this State, and I, for one, do not want to be a part of that. Therefore, Mr. Speaker, I will vote a strong "no" on this bill."

Representative Halford rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

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

"I will listen some more in Finance."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2516, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Halford, Jaffe, Meyer, Rath and Thielen voting no, and with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 805-02) recommending that S.B. No. 2787, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2787, pass Second Reading, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Rath rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative McDermott rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Pendleton rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Bukoski rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Leong rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Auwae rose and asked that the Clerk record 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. 2787, entitled: "A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW," passed Second Reading and was referred to the Committee on Finance with Representatives Djou, Leong, McDermott, Meyer, Moses, Ontai, Pendleton, Rath and Stonebraker, voting no and with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 806-02) recommending that S.B. No. 3010, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3010, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 807-02) recommending that S.B. No. 2078, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2078, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 808-02) recommending that S.B. No. 2757, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2757, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO ACT 253, SESSION LAWS OF HAWAII 2000," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 809-02) recommending that S.B. No. 2701, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2701, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 810-02),

recommending that H.C.R. No. 48, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND THE PRESIDENT OF THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER-STATE EDUCATIONAL, CULTURAL, AND ECONOMIC EXCHANGES BETWEEN THE STATE OF HAWAII AND THE PROVINCE OF ILOCOS SUR OF THE REPUBLIC OF THE PHILIPPINES," was referred to the Committee on Finance with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 811-02) recommending that H.R. No. 62, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 62, entitled: "HOUSE RESOLUTION DESIGNATING THE CITY OF KAPOLEI AS THE E-COMMERCE CITY OF O'AHU," was adopted with Representatives Gomes, Hiraki and Kahikina being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 812-02) recommending that H.C.R. No. 96, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE CITY OF KAPOLEI AS THE E-COMMERCE CITY OF O'AHU," was adopted with Representatives Gomes, Hiraki and Kahikina being excused.

#### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Djou and carried, the rules were suspended for the purpose of considering a bill on Third Reading on the basis of a modified consent calendar. (Representatives Gomes, Hiraki and Kahikina were excused.)

#### THIRD READING

##### S.B. No. 2788:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2788, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE APPEALS," passed Third Reading by a vote of 48 ayes, with Representatives Gomes, Hiraki and Kahikina being excused.

The Chair directed the Clerk to note that S.B. No. 2788, passed Third Reading at 12:38 o'clock p.m.

At 12:38 o'clock p.m., Representative Takamine requested a recess and the Chair declared a recess, subject to the call of the Chair.

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

**ANNOUNCEMENTS**

Representative Hale, for the Committee on Water and Land Use requested a waiver of the 48 hour notification requirement for the purpose of decision making only on SB No. 2890, relating to time share plans, which was previously heard and deferred. Decision making is scheduled for Friday, March 22nd at 8:30 a.m. in room 312, and the Chair "so ordered."

Representative M. Oshiro: "I almost forgot. On Saturday, it's the birthday of one of our colleagues here and I believe she will not be with us tomorrow evening when we go into session at 6 p.m. So I would hope that we will all wish a happy birthday to none other than the Representative from Puna, Representative Helene Hale. Happy birthday."

Representative Hale: "Mahalo."

Speaker Say: "Representative Rath, would you like to sing happy birthday?"

Representative Rath: "Actually, the Representative from Puna, Mrs. Hale, has heard me sing before, and I am sure she would decline."

**ADJOURNMENT**

At 12:42 o'clock p.m. on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives adjourned until 6:00 o'clock p.m. tomorrow, Friday, March 22, 2002. (Representatives Gomes, Hiraki and Kahikina were excused.)

## THIRTY-EIGHTH DAY

Friday, March 22, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 6:16 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Keahi Renaud of Na Aikane o Pu'u Kohola, after which the Roll was called showing all members present with the exception of Representatives Gomes, Halford, Hiraki, Meyer, Morita, Pendleton, Rath, Stonebraker, Takamine and Yoshinaga, 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 was made to the members of the House:

Representative Ontai introduced Mr. Gerald Dunsworth, President of the Honolulu Chess Club, who was accompanied by Mr. Randy Prothro, his office manager.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following Senate bills were re-referred to committee by the Speaker:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
941, SD2	Committee on Finance
2567	Committee on Judiciary and Hawaiian Affairs
2832, SD1	Committee on Economic Development and Business Concerns, then to the Committee on Finance
3020, SD2	Committee on Finance

## STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 813-02) recommending that S.B. No. 2310, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2310, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE REGISTRATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 814-02) recommending that S.B. No. 3060, SD 1, as amended in HD 1,

pass Second Reading and be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3060, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE SAFETY EDUCATION," passed Second Reading and was referred to the Committee on Education with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 815-02) recommending that S.B. No. 2111, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2111, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 816-02) recommending that S.B. No. 2869, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2869, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 817-02) recommending that S.B. No. 2904, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2904, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FUNDING A SECOND AMBULANCE TO SERVICE THE WAIANAE COAST," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 818-02) recommending that S.B. No. 2052, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2052, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 819-02) recommending that S.B. No. 2591, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2591, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HANA COMMUNITY HEALTH CENTER," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 820-02) recommending that S.B. No. 2781, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2781, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 821-02) recommending that S.B. No. 2106, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2106, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 822-02) recommending that S.B. No. 2944, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2944, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH-CARE PROVIDERS OF THE MEDICALLY UNDERSERVED," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 823-02) recommending that S.B. No. 3040, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3040, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 824-02) recommending that S.B. No. 2885, SD 2, as

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

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2885, 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 Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 825-02) recommending that S.B. No. 2724, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2724, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 826-02) recommending that S.B. No. 2345, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2345, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TARO RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 827-02) recommending that S.B. No. 2121, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2121, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAPAYA RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 828-02) recommending that S.B. No. 2131, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2131, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 829-02) recommending that S.B. No. 2132, SD 1, as amended in HD 1,

pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2132, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 830-02) recommending that S.B. No. 2931, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2931, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR VARIOUS STATE IRRIGATION SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 831-02) recommending that S.B. No. 2829, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2829, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF PERSONS WITH IMPAIRED SIGHT OR HEARING OR WHO ARE TOTALLY DISABLED THAT ARE ENGAGED IN BUSINESS," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 832-02) recommending that S.B. No. 2601, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2601, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 833-02) recommending that S.B. No. 3049, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3049, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 834-02) recommending that S.B. No. 2315, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2315, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted the report of the Committee was adopted and S.B. No. 2315, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TRANSFERS," passed Second Reading and was referred to the Committee on Finance with Representative Moses voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 835-02) recommending that S.B. No. 2350, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2350, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2350, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Finance with Representative Djou voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 836-02) recommending that S.B. No. 2024, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2024, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 837-02) recommending that S.B. No. 2227, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2227, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NEIGHBOR ISLAND DENTAL CARE," passed Second Reading and was referred to the Committee on Finance with



Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 838-02) recommending that S.B. No. 2635, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2635, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 839-02) recommending that S.B. No. 2421, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2421, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 840-02) recommending that S.B. No. 2709, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2709, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2709, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 841-02) recommending that S.B. No. 2331, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2331, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 842-02) recommending that S.B. No. 2702, SD 2, as amended in HD 1,

pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2702, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 843-02) recommending that S.B. No. 2794, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2794, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 17 OF ACT 85, SESSION LAWS OF HAWAII 1999," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 844-02) recommending that S.B. No. 2808, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2808, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 845-02) recommending that S.B. No. 2934, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2934, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

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

"Thank you Mr. Speaker, a no vote please. This is the liquor establishments licensing that is going to make more difficulties for small businesses."

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Bukoski rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2934, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Bukoski, Djou, Meyer, Stonebraker and Thielen voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 846-02) recommending that S.B. No. 2309, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2309, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Auwae rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Bukoski rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2309, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, Bukoski, Djou, Meyer and Stonebraker voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 847-02) recommending that S.B. No. 2667, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Kanoho and Abinsay, for the Committee on Water and Land Use and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 848-02) recommending that S.B. No. 2242, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2242, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Kanoho and Abinsay, for the Committee on Water and Land Use and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 849-02) recommending that S.B. No. 2007, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2007, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 850-02) recommending that S.B. No. 2445, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2445, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 851-02) recommending that S.B. No. 2909, SD 1, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2909, SD 1, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Auwae rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record 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. 2909, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was referred to the Committee on Finance with Representatives Auwae, Djou and Meyer voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 852-02) recommending that S.B. No. 720, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 720, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 720, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITION OF DISCRIMINATION BY PUBLIC ENTITIES TOWARDS INDIVIDUALS WITH DISABILITIES," was referred to the Committee on Finance with Representative Djou voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 853-02) recommending that S.B. No. 2898, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2898, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAVE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 854-02) recommending that S.B. No. 3063, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3063, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 855-02) recommending that S.B. No. 2615, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2615, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record 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. 2615, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 856-02) recommending that S.B. No. 2179, SD 2, as

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

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2179, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Fox rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Bukoski rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record 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. 2179, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Djou, Fox, Meyer and Ontai voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Morita and Hiraki, for the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 857-02) recommending that S.B. No. 2505, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2505, SD 1, 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 Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 858-02) recommending that S.B. No. 2831, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2831, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EXTENSION OF THE RESIDENTIAL CONSTRUCTION AND REMODELING INCOME TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 859-02) recommending that S.B. No. 3061, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3061, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, on Standing Committee Report 859, I stand in support. We did get a notice from HMSO that the Hawaii Macadamia Trees SPRBs should not really be in this bill. It should be in a separate bill. I just want to note that as it goes on to the next Committee. Thank you."

The Chair responded, stating:

"Thank you. So at this time, this particular measure is flawed with particular draft. So the Finance staff, and maybe the Finance Vice Chair, and the members of the Finance Committee will catch that in Finance."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3061, 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 Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 860-02) recommending that S.B. No. 2488, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2488, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record 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. 2488, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 861-02) recommending that S.B. No. 2628, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2628, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 862-02) recommending that S.B. No. 2336, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2336, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Auwae rose and asked that the Clerk record 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. 2336, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Ontai and Stonebraker, voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 863-02) recommending that S.B. No. 2680, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2680, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 864-02) recommending that S.B. No. 2793, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2793, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 865-02) recommending that S.B. No. 2284, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2284, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Yes, a vote in strong support and some comments with respect to the attached Senate Bill.

"Mr. Speaker, there was compelling testimony in your Education Committee the other day, and I see that the Chairman of the Committee along with his members did vote to expand the program statewide, which heretofore, for the last two and a half years has been restricted to the Central District here on the island of Oahu, and has been playing out to great results. I invite the rest of the members who do not sit on the Education Committee to read the measure, and to really research this and see how this could really affect their respective schools in the districts outside of the Central District. I would hope that the Finance Committee would hear this measure and consider seriously, any and all funding measures, to see how this program can be supported."

Representative Ontai rose to speak in support of the measure, stating"

"I would like to add on to the Representative from Waipahu's comments on the Safety Resource Officer Program. The reason why it exists in Central Oahu, in my district primarily, is because it is actually in the third year of a federal grant. That is the reason for where it came from. It kind of surprised me when I was wandering around campus, and I ran into one of these retired police officers. So it is an outstanding program and I recommend it highly. I want to encourage my colleagues to support 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. 2284, 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 Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 866-02) recommending that S.B. No. 3007, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3007, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 867-02) recommending that S.B. No. 2926, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2926, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 868-02) recommending that S.B. No. 2068, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2068, SD 2, HD 1,

pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Just briefly, what makes this certainly a bad bill is simply the word 'shall.' The State 'shall indemnify a professional' and that should correctly read 'may.' Thank you."

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

"Reservations on this measure for the same reasons stated by the Representative from Maui."

Representative Moses rose and asked that the Clerk record 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. 2068, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Second Reading and was referred to the Committee on Finance with Representative Halford voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 869-02) recommending that S.B. No. 2791, SD 2, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2791, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 870-02) recommending that S.B. No. 2100, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2100, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 871-02) recommending that S.B. No. 2969, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2969, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I am rising in support of Standing Committee Report 871, Special Education Reform, but with a few concerns.

"I believe that this bill is trying to get a handle on the runaway Felix class situation. I notice that on page 16, lines 20-22, it talks about the class of children that will fall within this special education concept. It talks about them being evaluated. Unfortunately, it doesn't require an evaluation by a licensed physician, who is the most qualified person to make that evaluation. I am not sure who the evaluator is, but unless we are sure that it is based in sound science, then we are still going to be having problems with that.

"On the last page, towards the end of the bill, page 23, lines 13-16. This section appears to expand the class again, to a limitless amount. I think that is a serious concern. 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. 2969, 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 Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 872-02) recommending that S.B. No. 2270, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2270, 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 Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 873-02) recommending that S.B. No. 2036, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2036, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you Mr. Speaker. I rise in support with reservations on Standing Committee Report 873.

"Members, we've been involved with the charter school issue for quite a while now. I believe it was six or seven years ago when we first started discussions on what we called 'student centered schools.' At that time, we were encouraging schools like Waialae, Lanikai, Aiea, and Pearlridge Elementary to convert into what we called student centered schools. At that time Mr. Speaker, I remember sitting on Conference Committee and discussing this. We were told by the proponents of the charter school movement, as well as the Department, that no additional funding for charter schools would be necessary, because what we were talking about was converting current public schools into charter schools, therefore moving from one method to another, and that would not cost any money.

"In addition to that, we were told that these new start up charter schools should not cost us any additional funds as well, because we are going to be taking a student from an existing public school and moving them to a new public school. Well 5 years later, we have learned that it hasn't worked. As a matter of fact, we are told in the Education Committee that the charter school program right now, costs the DOE \$11 million. What that means members, is that we are taking \$11 million from existing DOE resources and schools, and we are requiring the Department to fund these charter schools based on the charter school law. So we need to be truthful and understand that while we support the charter school movement, we have not funded it. And in the process of not funding it, the Department has had to find \$11 million in their department budget to fund these charter schools, both existing conversion schools, as well as new charter schools.

"The other thing, and I think this is where the Finance Committee really has to take a good look at this bill, and we had a discussion on it in the Education Committee. On the first page, line 9, we are deleting the words 'general fund' from statute, and that is very critical because now we are giving the Auditor the flexibility to determine the allocation based on the Department's total appropriation for EDN 100, 200, 300, 400, and 500, regardless Mr. Speaker, of whether it is federal funds, revolving funds, special funds, grants, and etc. As a matter of fact, we had a bill just recently, on the security resource officers for the Central District. That program will cost us, if we fund it for Central District, \$400,000. Under this plan, the Auditor will have to include that \$400,000 into the DOE allocation in computing a per pupil allocation so that we can get the necessary calculation for each of these charters. What that means is that charters, in fact, may get double what they are getting now.

"Maybe some of us may support that, but I think that if we are talking about \$11 million, you have got to be careful and understand that doing just this small little change may result in doubling the \$11 million to \$22 million.

"The other thing that I wanted to mention was, and this was really tough. About two months ago when Kamehameha Schools started their discussions on what they were trying to do, I had said then in the hearing, that Kamehameha Schools had to be treated differently than any of the other conversion charter schools, because otherwise, Kamehameha Schools would not enter into this. This bill attempts to do that. New conversion schools similar to Lanikai, Waialae, and any other existing public school, or Kamehameha Schools coming in to help us, will have their per person allocation calculated on a different formula from a regular charter schools. I think that is appropriate. I just hope that the Finance Committee as they deliberate on this bill, that they look carefully at this, because I don't want us to make another mistake like we did 5 years ago. Thank you."

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

"I want to say first off, that charter schools are public schools. We know that we don't have a real detailed accounting, Mr. Speaker, about where our money goes in the public schools. For example, it just seems wrong, even though the amount of \$3,000 per student in each of the charter schools out of \$6,500 that we allocate every year, or at least in the 2001 fiscal year, was validated by the Auditor. It was validated by the limitation that the way the Auditor interpreted the law. The limitation was that we limited it to general fund money. I think that this is an appropriate way to attack that problem, that apparent disparity, the way we are treating our public schools Mr. Speaker.



"Finally, and I think that we want to put some emphasis on this, that even though we might have some ideas of how to spend that money. Say for example that the Representative from Pearl City gave, that \$400,000 for the Safety Resource Officer program. If we give a cut of that to the Charter Schools, that will be up to them to decide how to spend that money. Whether they think that they need to hire a safety resource officer or perhaps hire a special education teacher, the principle being that we allow the schools to make that decision, 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. 2036, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 874-02) recommending that S.B. No. 2035, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2035, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, in opposition. We are behind in paying our substitute teachers. There is a formula in statute, which this wants to repeal, but in any case, whether it is repealed or not, we owe substitute teachers money. The State of Hawaii is dragging its feet in paying them, and in honoring what is theirs. It is very past due. I think it is embarrassing to the State.

"But the problem with this bill, Mr. Speaker, is by taking this formula out of statute, the Department of Education's intention is to pay substitute teachers less. In part of their argument or discussion for this change, they're claiming that substitute teachers make more than regular teachers, which is just absolutely not true. Regular teachers' pay, plus their benefits, regular teachers make about twice the amount of the substitute teachers. Given this formula, it is the intention of the DOE to pay substitute teachers even less than that, and so for those reasons, I oppose it. Thanks."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2035, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representative Halford voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 875-02) recommending that S.B. No. 2518, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2518, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 876-02) recommending that S.B. No. 2184, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2184, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 877-02) recommending that S.B. No. 2228, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2228, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Gomes rose and asked that the Clerk record 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. 2228, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 878-02) recommending that S.B. No. 2383, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2383, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 879-02) recommending that S.B. No. 2784, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2784, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 880-02) recommending that S.B. No. 2715, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.



On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2715, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 881-02) recommending that S.B. No. 1280, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1280, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"I've spoken about this twice before. It is not the job of the Legislature to specify in law something like a moorage fee that is going to vary year by year. That should be done by regulation. Thank you."

Representative Davis rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Jaffe rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Bukoski rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Auwae rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record 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. 1280, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Bukoski, Davis, Djou, Fox, Jaffe, Meyer and Stonebraker voting no and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Kanoho and Morita, for the Committee on Water and Land Use and the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 882-02) 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2003, SD 1, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO WATER CONSERVATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Kanoho and Morita, for the Committee on Water and Land Use and the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 883-02) recommending that S.B. No. 2802, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2802, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASING OF PUBLIC LANDS TO RENEWABLE ENERGY PRODUCERS," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Kanoho and Morita, for the Committee on Water and Land Use and the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 884-02) recommending that S.B. No. 2810, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2810, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I almost missed the 'mini H-3' bill. A no vote please on Standing Committee Report 884, which cements over safe harbors."

Representative Jaffe rose and asked that the Clerk record 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. 2810, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," passed Second Reading and was referred to the Committee on Finance with Representatives Jaffe and Thielen voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Hamakawa and Hiraki, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 885-02) recommending that S.B. No. 2737, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2737, 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 Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 886-02) recommending that S.B. No. 2765, SD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2765, SD 2, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS," was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 887-02) recommending that S.B. No. 2732, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2732, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 888-02) recommending that S.B. No. 2032, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2032, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 889-02) recommending that S.B. No. 2097, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2097, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL IMPACT AID," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Ito and Saiki, for the Committee on Education and the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 890-02) recommending that S.B. No. 2512, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2512, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 891-02) recommending that S.B. No. 2982, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2982, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

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

"Thank you Mr. Speaker. Just very briefly in opposition. Mr. Speaker, when this bill went to Committee, no one supported it. The only ones who testified in favor of it was a State Senator from Maui. I believe that this is unnecessary regulation that is not needed."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2982, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Djou and Stonebraker voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 892-02) recommending that S.B. No. 2881, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2881, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 893-02) recommending that S.B. No. 2985, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2985, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Arakaki and Hiraki, for the Committee on Health and the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 894-02) recommending that S.B. No. 2085, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2085, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative B. Oshiro rose to speak in opposition to the measure, stating:

"I'd like to register a no vote on Standing Committee Report 894. I am afraid of the expansion of benefits."

Representative Whalen rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Mr. Speaker, a no vote on 894. I also am afraid of the expansion of the Felix class by use of this measure. Also Mr. Speaker, I thought that we were required to have the Legislative Auditor's report before we did something of this nature. I know that I've been told that before when legislation has been proposed. I don't understand how we are doing this without the Legislative Auditor's report. Pardon me, is it the Auditor's report? Yes, the Auditor's report, not the Legislative Reference Bureau. I don't understand how we are doing this, this time. Or have we've changed that law? I am not aware of amending it. Maybe someone could answer that question Mr. Speaker."

The Chair responded, stating:

"At this point, with the amount of workload that I have on my desk, I can't recall if the report was submitted by those legislative agencies, either the Legislative Reference Bureau or the Auditor. I really can't give you an answer."

Representative Thielen: "Would the Health Chair be able to clarify on this Mr. Speaker?"

Speaker Say: "It is up to Representative Arakaki. Would you yield to a question at this time?"

At 6:44 o'clock p.m., Representative Arakaki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:48 o'clock p.m.

Representative Thielen continued in opposition to the measure, stating:

"I still will vote no on S.B. 2085 and I appreciated the Chair of the Health Committee explaining. I do think that we have got to get a handle on what we are doing with our budget and our expenses."

Representative Djou rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Gomes rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2085, SD 2,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Meyer, Ontai, B. Oshiro, Stonebraker, Thielen and Whalen, voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Garcia and Saiki, for the Committee on Public Safety and Military Affairs and the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 895-02) recommending that S.B. No. 2819, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2819, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record 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. 2819, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 896-02) recommending that S.B. No. 2306, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2306, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Mr. Speaker, on Standing Committee Report 896, S.B. 2306, I am voting no not because I oppose the bill. I think that the bill contains a number of good provisions. I am concerned about how the bill is adding a \$4.50 surcharge to travelers to Hawaii. I feel that we are already 'nickel and diming' too many of our visitors to this island. This is another charge that should not be in place."

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

"Thank you, Mr. Speaker. In support with reservations on Standing Committee Report 896. The reservations that I have Mr. Speaker, although it is doing some good things for concessionaires, although many may disagree that they need it, it also imposes a brand new fee as the previous speaker mentioned. This is a fee on people traveling out of Hawaii, not interisland travel, but travel to the mainland. It is still travel on our residents. So because it is a new fee I have some

reservations. I will see what happens in Finance. Thank you Mr. Speaker."

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

"Thank you Mr. Speaker. I am going to vote no on the airport concessions fee. And that is S.B. 2306, SD2, HD1. I voted yes during our last Special Session after 9/11 to give them help. We helped Duty Free with about \$16 million worth of relief, and the other concessionaires with an additional \$2 million. A lot of people were hurt. I realize they continue to hurt from the lack of traffic at the airport, but on the other hand, I think enough is enough. No more concessions for airport concessionaires. Thank you."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Gomes rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record 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. 2306, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Djou, Gomes, Marumoto, Ontai, Stonebraker and Thielen voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Souki and Hiraki, for the Committee on Transportation and the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 897-02) recommending that S.B. No. 3028, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3028, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Whalen rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"On Standing Committee Report 897, S.B. 3028, I think it is an intriguing bill. It seems to be in the right direction however, I am concerned that I don't think we've ever had any problems or complaints regarding these products in the State of Hawaii. So I am questioning why we need to pass the law here at this time. Thank you."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Gomes rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record 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. 3028, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF WARRANTORS OF VEHICLE PROTECTION PRODUCTS," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Meyer, Moses, Ontai and Whalen voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Takumi and Ito, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 898-02) recommending that S.B. No. 2816, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2816, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 899-02) recommending that S.B. No. 2033, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2033, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 900-02) recommending that S.B. No. 2067, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2067, 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 Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 901-02) recommending that S.B. No. 2351, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2351, SD 2, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO NURSING EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 902-02) recommending that S.B. No. 251, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 251, 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 Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 903-02) recommending that S.B. No. 2075, SD 2, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2075, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record 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. 2075, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Hiraki and Arakaki, for the Committee on Consumer Protection and Commerce and the Committee on Health presented a report (Stand. Com. Rep. No. 904-02) recommending that S.B. No. 2091, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2091, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 905-02) recommending that S.B. No. 2476, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2476, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 906-02) recommending that S.B. No. 2477, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2477, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 907-02) recommending that S.B. No. 2009, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2009, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. I have reservations on 907 and a few comments.

"I think this is something that we ought to leave for the County Council here on Oahu because it seems to be an Oahu-centric issue. I am not sure if we need to apply a State law at this point. Although I definitely think that there should be information available, and especially with the Neighborhood Boards to weigh in and let their feelings be known. Rather than fostering a 'NIMBY' attitude, maybe such a process can even foster a buy-in to what is going on and involve them in the process. The Boards can anticipate any fears or apprehension that there might be about some of these programs and the folks that are placed in these programs. I don't think that a State law is what we ought to be implementing at this point. Thank you."

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

"On Standing Committee Report 907, I rise with reservations and would like to adopt the remarks of the Representative from Waimanalo.

"Beyond that, though, I think the real key question here wasn't answered during the hearings, and that was that there didn't appear to be any exhaustion of the possibility of getting the counties to actually amend their ordinances to provide for this notice. I really do think that this is an example of coming to the State a little bit too fast for a remedy, when really the remedy should have been with the counties first.

"It may well be that if the counties turn it down, we will want to take some action at the State level. But as this bill moves forward, I would ask the people involved in the final decision to consider whether we ought to hold this up and let it be remedied at the county level first."

Representative Garcia rose in support of the measure with reservations, and asked that the remarks of Representatives Gomes and Case be entered in 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. 2009, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 908-02) recommending that S.B. No. 2043, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2043, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 909-02) recommending that S.B. No. 594, SD 1, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 594, SD 1, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Once again, we created a fund and the mechanism by which we do it is for people who are really unrelated. There is argument for it, but that kind of argument is so tenuous, you could make it for anything. If you are in a traffic accident, speeding, or whatever, you are going to fund the neurotrauma stuff, which could happen for any number of reasons. Skateboarding, or falling on your head, or being dropped as a baby. But we are funding it through that.

"Again it is another program that we are reaching into the taxpayers of Hawaii's pocket to fund. I don't know when we are ever going to stop doing this. I guess not until we all get ejected from office, perhaps."

Representative Auwae rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Djou rose and asked that the Clerk record a no for him, and the Chair "so ordered."

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

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

"Thank you, Mr. Speaker. I am going to vote no on Report 909 as well. I was with reservations in the Committee, and for

the reasons stated, I'll vote no. But the concern that I also have is that this group has been advocating for this relief for a number of years here, and I am concerned that they keep having to go through the drill. It seems like the Legislature holds out false hope for them. I am a little concerned about that. Maybe there are other ways to deal with this. I don't know what methods that have come up, and the problem that is there.

"Obviously it is not working. It is not the right mix. It is not the right solution. And these folks are spending an inordinate amount of time trying to get this through. I am wondering if we, as I said, sort of keep putting false hope out there for them. Anyway, a no vote for me. Thank you."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record 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. 594, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," was referred to the Committee on Finance with Representatives Djou, Gomes, Meyer, Stonebraker and Whalen voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 910-02) recommending that S.B. No. 2382, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2382, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NATIONAL KOREAN WAR MUSEUM," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Chang and Saiki, for the Committee on Tourism and Culture and the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 911-02) recommending that S.B. No. 2556, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2556, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2556, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representative Stonebraker voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 912-02) recommending that S.B. No. 3077, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.



On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3077, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 913-02) recommending that S.B. No. 2908, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2908, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"With reservations with respect to Standing Committee Report 913 and the attached S.B. 2908, SD 1. Some short comments, Mr. Speaker. I did make reference to the House version of this same measure, stating my reservations as well, with respect to the siting of this facility mentioned in this proposal. I understand that the Chair and your Committee on EEP share those same concerns, and I can see by the Committee Report that there was some discussion with respect to the surety bond. I just want to follow this measure and to voice my reservations at this point."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Lee rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Schatz rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative B. Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Magaoy rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

"On the Central Oahu Recycling Disposal Facility Inc., I am with strong reservations."

Representative Meyer rose and asked that the Clerk record 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. 2908, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CENTRAL OAHU RECYCLING AND DISPOSAL FACILITY, INC," passed Second Reading and was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

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

No. 914-02) recommending that S.B. No. 2266, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2266, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative McDermott rose to speak in opposition to the measure and asked that his remarks be inserted in the Journal, and the Chair "so ordered."

Representative McDermott continued, stating:

"I don't sit on the Committee so I don't have the access to all the information and testimony that they have, but looking at the Committee Report, my opposition to this bill goes back historically. I know that it is well-intended, and we all want to protect the environment, but as I look at this report it looks like it imposes a 7 cent additional cost per each additional soda can, if you will, like I have here a Diet Pepsi Twist, to maintain my 'svelte' physique, although I don't think it's working, so I am going to take issue with their ads. Nevertheless, an additional container fee of 2 cents that is non-refundable, that we are told that the beverage container retailer will pay for, but of course they will pass that on to the consumer, and then the 5 cents is refundable. So if I drink this Pepsi, and I did not do this on purpose, I just happen to have it out here. If I drink this and I take it back, I will get 5 cents. I am not sure if they will give me any additional money because it is aluminum. I don't know if the aluminum recycler would give us any additional money, but I would get 5 cents. But I paid in reality, 7 cents for it.

"Right now, this aluminum soda can has value. As soon as I drink it, it is going to go in the garbage can right underneath my desk. That is not because I am an angry fellow. It is just because it is not worth my while to take this, put it in a plastic bag, take it home, collect it with all the others bottles, and the cockroaches that come along with that. Throw it in the back of my blue pick-up truck, drive up to Halawa, because I did this one time, mind you. I know this because I did it one time. Cockroaches come out. They stink from the beer. And for my trouble I got nine bucks. That is the last time that I did it. It is humorous because it is true. So it is a well-intended thing, but the practicality of it doesn't work.

"Mr. Speaker, I've resisted fees and taxes my entire time here until Representative Arakaki twisted my arm on this long-term care. He broke my heart. So I have proven that I am a little to the middle, but on this one, it is 7 cents a soda. I can't understand how the single mom who lives in a Kalihi, in a three-story walk up is going to save cans. She has 2 or 3 kids running around. Where is she going to store these? Or bottles? She is not going to. And that is the person that is going to get hurt. It will probably cost me an additional \$5 to \$12 a year. It is not going to kill me, but it is something that I don't need.

"There is another argument that scouts and other community groups can go around and collect these bottles and cans and get money for them. Well, they already can do that. They can collect the cans, but they don't. In my neighborhood, this one guy with this big ol' thing walks around and goes to all the garbage cans, and he pulls the aluminum cans out. Then he takes them up for some loose change and money. So this is a well-intended program and I appreciate everyone's sensitivities to this, but I don't think it works.

"We heard earlier testimony that in the last 20 years, these programs have not been implemented. I saw the other evening on the news that New York City, of all places, the most littered place in the world probably, is thinking about doing away with



this because they don't work. People are not using it. So I am sorry that I am opening this can of worms on Second Reading. I know we are going to have a lot of talk now, but thank you, I am in opposition anyway."

Representative McDermott submitted the following remarks as follows:

"Be An Efficient Environmentalist

Would any right minded consumer pay three times more than what a plastic bottle is worth? Would any right minded environmentalist not want to eliminate the wasteful use of fossil fuels?

Well, the State Legislature is considering a tax on beverage containers that will result in our government buying waste plastic bottles for three times the worth of the basic plastic and causing H-Power to rely more on fossil fuels to replace the BTU's lost to collected bottles. Here is how this legislation would work.

Removing 1 million PET bottles (State estimates 800 million total containers would be affected by the deposit/tax bill and not all are plastic) at 7 cents each, the proposed recycling tax system will collect \$70,000 paid in by the consumer. Collecting 500,000 bottles converts into 16 tons of plastic that cost the consumer \$45,000 to collect or \$2812 per collected ton. Given that a pound of plastic bottles contains 17,800 BTU's one should then add the lost fuel use of this 16 collected tons. Each million bottles (average weight of 30 grams) has enough BTU's to produce 85,000 kwh of electricity at the H-Power facility (\$9350@.11kwh) – equivalent to about 200 barrels of oil. Taking away the collected 16 tons from H Power would mean that \$4675 worth of electricity will not be generated unless fossil fuel is used. It is irrelevant to this calculation that H-Power would mean that \$4675 worth of electricity will be not generated unless fossil fuel is used. It is irrelevant to this calculation that H-Power has plenty of other garbage to burn since this cost summary considers not burning to create electricity a lost opportunity cost. Therefore, add \$292 to the collection cost of \$2812 and the real cost to collect 500,000 bottles has now risen to \$3104.

Once the bottles are redeemed at a redemption center, the collected 500,000 bottles (16 tons) must be processed, packaged, and/or shipped out of state for conversion into some useful form e.g. pellets or flakes for further processing or into a finished product like extruded plastic lumber. To put this collected material into a form that can be used or shipped the bottles must now be picked up from the redemption centers, sorted, and densified (crushed or melted or baled). Trucking and grinding of PET will easily add \$200 per ton due to fuel costs for trucks to transport and electricity for grinders. The labor used to sort the garbage adds a further unspecified cost. Adding only the \$200 brings the cost now up \$3304 per ton of collected material. Now the collected plastic must be sold to a processor or processed in Hawaii. If shipped out of State one needs to add another \$60/ton (total cost now \$3364). If processed in Hawaii then there will need to be a guaranteed market for the products (regardless of the cost) or an operational subsidy.

This examination of costs from the collection point to the final disposal and/or conversion into some product (plastic lumber?) must be contrasted with the market value of plastic. Today, virgin PET sells for \$800 per ton. As the above information suggests, just collecting the material and getting it into a form that can be used by a plastic processor will cost over four times the price of the basic raw material in its virgin state. A processor who buys this recycled material must consider that they will be processing contaminated plastic with low intrinsic

viscosity, co-mingled with other types of plastic, and including various colors all mixed together. This co-mingled plastic will be good for only the most crude type of products. Would a normal profitable processor pay over four times the market rate for such material? Not if the business must break even! Only an operation with a heavy subsidy for operational costs and/or guaranteed customers e.g. municipality buying at an inflated price, could a processor survive this cost scenario.

Conclusion: The taxpayer expects more economy in the operation of government services. The environmentalist is demanding less and less use of fossil-based fuels whether in plastic form or in fuel form. To use tax revenues effectively and reduce landfill impact and the use of fossil fuels (most electricity in Hawaii is generated with oil) Oahu took the lead in the late 80's to build a garbage to energy facility called H-Power. H-Power uses rubbish to generate electricity and thereby limits the impact rubbish has on landfills and makes electricity with garbage collected around Oahu. Other counties have considered building similar facilities (such an investment pays long-term dividends to both the taxpayer and the environmentalist)but have not yet made a decision to follow Oahu. The Legislature should support investment in facilities that convert waste into energy instead of taxing consumers and creating tons of waste plastic that is four times more costly than raw plastic. The smart investor of public monies will use waste for a positive purpose (electricity generation) until waste collection and processing costs can be reduced to the point that the finished recycled product has a cost and market value lower than the virgin raw plastic material. Only then will it make economic sense to collect and process plastic that otherwise can be used as an effective substitute for oil to generate electricity. In the meantime, let's support H-Power and facilities like H-Power on all islands."

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"I disagree with the bottle bill, it is nothing more than a tax."  
Bob McDermott

#### The Maui News

#### Opinion

"Cost of Groceries will rise if bottle bill is approved

One of the measures that was stalled last year because the beverage industry wanted time to come up with an alternative is a proposal that would impose a deposit on all beverage containers.

The proposal would slap a 2 cent-a-container fee on all beverage containers and then, depending on the volume, an additional refundable deposit of either 5 cents if the container holds less than 24 ounces or 15 cents if the container holds more than 24 ounces. The noble intent of this measure is to clean up the litter on the side of the roads and reduce the amount of waste that is being deposited in the states landfills. Upon closer examination, beverage containers account for no more than 10% of the waste stream in any one state, and the estimate for Hawaii has beverage containers accounting for anywhere between 5% and 8% of the waste stream. Proponents of the bottle bill argue that this is not the point. While it may be true that beverage containers account for less than 10% of the waste stream based on tonnage, they say fat; litter soft-drink take up disproportionate space in the landfill because they are difficult to crush. They also argue that 5 or 15 cents is an insignificant cause since it is repaid when the container is returned.

Another lawmaker blatantly cast aside the notion that the bottle deposit program was going to cost \$20 million, saying it was "a small price to pay to clean up the road side." If this lawmaker

thinks that \$20 million dollars is a paltry sum, I can give her my checking account number and she can deposit that "little sum" to my credit. In fact, that estimate of the cost of the bottle deposit program is more than likely severely estimated. It appears that the estimate takes into account only the beverage container fee, some of which is never refunded, and the cost of administering the program. It appears that lawmakers have taken a very one-dimensional view of this issue as it appears that no one has taken into the consideration the attended costs.

Under the bill, if the retailer's store has more than 5000 square feet of space and is more than a mile from a certified redemption center, the retailer must take back the beverage containers and return the deposit. Since the retailer has been charge for the deposit amount by the distributor of the product, the retailer has to separate the containers by brand, as the retailer will be asking the distributor for the refund of the deposit paid out to the customer. Thus, the retailer will have to maintain an inventory of the empty containers. In the mean time, The retailer has to store the empty containers and provide security as those empty containers are now worth money. And if the retailer does not want a vermin-attracting sanitation problem, the containers will have to be cleaned, the retailer will now have to pay for secure warehouse space for the empty beverage containers.

That adds up to extra rent for the additional storage space, security for the containers and some one to wash, separate and count the containers and then some one will have to pay to transfer them back to the distributor. That does not square with what another legislator said: "it's only the cost of the deposit and the customer will get that back, besides those who consume should pay to make sure those containers don't litter the highway."

Wrong. It is not only those people who will consumer the beverages who will pay. Even if you do not drink canned or bottled beverages the retailer will have to recover these "attendant costs" and it will not be passed on only to beverage consumers. The cost of the additional rent and labor will be buried in every single product in that store from the bag of rice, to the can of beans to the pound of ground beef.

While we all want a cleaner environment, this is not a comprehensive and well thought out approach. If it is so effective, why is it that there are only nine other states that have a bottle bill with the last one being adopted in 1982? Is there something that we should know about why no other states have adopted such an approach?

All the public bureaucrats, of course, want this bill because they get all the money that is never claimed as deposits. This will literally be a cash cow that will allow them to build an even bigger bureaucracy, at the expense of your grocery bill."

++ Lowell L. Kalapa is the president of the Tax Foundation of Hawaii.

*The Maui News  
February 14, 2002*

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

"Thank you, Mr. Speaker. In strong support, and I will gladly take his can back, but I will wash it first.

"Mr. Speaker, I remember as a child going around with a little red wagon and collecting bottles from the neighborhood, and being able to take them back to the grocery store. The neighbors loved it, and I loved being able to go back, and I think then it was either 1 or 2 cents. I am not sure what. It was a very good way for youngsters to be able to make money. I

think we are passing this bill and trying to put a bottle bill into legislation in Hawaii, not just for those of us who are sitting here in this Chamber, but for the children out there that are the strongest supporters of this legislation.

"I took this bottle bill out to the schools in my district, and we had a little 'show and tell' program with a shopkeeper able to give back tokens that would represent the 5 cents. The children got it in a second, in a 'New York minute,' I would say to my colleague who spoke formerly. They were extremely supportive of this, and when they looked at the percentages, they did the math, they dumped 100% of the bottles on the floor and that was representing the beach or the roadways or the parks. Then they picked up 80% of the bottles. They recognized that, that would be the amount that would be recycled based upon what has happened in other jurisdictions. And that really pleased them. So I think today, we are sitting here passing a bill, which I strongly believe should become a law in Hawaii. We're doing it for not our age bracket, but we are doing it for the youngsters that are out there that are overwhelmingly in support of the bottle bill.

"Mr. Speaker, I will have a constant offer to my colleague on my right to come and pick up his bottles and cans if he doesn't want to take them back, because I would be very glad to get that money and give it to one of my schools."

Representative Souki rose to declare a possible conflict of interest, stating:

"Mr. Speaker I wish to declare a possible conflict of interest. I am a member of the Board of Directors of Maui Soda, a bottler of soda, Coca Cola by the way," and the Chair ruled, "no conflict."

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

"For my colleague from the Windward side, I'd like to say that this is for my generation. I am one of those youngsters here in this house. I lived in Oregon where they did have a beverage fee, but it was only 5 cents a can and you got 5 cents back when you did it. I am a little concerned, and this is where my reservations are. You put down 7 cents and you get 5 cents back. That is 12 cents a six pack. Or in the case of the Representative from the Stadium area, that is a case that you would be considering. So that is a concern.

"It worked in Oregon and we used to raid the dorm rooms in college and get all their cans that they have collected, and then we would take those to the store for our own benefit. It worked because a lot of the cans and stuff on the side of the streets were picked up. Also, this is a program in Russia, which I don't think we should replicate all the time. But this is a means for some social services, and the reason perhaps that the scouts and many others don't collect cans and take them in now, is for the very reasons state by the Representative earlier. It is just not worth it. But with the deposit, it will be worth it. I disagree with some of my colleagues on this. I like this bill and so I am voting for it."

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

"Thank you, Mr. Speaker. In opposition. I am pleased to have followed the Representative from Hawaii Kai, because it bothers me that we have this Hawaii twist with the Oregon law. The Oregon law says you pay 5 cents, you get 5 cents back. In this extreme State, you pay 7 cents and get 5 cents back. I object exactly to that two cent difference. I don't understand why that is there. It is another tax. Let's take it out. Thank you."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. In strong support of this bill.

"Just for the edification of the members. In Oregon you pay 5 cents, and you get 5 cents back because the cost of handling these beverage containers are borne by the distributors. The same thing in Michigan. When you pay 10 cents, you get 10 cents back. The cost of handling is handled by the retailers, the grocers.

"I also want to comment or rebut the statements of the Representative from Foster Village. If we do not look at alternative methods of handling our waste stream, we are going to be paying for it in landfill costs that are in the tens of millions of dollars.

"Earlier we debated on Special Purpose Revenue Bonds for a private landfill over an aquifer affecting the Pearl Harbor aquifer. We have come to a period in Hawaii where landfill space is very scarce and unfortunately, the available sites are over our water resource areas. So I believe this measure is tiny. It is something that we have to seriously consider to address 800 million beverage containers that enter our State annually. Thank you."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "or ordered."

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

"Thank you, Mr. Speaker. In opposition and a few comments.

"Just for the stated reasons that have already been noted, and just in rebuttal to my colleague, although I think we are on the same side, from Salt Lake. The nine bucks could pay for that gas to and from, and for another six pack. So nine bucks is a worthwhile value.

"Be that as it may, the concerns I have are on the Fund that I think is in place for spending this money. But also in the Committee Report, as I understand it, it talks about the use of the money, and what the money will be used for from the Fund. On page 3 of the report, numbers 1 through 6, there are a couple things that I guess makes sense with regard to operating funds of this nature. But number 3 says, 'Promote recyclable market development activities.' I don't know what that means, but maybe others do.

"Number 5, talks about hiring 'personnel to oversee the implementation of the deposit beverage container fee and deposit program...' These are additional government workers, which would probably have to be supplemented by additional funds as well. Anyway my concern is there are some details, obviously, to be worked out. I think that we are all looking for alternatives to reduce and do something with our waste stream. And yes, there are other alternatives. So, I am not sure if this would be the preferred route.

"Among those alternatives would be things like plasma-arc technology that can handle this and offer an alternative to landfills, and the issues that landfills naturally trigger. Some of that technology is going to require, probably, some government subsidization. So be it. But that is a lot cheaper than the

landfill costs, both financial and social, that are attendant to that.

"This 'bottle bill,' I think, also has some problems for some of the small business folks. That is another concern. It also imposes an additional cost, on the economy, that I am not sure that we can afford at this time. So for those reasons, my no vote. Thank you."

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

"Thank you, Mr. Speaker. You must be reading my mind. I am rising in support with some very serious reservations. I am concerned about the cost of this program, which I think was estimated at close to \$22 million. And what we are taking out of the waste stream is only about 5% by volume, of what goes into the landfill. I would rather see a recycling program that would recycle more products like newspaper, or cardboard. Something similar to what is done in Seattle in the State of Washington where you could remove more like 45% of the waste stream. I am concerned about the cost to the people of Hawaii.

"On page 6 of this particular bill, it talks about, 'the deposit beverage container fee shall not exceed 2 cents per container for the first five years of the operation of the deposit beverage container deposit program...' In talking to people from other states, they have found that they had to raise that deposit from two cents up to something higher, because the two cents wasn't covering the recycling of the containers, and I am worried about that.

"I also don't think we have consider the cost that will be passed on to all the consumers by the grocery stores if they have to accept these containers and store them, either in a secured area outside of their store, taking up part of the parking lot. Most of the stores don't have room inside to hold their new products that they are keeping secure, and keeping these old ones while they are waiting for a recycler to come and pick them up. The machines that you stick your containers in, I don't know how that will work, how often recyclers can come and pick them up. They're not too much bigger than a Coke machine. If everybody is coming back and pushing their things in there, getting their slips, the credit, once that is full, what do they do? Just leave them around the machine in front of the store? I don't know but I am concerned about the cost of sanitation, the expense the stores will have to obviously, pass on. The margins that grocery stores get aren't very big. So if there is any additional cost, they're going to add that on to the cost of food items. I think that is about it as this is Second Reading, but those are some of the strong reservations that I have. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition.

"Recycling is a great idea, but this is just not going to work. First of all, if we want to get rid of our glass and other things we can do that with the plasma-arc technology, and what we end up with is glass. And with this glass we can pave our roads. We can build rock walls. We can do many things. It doesn't have to go in the landfill. With the aluminum cans of course, we can melt it down and it is aluminum again. We can do those kinds of things here. We can recycle it here, but we cannot reuse glass on this island because there is nobody who can sterilize it. We have to ship it off and we are paying to do that. We are paying somebody to take it away. Then we charge, I believe it is, 8 cents a bottle to bring these back here.

It is cheaper to fill it here, but of course, we have to get the materials in here.

"We are on an island. We can't get rid of things here. We can't do all the things we would do here. In the mainland, you know you can sterilize a bottle and refill it. We can't do that. So we are going to have this stuff piled up at these vending machines, and we have already heard people testify in previous Sessions that they don't want to take the bottles or the cans, whatever, to their stores. It is dirty. They can't mix it with fresh foods or unsold foods, new food, so it has to stay outside. You know what happens then? Vending machines now are getting ripped off left and right, as are ATMs, so you don't want to leave those out there with money in them because they are not going to have money in them the next morning. As previously stated, you can only hold so many and then what do you do? You put in your bottle and you don't get any money back, so all in all I don't think it is going to work, Mr. Speaker."

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

Representative Auwae rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Bukoski rose to disclose a potential conflict, stating:

"Thank you, Mr. Speaker. I am a waste and recycling hauler in Hawaii," and the Chair ruled, "no conflict."

Representative Bukoski continued in support of the measure and asked that the remarks of Representative Morita be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Bukoski continued, stating:

"In strong support of this bill and I'd like to incorporate the words of the Chair of Energy Environment as if they were my own, and make some additional comments.

"I just want to state for the record, as far as some previous remarks that were made towards glass and having to ship glass off island. Currently there is a market within the State of Hawaii that can take care of all of the glass that is being produced in Hawaii. So there is a market here that will take care of recycling glass.

"There is no 'magic bullet,' no one 'magic bullet,' that would take care of all of our recycling needs. But with measures such as this, or others that the Energy and Environmental Protection Committee is working on, I think that we can do a rather good job in providing recycling for Hawaii. Thank you."

Representative Lee rose to speak in support of the measure and asked that the remarks of Representatives Thielen and Morita be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Lee continued, stating:

"I'd like to stand in strong support and I have some brief comments. The Representative from Kailua is correct in that this is not a bill for ourselves. It is really a bill for the future and for our children."

Representative Djou rose and asked that the Clerk record 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. 2266, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Gomes, McDermott, Moses and Ontai voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Morita and Hamakawa, for the Committee on Energy and Environmental Protection and the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 915-02) recommending that S.B. No. 2484, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2484, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Morita and Hamakawa, for the Committee on Energy and Environmental Protection and the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 916-02) recommending that S.B. No. 2971, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2971, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Morita and Kanoho, for the Committee on Energy and Environmental Protection and the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 917-02) recommending that S.B. No. 2900, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2900, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Kanoho and Chang, for the Committee on Water and Land Use and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 918-02) recommending that S.B. No. 2890, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2890, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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

"Mr. Speaker, we had a very heated hearing about this measure. There were 4 ayes, 10 with reservations, and 3 noes. As the bill 'limps' its way over to the CPC Committee, I hope those members will look at it very carefully.

"What it basically does Mr. Speaker, is exempt one hotel, at this point, that we know of. There may be others. But one hotel from all the City's land use laws and regulations. It singles it out. It says that on an island with over 500,000, it could have just as easily said 'makai of Kuhio Avenue,' but it didn't quite go that far. I think it is very bad policy. We have exempted it and said that, 'Okay, now you can go ahead and enter into the time share plan system, even though the City and County has other requirements for that type of thing.'

"I think it is going to be a 'can of worms' because it is also going to create a parking problem for that apartment. They are going have to go into the City for a special variance, if they can get it. Or next year, I wouldn't be surprised to see a bill come through here for a single hotel on the mauka side of Kuhio Avenue that needs to have an exemption from the City and County parking requirements. This is just wrong. We shouldn't, as a Body, do special interest legislation like this. Thank you."

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

"Yes thank you, Mr. Speaker. In opposition on the same bill. There are precious few responsibilities in the State of Hawaii, with its massively strong centralized government, that are left to the counties. One of those is zoning. And I think that it is totally improper for the Legislature to get involved a zoning issue, which should be handled by the City and County of Honolulu. Thank you."

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

"Thank you, Mr. Speaker. I just wanted to continue my no vote on this measure and give some brief comments.

"I agree with the Representative from Waikiki that this is the City and County's *kuleana*, and we should have no part in it. My objection is not so much that it is a special interest bill, because everything we deal with has special interests implication. But it really is the City and County's *kuleana*."

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Djou rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Jaffe rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Davis rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. I have some brief comments in support of 918. Both the Water and Land Use and Tourism Chairs appreciate the concerns; understandable concerns at this point.

"Mr. Speaker, we had asked the Committees to allow us to continue with the discussion on this measure. It appears to have great potential in economic development because this pertains to hotels, which are converted to apartments. Is the question of occupancy, and if this is a problem, as many suspect that it is because of 9/11, this may fill that void. But certainly we would be looking at it.

"We did speak, with the limited time that we had to work on this measure, we did speak with the Chairman of the City Council, and he recommended that we proceed with this bill, rather than proceeding with Council action. The preference was that we enact this through the statutes. But this is clearly a work in progress, and we will be considering all the concerns, and we will let further discussion determine the outcome and final disposition on this measure."

Representative Thielen rose to respond, stating:

"Mr. Speaker, just to respond to that. The Chair of the City Council was not speaking for the City Council. He did this as an individual council member on his individual letterhead. The City and County administration came in and was absolutely, overwhelmingly, in strong opposition to this, saying that this is the county's jurisdiction. Don't carve out these exemptions. You would make a farce of our whole land use scheme. I agree with the administration of the City and County of Honolulu. They don't want it. This is being shoved down their throats. Thank you."

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

"Mr. Speaker, I stand in support. I just want the members to know that this is not my bill. I think it should proceed on for further discussion, and I think the Representative from Kailua is wrong when she said that it was shoved down their throats because it is not true. They still have to go through the special permit planning process. 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. 2890, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Davis, Djou, Fox, Halford, Jaffe, Morita, Moses and Thielen voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

#### LATE INTRODUCTION

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

Representative McDermott introduced his wife, Mrs. Jacinta McDermott, and three sons, Robert, Sean and Patrick.

#### STANDING COMMITTEE REPORTS

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 919-02) recommending that S.B. No. 2045, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2045, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," passed Second

Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 920-02) recommending that S.B. No. 2139, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2139, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Auwae rose and asked that the Clerk record 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. 2139, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRESCHOOLS OPEN DOORS PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 921-02) recommending that S.B. No. 2568, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2568, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"On Standing Committee Report 921, Mr. Speaker, I am speaking in support with reservations. As a son of immigrants, I certainly support additional language access. I just question whether we need to create an entirely new Commission to further what we supposed to already do under federal law."

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

"Thank you, Mr. Speaker. I am rising in opposition to Standing Committee Report 921 and have a few comments.

"It looks like something very worthwhile that we ought to be doing, and the bill alleges that we need to, as a matter of law, take care of this, although it doesn't cite any case law, especially on page two of the bill that talks about particular practices that have severe drawbacks and are in violation of the law. It doesn't cite any law or cases that suggest this bill is needed to comply with Title VI of the Civil Rights Act of 1964. Again, it is more of a question, for me, that there are so many things that we need to be doing, that we are doing, that we are trying to fund, that we are trying to get funded. And while this may be good, and perhaps needed in some instances, it would be an additional luxury on our part, that as government, we need to kind of reevaluate these non-essential items. This may be one of them.

"In addition to providing additional funds, on page 3 of the bill, on lines 3 and 4, it says that, 'The purpose of this Act is to

provide funding to the Departments of Health and Human Services to enhance their ability to provide services.' So that suggests to me that they are already providing it. They just need a little more wherewithal to do it. So at least we are meeting some basic requirement, I suppose. If I am wrong, I would like to be corrected.

"The other thing about creating a new Commission is a nice idea, but that in itself takes on its own life and own form, and I don't think we ought to be moving down this road with more commissions and more appropriations for things that maybe, we need to just hang tight and do without, for the time being. So for those reasons, I am in opposition. Thank you."

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

"I'd like to speak in strong support of this measure. As your Chair of the Health Committee, and I think I also speak for my brother here on the right, the Chair of Human Services, what we've been hearing is that for many programs and services in the health and human services area, and in some of the other State programs as well, there is a federal requirement for language access.

"Although the Representative from Waimanalo thinks we are doing the job, I am hearing otherwise; that in many areas, we are out of compliance. We have just been fortunate to avoid some of the losses because we are not meeting the requirements.

"I think we need to learn the lesson from Felix, that once we are hit with a lawsuit and we are out of compliance, it is really difficult to get out of it. So I see this as a way of being proactive and finding ways where we can come into compliance and not invite further lawsuits where we have to be hit with a consent decree. So it may cost a little now, but it is better to pay now, than pay a whole lot later. So I hope the others can see the wisdom of this and support this measure."

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

"On Report 921, I am going to vote in opposition. I thank the Chairman of the Health Committee for his words of wisdom. Yet at the same time, I think that we have two directions of where we could go. We could either teach these people that don't speak English, how to speak English. Or try to make every single accommodation that we can so that they don't have to speak the language of this country.

"The Department of Budget and Finance opposed this measure. I am not speaking out of lack of experience. My entire family, my wife actually, came to this country not speaking English. Now she speaks better English than I do, I think. Her two brothers and her parents as well, so I know all about assimilation and the English language.

"I think it is of primary importance that we provide for these people, but in which direction are we going to provide? Are we going to provide the direction of allowing them to continue to live and work here without ever being assimilated into the culture? Or will we provide programs that will help them to learn English and to succeed and to grow? So which direction are we going to go? Are we going to allow them to stay where they are and move everybody out of the way and spend lots of money to and go in that direction? Or the other direction and say let's teach them English.

"My wife and I met in a class in college teaching English as a second language. It is not that hard. We can do it. We just



need to address it. So I don't think it is the right direction and I am going to vote no."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

"Thank you Mr. Speaker, I rise in support on Standing Committee Report 921. Mr. Speaker, the purpose of this bill is to comply with Title VI of the Civil Rights Act of 1964. To vote against this bill Mr. Speaker, although as a previous speaker had mentioned, that the Department of Budget and Finance opposed the measure, the Hawaii Civil Rights Commission, Catholic Charities, Community Immigrant Services, Na Loio, and the Inter-Agency Council of Immigrants all testified in support of this measure.

"Mr. Speaker, to vote against this bill would be voting against the very basic protections of the Civil Rights Act. To vote against this bill would say that we don't have compassion in America – in America where we accept each other's differences, religion and culture. Or do we say that we all have to be just like how the missionaries came to my forefathers, and said we have to be homogenized, and be white males. Well you know, Mr. Speaker, there is chocolate homogenized milk. So this bill talks about civil rights and this is why we passed this bill; to comply with the Title VI of the Civil Rights Act. If you are for the values of America, the very values of freedom, then you will vote for this bill. Thank you."

Representative Meyer rose in opposition to the measure and asked that the remarks of Representative Stonebraker be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Gomes rose to respond, stating:

"Thank you, Mr. Speaker. Just a quick rebuttal on Report 921 with regard to the speaker from Kalihi. He mentioned the Felix situation, and what happened there with that lawsuit. Nobody wants to be sued. The problem, in part with that is that we basically 'gave away the store' in the consent decree. The problem was on the State's side, in terms of lawyering an amenable solution to that, in addition to the lack of funding the Legislature had not implemented."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2568, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY," passed Second Reading and was referred to the Committee on Finance with Representatives Gomes, Meyer and Stonebraker voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 922-02) recommending that S.B. No. 2867, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2867, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 923-02) recommending that S.B. No. 2027, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2027, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"On Standing Committee Reports 923 and 924, I appreciate the efforts on this matter, but I think a better effort here would be limiting the general excise tax on medical services. Thank you."

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

"I am in opposition to Standing Committee Report 923. This is a special fund. How many special funds do we have now? Like, 300? I am pleased however, in the Committee, the Department of Human Services had some amendments that they came to us with, and they wanted to delete a certain paragraph, and then we adopted the amendments. But I noticed in looking at the amendments that they had made, in Section 3, paragraph (2)A, the original draft said, 'hiring five employees...' In their amendments, based and founded on a deletion of another paragraph wholly unrelated, I noticed in their amendments that they took out the word 'five.' The original said, 'hiring five employees.'

"I asked them about this on a decision making, wondering why they would delete the word 'five'? Basically what that would do is we would pass the bill based on their recommendation on another section of the bill, and at the same time underhandedly trying to remove the cap on the numbers of employees to hire. You could hire 500 employees, there is no limit according to the bill. So I mentioned that and we had a heated debate in the Committee. I am very happy to see the word 'eight' appear now, however I am still going to vote against the bill. I thought that it was a little underhanded, and I don't think that we need more than 300 special funds."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Gomes rose to a point of inquiry, stating:

"I have a question if I may pose to you, to the Chair of either Health and/or Human Services, and that is whether or not this bill relates to any way, shape, or form at all whatsoever, to the proposed Hawaii Rx Program that we have been discussing in another House bill?"

The Chair addressed Representatives Arakaki and Kahikina, stating:

"Will Representative Arakaki or Kahikina like to yield to the question?"

At 7:39 o'clock p.m., Representative Arakaki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:43 o'clock p.m.



The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2027, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Finance with Representative Stonebraker voting no, and, with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 924-02) recommending that S.B. No. 2026, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2026, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"On Standing Committee Reports 923 and 924, I appreciate the efforts on this matter, but I think a better effort here would be the limiting of the general excise tax on medical services. Thank you."

Representative Souki rose to disclose a possible conflict of interest, stating:

"I am member of the Board of Trustees of a long-term care institution," and the Chair ruled, "no conflict."

Representative Souki continued to speak in support of the measure, stating:

"I want in to speak very strongly in favor of this measure. I want to thank the Chairman very much for having the wisdom and the fortitude to pass such a bill like this out here. This is a very important bill members, and I am speaking hopefully, to the members of the Finance Committee as you will be looking at this, and you will be measuring the dollars that you have.

"This is very important because it has to do with long-term care reimbursement for a lot of the non-profit institutions that you have out there. The non-profit institutions, right now, they are going broke because the reimbursements are too low. If they do go broke, then the State will have to pick up the burden, and you know what a problem we have and what a dismal financial condition we are in. So I think that it is a good investment. Raise this reimbursement limit so you can keep the private non-profit long-term care institutions afloat. Thank you."

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2026, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASED MEDICAID REIMBURSEMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 925-02) recommending that S.B. No. 2140, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2140, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 926-02) recommending that S.B. No. 2039, 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 M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2039, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 927-02) recommending that S.B. No. 2498, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2498, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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

"On Report 927, I'd like to register a no vote please. This is creating three classifications of social workers. As I understand right now, you need a master's degree to be a social worker. This would say that you could be social worker with a bachelor's degree. I think we will flood the market with social workers. I am very concerned about that so I am going to vote no. Thank you."

Representative Moses rose and asked that the Clerk record 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. 2498, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representative Stonebraker voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 928-02) recommending that S.B. No. 2416, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2416, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I originally opposed this bill when it was in its House form. Now it has been amended and I am happy to see the most erroneous and objectionable portion of why I voted against it, the tax division, has been removed. Nevertheless, I am still going to continue to vote no because I am very concerned that there still is a provision in here to increase taxes. If this bill were changed so that it is revenue neutral, my no vote will be changing into an aye. Thank you."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair "so ordered."

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

"I have some brief comments and hopefully we won't have to make full comments on the Third Reading. Standing Committee Report 928 is the long-term care measure and we had a lengthy hearing with much testimony. I am concerned about the military and transient people that come to the State. One of Senator Hogue's office personnel is in the military, and his wife is in the military. He would never be able to participate, and I believe there are thousands of people like that, who will work in this State and have to pay this. You can receive benefits, if it goes through, after three years. But the amount of benefits you could receive after three years will be \$21. That is \$21 a day, maximum, for 365 days. Unfortunately, if you needed that at the maximum amount 10 years later or so, you could never get it because you lose those days.

"I also have a question: what if you pay in for 10 years and you receive all the benefits, and you are 35 years old? Will you pay into that for the rest of your life? You will never be able to participate again. I am not sure if we have that answer. What we are going to create here is a Hawaii Social Security program. It is going to be a huge fund of over a billion dollars most likely, before we start paying out. The percentage increase that has been proposed would mean a gigantic debt.

"The \$10 in the beginning isn't too bad. With \$10 a month, people think that if it is for the long-term, we need to care for our elderly. Granted that is true, but let's also think about our *keiki*. My children, my two little girls, last year this month I had my second one and we'll be celebrating her birthday. I will know how to mark the Sessions every year from now on. I will remember my second daughter's birthday. When she is 50 years old, this payment will be a \$142 a month. That is \$1,700 a year. When she is 75, it is going to be \$400 a month. That is \$5,000 a year. I refuse to place that burden on my children and I don't think we should 'piggyback' this on our children and their hard earned money. So I can't support this."

Representative Jaffe rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Auwae rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote with reservations for her and the Chair, "so ordered."

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

"Mr. Speaker, the problem of financing long-term care is a national problem. It is receiving attention throughout the U.S. and like with other issues we deal with in this Legislature, we often seem to be unconscious of the fact that these discussions are going on elsewhere in the country. What is happening throughout many other states is a strong concern on the part of state governments, with the tremendous cost of Medicaid long-term care that is being borne by the states. These governors and legislators are pressing the national government to pick up these costs under Medicare. Two-thirds of the elderly under Medicare also qualify for Medicaid. So this is a common group. The same group of people are being dealt with by both Medicare and Medicaid. The point being made by these governors and legislators is that these costs should be picked up by the federal government. In Hawaii, if the cost of long-term were picked up by the federal government it would free the State of a \$155 million a year in Medicaid long-term care costs.

"What is happening in Hawaii today is that we are going in exactly the opposite direction of the rest of the country. The rest of the country is trying to get the federal government to pick up a hundred percent of the cost of the Medicaid population on long-term care. Hawaii is embarked on a path of establishing our own long-term care program 100% financed by the taxpayers of Hawaii. This is absolutely the wrong way to go.

"To drive home the point of how wrong this is, if we were to adopt our own program, we would become the 'poster child' for President Bush. He would point to the State of Hawaii and draw the attention of the rest of the country to the State of Hawaii to every governor in every other state that is asking the federal government to pick up the cost of long-term care currently financed under Medicaid. He will say to them, 'Look, why don't you do what Hawaii does? Why don't you pay for the whole thing yourself? Don't bother me. Don't come to the federal government for this money. You pay it all yourself.' We would become his number one example of how states can bear the entire cost on their own. I don't think that is that way we want to go. We don't want to be pioneers in this direction. I am very concerned that this program is being done without reference to what is going on in the rest of the country, which is to try to get the federal government to pick up these cost. Thank you."

Representative Lee rose to speak in support of the measure and asked that her remarks be inserted in the Journal and the Chair "so ordered,"

Representative Lee continued, stating:

"Briefly in favor of the measure, and in strong support.

"This concept offers hope, and we haven't had a lot of hope about long-term care in many years. We have been talking about it for 15 years and finally we have a beginning. This program has an intergenerational approach where young people and older people help one another for the common good. That sounds a lot like what our State is about. It is a program that when implemented would have a lot flexibility and really be consumer driven.

"You know critics have called this CarePlus Program a cruel hoax upon the elderly. What really is a cruel hoax is the false hope that the federal government is on the brink of doing something for long-term care. Don't hold your breath. On the contrary, the federal government has been working hard to decrease reimbursement to the State for both Medicare and Medicaid, and continues to do so. That is why we are trying our hardest to get more money for our hospitals. The remainder of my remarks I would like to submit into the Journal."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I speak in favor of the measure. This concept offers hope. One testifier stated at the Thursday hearing, 'We have a beginning here.'

"This program with its intergenerational approach of young people and older people helping one another for the common good sounds a lot like what our State is about. The program has great flexibility and would also be consumer driven.

"Critics have called CarePlus a cruel hoax upon the elderly. What really is a cruel hoax is the false hope being generated that the Federal government is on the brink of doing something for long term care. On the contrary, the federal government has been working hard to decrease reimbursement to the states for both Medicare and Medicaid and continues to do so.

"What of tax credits? Hawaii already has a tax deduction for the purchase of private long term care insurance as a health benefit. Unfortunately, it has not been the incentive hoped for. People who qualify for LTC must be healthy and therefore do not spend 7.5% of their income on out of pocket health costs. The tax credit is of little help to the moderate-income person—the person CarePlus is designed to help most. Unfortunately, people across the U.S. are not buying LTC insurance in great numbers. There are many reasons:

- a. Some falsely believe Medicare or Medicaid will take care of their needs.
- b. Some feel they can depend on their families.
- c. Some try to purchase insurance and are turned down due to pre-existing health conditions.
- d. Others simply cannot afford it. A comprehensive policy with an inflation rider for a healthy 55 year old can cost upwards of \$2,300 a year.

"I am well aware that CarePlus is a minimal policy - but private insurance can play a role in this. This is an opportunity for the industry to develop a cheaper supplement policy as they did when Medicare was introduced. Since CarePlus would be the first payer, it would save the industry much and they could afford to lower rates.

"Please remember that when you talk about this being a tax increase and oppose it, you are in reality endorsing everyone's tax burden through Medicaid.

"We can't continue to deny that a problem exists. We must forge ahead to make this progressive idea a reality. Thank you Mr. Speaker."

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

"Yes Mr. Speaker. I wish to speak in favor of Report 928.

"First of all, I want to congratulate the Chairman and members of the Committee for passing this very innovative bill, and of course to the Governor's wife. I don't know how far this bill will go. If anything, I think what this bill provides is that it shows the need for some kind of long-term care help. It may not pass members, but we do have a problem and the federal government is not going to be friendly to us, as a previous speaker has stated. It is up to the State to provide for its own.

"I think this all goes back the Jeffersonian method of government, where the state is to provide for their own rather than to rely on the federal government. In fact, I am rather surprised at the Representative from Waikiki that he would have said as such. Perhaps, maybe, he is a Democrat at heart, Mr. Speaker. Anyway, thank you very much."

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

"Thank you, Mr. Speaker. I rise in support with reservations.

"Briefly Mr. Speaker, I opposed the initial bill as it went through, with great regret, with my primary focus being the tax on the business relationship, as well as the fact that it would impose an additional level of taxation over and above current levels, without really offsetting that tax level.

"If I understand this specific bill that is before us right now, it does not bind us to any program. This bill sets up a mechanism by which this conversation will be continued, but will require further legislative and executive action to actually implement. I have no objections to that; I think we need to continue that discussion. If I am incorrect in that assumption, I would like to know it, because I would have to vote against the bill at this point.

"The other thing that I think the bill is doing, in terms of moving in the right direction, is that it is talking honestly about a tax. Still a tax, but not necessarily on the employer employee relationship.

"I do like the Minority Floor Leader's comments that any such tax should be revenue neutral. So, in other words, if we are in fact going to move in the direction of imposing a \$10 income tax, we should provide that it be offset in some other aspect so that the net tax level on any individual citizen is what it is today, if not lower.

"I think at that point what we are really saying is that we are prioritizing the creation of a long-term care program over other aspects of State government, and that we are entitled to do. Let's be honest about it, as opposed to just adding one more tax. Thank you."

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

"Regarding the long-term care, I am in very strong support, but I wouldn't be honest if I didn't say that I am still a little disappointed because this bill sort of represents, 'punting on third down.' I was hoping that we would have expressed a little more commitment towards solving this problem during this Session, but I guess because of the financial situation and the budget, and many other issues, the economy, perhaps it may be wise to 'punt on third down.'

"In terms of the federal government, as far as the Minority Floor Leader's comments. One of the main reasons we've taken this approach, is the basic gap in services and the population that we're targeting with this approach and this bill, is that fact that 70% of those who are frail, disabled, are being cared for at home, and they are being cared for out-of-pocket. The ones who are being cared for in institutions, they are being paid for by federal funds, or maybe even long-term care insurance. The fact is that many of our families are suffering because they want to provide for care at home.

"There is no mechanism for funding that except for out-of-pocket. The only way you can qualify is that you have to keep spending and spending until you become impoverished. Then you can qualify for federal funds or federal assistance. But we

don't want our families to get into that situation. We want to keep our families, our loved ones, in the home, and in the care of their loved ones. And, if not, in the community. That is what this gap funding is for.

"People say \$70 is not enough if you have to go into a nursing home. That was not what it was meant for. This is meant to be a supportive financing mechanism for people, for families, all our families. We want our loved ones to stay at home, and our loved ones want to stay at home. Just ask your parents, ask your aunts and uncles. They want to stay home for as long as possible, but they don't want to be a burden. This is what this is intended for. The \$70 is so that the family member can have that option of hiring a next-door neighbor or a friend to care for them at home, for any activities of daily living. It is not Social Security. It is not a nursing home program. It is to help families where they're at, and where the help is needed the most.

"Statistics show that we can keep members at home if we provide the support services. If we don't, then what happens is family members have to take it out-of-pocket. Not only that, it creates stress. If you are ever in this situation, like I am, you know you have to figure out who is going to care for grandma tonight. Who is going to keep grandma company. That is always a problem. So this is meant to help where the 'rubber meets the road.'

"And if we are going to depend on the federal government, we are going to be waiting a long time. Because I think our President is a straight state's rights advocate. He rather provide assistance to the states, so I would ask our Minority, since we do have a Republican President, to perhaps appeal to him to look at how we can provide more in-home care, more community based care, so that we don't have to put our loved ones in institutions or have to impoverish themselves before they can qualify and be eligible for that type of assistance.

"The other thing is we are postponing this for one year. I hope that all the critics, all the ones that have been attacking the tax or whatever program, come forward. If you are not willing to be part of the solution, then you've become part of the problem. And I hope that everybody here wants to be part of the solution, because every one is invested in finding a solution to long-term care. It is not enough to say, 'Yes, I know it is a problem,' and then just criticize everything that comes up. Criticize yes, but come up with alternatives. Look first at what our families need before you provide that solution."

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

"Thank you, Mr. Speaker. I will be brief. I realize that it is only Second Reading. I was challenged by the comments earlier that this is an innovative program, and for those who have other ideas to come forward.

"As a reminder, the Chair of Health will certainly recall that I was on the Long-Term Care Committee a number of years ago. When the private sector came forward, they clearly pointed out that they have a better program, better insurance than the State is proposing, which is similar to what we are looking at right now, at a cheaper cost. The only problem is that they need a tax credit for people to afford to buy it. Because when you are young and healthy, people don't want to buy long-term care. They are not thinking about it. That has been a proposal that has been on the table forever, and it hasn't even got one-tenth of the support that this new innovated plan has gotten.

"Actually, I don't find it all that innovative because we are going back to our same old thing of just tax or increase a fee to create a government program to do something that we want to

do. I don't find it innovative in the least. In fact, in Report 929, we are taking a page from Hillary Clinton. It is not innovative at all. That is basically what we are trying to do there, create a state health insurance. So not only long-term care, but Report 929 moves us toward the State becoming the health insurer of everyone in the State of Hawaii. Pay for it whether you like it or not based on your income. Like it, or lump it. That is just too bad.

"If you are going to live in Hawaii, we are going to take your money and force you to buy State insurance. We are going in the wrong direction if we want to encourage business and encourage our economy to move forward, when every step we take is more control, more taxes, more fees. We are just going in the wrong direction, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am in opposition to 928 and 929. And that is how you do vote in opposition to these measures. You just say it.

"On Standing Committee Report 928, long-term care, I disagree with several of the speakers on this earlier. One said that the federal government should do it, the other one said the state government should do it. I think neither should do it. I think the individual should do it. That goes back to the very previous speaker, who said to give the people some tax incentives and maybe they can buy their own insurance. I think that is the way this thing should be handled. Not relying on anybody else to help you. There will be some cases where the State needs to get involved, but that should not be the majority of cases. With those comments Mr. Speaker, I am sorry it is past 8:00."

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

"The opposition has been well- stated, and the alternatives have been well-stated. The other concern that I have is that this Body, and this Legislature have been discussing what to do with the Hawaii Hurricane Relief Fund and whether to raid it or not raid it, however you want to describe it. And my concern is that I think this is seen as another fund that we will create that would be equally exposed to raids, borrowing, what have you, down the line. I think that treads entirely on the credibility of a proposal like this. Because people see it for what it is. At least some people see it as a 'piggybank' for future payments of future government operations. I think that this Body has created its own credibility problem in trying to sell a program like this. In addition to the other concerns that were raised, that is my opposition."

Representative Leong rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative McDermott rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative McDermott submitted the following written remarks:

**"PONTIFICAL COUNCIL FOR THE LAITY**  
**Documents**  
*The Dignity of Older People*  
*and their Mission*  
*in the Church and in the World*

**INTRODUCTION**

Scientific advances and the consequent progress of medicine have made a decisive contribution in recent decades to prolonging the average duration of human life. The term “third age” now embraces a large segment of the world’s population: people who have retired from active employment, yet who still have great inner resources and are still able to contribute to the common good. To this huge throng of “young old” (as they are called by the new categories of old age defined by demographers, i.e. those aged between 65 and 70) is added a so-called fourth age, that of the “oldest old” (those over 75), whose ranks are likewise destined to become ever more numerous. (1)

The prolongation of average life expectancy, and the sometimes dramatic decrease in the birth rate, have given rise to an unprecedented demographic transition: the age pyramid that existed less than half a century ago has literally been turned upside down. The number of older people is constantly increasing, while that of the young is constantly decreasing. (2) Starting out from the countries of the northern hemisphere in the 1960s, the phenomenon has now spread to those of the southern hemisphere, where the ageing process is even more rapid.

This kind of “silent revolution” goes far beyond the demographic data: it poses social, economic, cultural, psychological and spiritual problems of a magnitude which has for some time been a matter of concern to the international Community. An *International Plan of Action on Ageing* was formulated at the World Assembly on Ageing held by the United Nations in Vienna, Austria, from 26 July to 6 August 1982, and remains to this day an international point of reference. More recent studies have led to the definition of eighteen *United Nations Principles for Older Persons* (grouped under five headings: independence, participation, care, self-fulfilment and dignity) (3) and to the decision to dedicate an annual World Day to older people, to be celebrated on 1st October each year.

The United Nations resolution, declaring 1999 the *International Year of Older Persons*, and the choice of its theme “Towards a Society for All Ages”, are a further confirmation of this interest. As Kofi Annan, UN Secretary General, declared in his message for the 1998 World Day of Older Persons, “a society for all ages is a society which, far from caricaturing older people as retired and infirm, considers them on the contrary as agents and beneficiaries of development”. A society for all ages is, therefore, a multigenerational society committed to creating the conditions of life able to fulfil the great potential that older people still have.

The Holy See supports the creation of such a society: she applauds the objective of laying the foundations of a social organisation inspired by solidarity, in which each generation may make its own contribution in unison with the others. She wishes, therefore, to contribute to the International Year of Older Persons by making the voice of the Church heard both in the field of reflection and in that of programmes of action.

Inspired by a conviction that older people still have a lot to say and a lot to give to the life of society, the Holy See calls for their dignity and fundamental rights to be respected, and hopes that the question may be tackled with a great sense of responsibility by everyone: by individuals, families, associations, governments and international organisations, each according to its own competencies and duties and in conformity with the very important principle of *subsidiarity*. Only in this way can older people be enabled to enjoy ever more human living conditions and play their indispensable role in a society undergoing a rapid and continuous process of economic and cultural change. Only in this way, moreover, can concerted action be taken to exert influence on the social, economic and

educational systems in such a way as to provide all citizens, without discrimination, with the necessary resources to satisfy old and new needs, to ensure the effective protection of rights, and to restore grounds for trust and hope and a sense of belonging to all those excluded from active participation in the human community.

The Church’s attention and commitment to older people are nothing new. She has directed her mission and pastoral care to older people in the most varied circumstances over the centuries. Christian “*caritas*” has embraced their needs; it has given rise to the most varied forms of apostolate at the service of older people, especially thanks to the initiative and concern of religious congregations and lay associations. The Church’s teaching, far from considering the question as a mere problem of assistance and charity, has always reaffirmed the primary importance of recognising and fostering the intrinsic value of persons of all ages. She has continued to remind everyone of the need to ensure that the human and spiritual riches, the reserves of experience and wisdom accumulated in the course of entire lives, be not lost. In confirmation of this, Pope John Paul II, addressing about 8,000 older people received in audience on 23 March 1984, said: “Do not be surprised by the temptation of interior solitude. Notwithstanding the complexity of your problems [...], and the forces which gradually wear you down, and despite the inadequacies of social organizations, the delays of official legislation and a selfish society’s failure to understand, you are not and must not consider yourselves to be on the margins of the life of the Church, passive elements in a world in excessive motion, but active subjects of a period in human existence which is rich in spirituality and humanity. You still have a mission to fulfil and a contribution to make”. (4)

However, it has to be recognised that the current situation is unprecedented in many respects. It urges the Church to revise her approach to the pastoral care of older people in the third and fourth ages. New forms and methods, more consonant with the needs and spiritual aspirations of older people, need to be sought; new pastoral plans rooted in the defence of life, of its meaning and destiny, need to be formulated. These are essential conditions for encouraging older people to make their own contribution to the mission of the Church and helping them to derive particular spiritual enrichment from their active participation in the life of the ecclesial community.

This, broadly speaking, is the context in which the present document of the Pontifical Council for the Laity is placed. It was drawn up with the contribution of a working group consisting of representatives of the Holy See’s Secretariat of State and various offices of the Roman Curia, as well as exponents of various ecclesial organizations (movements, associations, religious congregations) with lengthy experience in the world of older people. By placing this document at the disposal of Episcopal Conferences, bishops and priests, men and women religious, lay movements and associations, young people, adults and older people themselves, the Pontifical Council for the Laity—designated the “focal point” of the co-ordination of the Holy See’s activities for the International Year of Older Persons—hopes that it may help to stimulate reflection and commitment by everyone.

## I

### MEANING AND VALUE OF OLD AGE

People today live longer and enjoy better health than in the past. They are also able to cultivate interests made possible by higher levels of education. No longer is old age synonymous with dependence on others or a diminished quality of life. But all this seems not enough to dislodge a negative image of old age or encourage a positive acceptance of a period of life in which many of our contemporaries see nothing but an unavoidable and burdensome decline.

The perception of old age as a period of decline, in which human and social inadequacy is taken for granted, is in fact very widespread today. But this is a stereotype. It does not take account of a condition that is in practice far more diversified, because older people are not a homogeneous human group and old age is experienced in very different ways. There are those older people who are capable of grasping the significance that old age has in the context of human existence, and who confront it not only with serenity and dignity, but as a time of life which offers them new opportunities for growth and commitment. But there are others—more numerous in our own day—to whom old age is a traumatic experience, and who react to their own ageing with attitudes ranging from passive resignation to rebellion, rejection and despair. They are persons who become locked into themselves and self-marginalized, thus accelerating the process of their own physical and mental deterioration.

It may thus be affirmed that the aspects of the third and fourth ages are as manifold and varied as older people themselves, and that each of us prepares for old age, and the way we experience it, in the course of our own life. In this sense, old age grows with us. And the quality of our old age will especially depend on our capacity to grasp its meaning and appreciate its value both at the purely human level and at the level of faith. We therefore need to situate old age in the context of a precise providential scheme of God who is love. We need to accept it as a stage in the journey by which Christ leads us to the Father's house (cf. *Jn* 14:2). Only in the light of the faith, strengthened by the hope which does not deceive (cf. *Rom* 5:5), shall we be able to accept old age in a truly Christian way both as a gift and a task. That is the secret of the youthfulness of spirit, which we can continue to cultivate in spite of the passing of years. Linda, a woman who lived to the age of 106, left us a magnificent testimony of this. On her 101st birthday, she confided to a friend: "I'm now 101 years old, but I'm strong, you know. Physically I have some disabilities, but spiritually there is nothing I can't do. I don't let physical impediments stand in the way, I pay no attention to them. I don't suffer old age, because I ignore it: it goes ahead on its own, but I pay no heed to it. The only way to live well in old age is to live it in God".

To correct the current, largely negative image of old age is therefore a cultural and educational task which ought to involve all generations. We have a responsibility towards older people today: we need to help them to grasp the sense of their age, to appreciate its resources, and to overcome the temptation to reject it, and so succumb to self-isolation, resignation and a feeling of uselessness and despair. We also have a responsibility towards future generations: that of preparing a human, social and spiritual context in which each person may live this period of life with dignity and fullness.

In his message to the UN's World Assembly on Ageing, Pope John Paul II affirmed: "Life is a gift of God to man who is created out of love in the image and likeness of God. This understanding of the sacred dignity of the human person leads to the appreciation of every stage of life. It is a question of consistency and justice. It is impossible to truly value the life of an older person if the life of a child is not valued from the moment of its conception. No one knows where we might arrive, if life is no longer respected as something inalienable and sacred". (5)

The multigenerational society we aspire to shall only become an enduring reality if it be based on respect for life in all its phases. The presence of so many older persons in the modern world needs to be recognised as a gift, a new human and spiritual potential for enrichment. It is a sign of the times which, if fully accepted and understood, may help contemporary men and women to rediscover the fundamental meaning of life, which far transcends the purely contingent

meanings attributed to it by market forces, by the State and by the prevailing mentality.

The contribution that older people, by their experience, can make to the process of making our society and culture more human is particularly valuable. It needs to be encouraged by fostering what might be termed the *charisms proper to old age*, namely:

*Disinterestedness.* The prevailing culture of our time measures the value of our actions according to criteria of efficiency and material success, which ignore the dimension of disinterestedness: of giving something, or giving ourselves, without any thought of a return. Older people, who have time on their hands, may recall the attention of an over-busy society to the need to break down the barriers of an indifference that debases, discourages and stifles altruistic impulses.

*Memory.* The younger generations are losing a sense of history and consequently the sense of their own identity. A society that minimises the sense of history fails in its responsibility to educate young people. A society that ignores the past more easily runs the risk of repeating its errors. The loss of an historical sense is also attributable to a system of life that has marginalized and isolated older people, and that hampers dialogue between the generations.

*Experience.* Today we live in a world in which the responses of science and technology seem to have supplanted the value of the experience accumulated by older people in the course of their whole lives. This kind of cultural barrier should not discourage people of the third and fourth ages, since they still have a lot to say to the young generations and to share with them.

*Interdependence.* No man is an island. But growing individualism and self-seeking are obscuring this truth. Older people, in their search for companionship, challenge a society in which the weaker are often abandoned; they draw attention to the social nature of man and to the need to repair the fabric of interpersonal and social relationships.

*A more complete vision of life.* Our life is dominated by haste, by agitation, and frequently by neurosis. It is a distracted life, a life in which the fundamental questions about the vocation, dignity and destiny of man are forgotten. The third age is also the age of simplicity and contemplation. The affective, moral and religious values embodied by older people are an indispensable resource for fostering the harmony of society, of the family and of the individual. These values include a sense of responsibility, faith in God, friendship, disinterest in power, prudence, patience, wisdom, and a deep inner conviction of the need to respect the creation and foster peace. Older people understand the superiority of "being" over "having". Human societies would be better if they learnt to benefit from the charisms of old age.

## II THE OLDER PERSON IN THE BIBLE

To grasp in full the sense and value of old age we need to open the Bible. Only the light of the Word of God, in fact, enables us fully to fathom the spiritual, moral and theological dimension of this stage of life. The following biblical passages are presented with the aim of prompting a reconsideration of the meaning of the third and fourth ages. They are accompanied with observations and reflections on the challenges that older people face in contemporary society.

*You will honour the person of the aged (Lev 19:32)*

In the Scriptures respect for older people is transformed into a law, a commandment: "You will stand up in the presence of grey hairs [...] and fear your God" (*ibid.*). And again: "Honour



your father and your mother" (*Deut* 5:16). A heartfelt exhortation in favour of parents, especially in their old age, is found in the third chapter of the Book of *Sirach* (3:16), which concludes with an affirmation of particular gravity: "Whoever deserts a father is no better than a blasphemer, and whoever distresses a mother is accused of the Lord". We must strive to counter the widespread contemporary tendency to ignore and marginalize older people. We need to "educate" the new generations not to abandon them; young people, adults and older people have a need for each other.

*Our ancestors have told us, of the deeds you did in their days, in days of old, by your hand (Ps 44:2)*

The lives of the patriarchs are particularly eloquent in this regard. When Moses had the experience of the burning bush, God appeared to him as follows: "I am the God of your ancestors, the God of Abraham, the God of Isaac and the God of Jacob" (*Ex* 3:6). God links his own name with the great patriarchs, who represent the legitimacy and guarantee of the faith of Israel. In the Old Testament, the son, the young person, always encounters—indeed we might almost say "receives"—God from his fathers, from his elders. In the above-cited passage, the recurrent expression "the God of..." denotes that each of the patriarchs had his own personal experience of God. And this experience, which was the legacy of the patriarchs, was also the reason for their youthfulness of spirit and their serenity in the face of death. Paradoxically, it is older people who define the present by transmitting to others what they have received: in a world that extols a condition of eternal youthfulness, shorn of memory or future, this fact cannot but give us pause for thought.

*In old age they will still bear fruit (Ps 92:14)*

The power of God can be revealed in old age, even if it is characterized by physical impediments and difficulties. "God chose those who by human standards are fools to shame the wise; he chose those who by human standards are weak to shame the strong, those who by human standards are common and contemptible—indeed those who count for nothing—to reduce to nothing all those that do count for something, so that no human being might feel boastful before God" (*1 Cor* 1:27-29). God's plan of salvation is also fulfilled in the fragility of bodies that are weak, barren, impotent and no longer young. It was from Sarah's barren womb and Abraham's centenarian body that the Chosen People was born (cf. *Rom* 4:18-20). And, similarly, it was from Elizabeth's barren womb and the elderly Zechariah that John the Baptist, the precursor of Christ, was born (cf. *Lk* 1:5-25). Older people, even when their lives take on the semblance of weakness, may, with good reason, consider themselves instruments of the history of salvation: "I shall satisfy him with long life, and grant him to see my salvation" (*Ps* 91:16), promises the Lord.

*Remember your Creator while you are still young, before the bad days come, before the years come which, you will say, give you no pleasure (Eccles 12:1)*

This biblical approach to old age is striking for its disarming objectivity. Moreover, as the Psalmist recalls, our lives are over in a breath, nor is it always gentle and painless: "The span of our life is seventy years, eighty for those who are strong, but their whole extent is anxiety and trouble, they are over in a moment, and we are gone" (*Ps* 90:10). The words of Qoheleth in *Ecclesiastes*—providing a lengthy description of physical decline and death in symbolical images—paint a sombre picture of old age. Holy Scripture reminds us here not to harbour any illusions about a period of life that involves hardships, tribulations and sufferings. And it reminds us to look to God throughout our whole life, since he is the goal to which our human pilgrimage is always directed, and especially so in

the moment of fear which seizes us when old age is experienced as an ordeal.

*Abraham breathed his last, dying in a happy ripe age, old and full of years, and he was gathered to his people (Gen 25:8)*

This biblical passage is of particular relevance for our times. The contemporary world has lost sight of the truth about the meaning and value of human life—which God impressed on the conscience of man ever since the creation—and with it the full significance of old age and death. Today, death has lost its sacred character, its sense of fulfilment. It has become taboo. Every effort is made to sweep it under the carpet, to make sure that it does not disturb. Even its setting has changed: it is no longer at home that most people die: older people in particular, increasingly separated from their own human community, ever more frequently die in hospitals or in institutions. Mourning rites and many forms of piety towards the dead are becoming increasingly rare, especially in the cities. Numbled by the daily images of death presented by the media, people today do everything in their power to avoid coming to terms with a reality which causes them only distress, anxiety and fear. It is inevitable therefore that, as their own death approaches, they are often alone. But the Son of God, who became man, reversed the significance of death: he flung open the doors of hope to those who believe in him: "I am the resurrection. Anyone who believes in me, even though that person dies will live, and whoever lives and believes in me will never die" (*Jn* 11:25-26). In the light of these words, death—no longer a condemnation, no longer a meaningless epilogue of life signifying nothing—is revealed as a time of hope: the true and certain hope of coming face to face with the Lord.

*Teach us to count up the days that are ours, and we shall come to the heart of wisdom (Ps 90:12)*

According to the Bible, one of the "charisms of longevity" is wisdom. But wisdom is no automatic prerogative of old age. It is a gift of God, which older people must accept and set as their goal. Only in pursuit of that goal can they attain the wisdom of heart that enables them to "count how few days [they] have", that is, to live the time that Providence grants to each one of us with a sense of responsibility. The essence of this wisdom is the discovery of the profound meaning of human life and of the transcendent destiny of the person in God. And if this is important for the young, how much more so is it for older people, who are called to direct their lives without losing sight of the "one thing that is necessary" (cf. *Lk* 10:42).

*In you, Yahweh, I take refuge, I shall never be put to shame (Ps 71:1)*

This psalm, striking for its beauty, is only one of the many prayers of older people that we find in the Bible and that testify to the religious feelings felt by the soul in the presence of the Lord. Prayer is the principal means for a spiritual understanding of life proper to older people. Prayer is a service. It is a ministry that older people may perform for the good of the whole Church and the world. Even the most infirm and handicapped of them can pray. Prayer is their strength, it is their life. Through prayer they can break down the walls of isolation, emerge from their condition of helplessness, and share in the joys and sorrows of others. Prayer is of central importance. It also touches on the question how an older person can become contemplative in spirit. An older person, confined to bed and reduced to the end of his or her physical strength, can, by praying, become like a monk, a hermit. And through prayer he or she can embrace the whole world. It seems impossible that a person, who has always lived an active life, can become contemplative. Yet there are moments in life when a frame of mind receptive to contemplation is developed that can benefit the whole of the human community. And prayer is the means *par excellence* to this end, because "there is no

renewal, not even social, which does not begin from contemplation. The encounter with God in prayer introduces into the course of history a power [...] which touches hearts, leads them to conversion and renewal, and so becomes a powerful historical force transforming social structures". (6)

### III

#### OLDER PEOPLE'S PROBLEMS ARE THE PROBLEMS OF US ALL

##### *Marginalization*

Of the various problems that commonly afflict older people today, one—perhaps more than any other—injures the dignity of the person: *marginalization*. The development of this problem, a relatively recent one, has found a fertile breeding ground in a society that cultivates nothing but material success and the glossy image of perennial youth, to the virtual exclusion of those who no longer possess these requisites.

The factors that conspire to consign many older people to the fringes of the human community and civil life are many: evasion of responsibility at the institutional level and consequent social inadequacies; poverty or a drastic reduction of income and of the necessary financial resources to secure a decent standard of living and appropriate levels of care; and the progressive removal of older people from their own family and social environment.

The most painful dimension of this marginalization, however, is the lack of human relations. Older people suffer not only by being deprived of human contact, but also from abandonment, loneliness and isolation. And as their interpersonal and social contacts are diminished, so their lives are correspondingly impoverished; they are deprived of the intellectual and cultural stimulus and enrichment they need. Older people experience a sense of impotence at being unable to change their own situation, due to their inability to participate in the decision-making processes that concern them both as persons and as citizens. The net result is that they lose any sense of belonging to the community of which they are members.

The problem concerns everyone. It concerns the whole of society. And it is society, at its various institutional levels, that needs to intervene to ensure effective protection, including juridical protection, for that not negligible part of the population that lives in a situation of extreme social, economic and cultural deprivation.

##### *Assistance*

Still today—indeed increasingly so—recourse is had to the system of *institutional care* to assist and treat older people who are infirm, no longer self-sufficient, without any family to look after them, and without adequate financial resources to look after themselves. The confinement of older people in such institutional structures may translate itself into a kind of segregation from society. Some social and welfare policies and the institutions to which they gave rise, however understandable in the light of the different social and cultural context of the past, have now been rendered obsolete and in conflict with a new human consciousness. A society, aware of its responsibilities towards the older generations who have helped to make it what it is, must strive to create institutions and services adapted to their real needs. Wherever feasible, older people should be given the chance to remain within their own environment by means of such forms of support as home-help, day-care, day-centres, etc.

In this context, a mention of retirement homes is not out of place. By the very fact that they provide accommodation to older persons who have been forced to abandon their own homes, such residential structures are being increasingly urged to respect the autonomy and the personality of each individual, to give each of them the chance to pursue activities linked to his or her own interests, to provide all the forms of care and

treatment required by old age, and to give to the accommodation they provide an atmosphere as close to that of the family as possible.

##### *Education and employment*

The mentality of our time tends to reinforce the close link between education and professional activity. That is the reason for the lack of educational programmes for older people. In an age in which ongoing training and reskilling are an essential prerequisite for being able to keep pace with the rapid progress of technological development and derive material benefits from it, older people—whose level of education is no longer geared to the labour market—are excluded from policies of continuing education. This exclusion ignores their growing needs and aspirations in this field.

Separation from the world of work and from everything related to it occurs today in an over-brusque and inflexible manner. Only rarely does it coincide with the needs, opportunities and preferred choices of the older people concerned. Many older people seek in vain a form of employment; they frequently do so to compensate for inadequate or non-existent pensions. This need for financial security must be satisfied: older people must be given the chance to do something. They must be enabled to express their own creativity and to develop the spiritual dimension of their lives.

That compulsory retirement can trigger off a process of premature ageing now seems demonstrated. Conversely, the pursuit of some form of employment beyond retirement age would have a beneficial effect on the quality of life of older people. The spare time that they have on their hands is therefore the first resource that needs to be addressed. An active role needs to be restored to them. Their access to the new technologies, and employment in socially useful forms of work, need to be promoted; and opportunities of engaging in forms of volunteer work and services of benefit to the community, opened up to them.

##### *Participation*

It is an established fact that older people, if they are given the opportunity, do participate actively in the life of the community, both at the civil and at the cultural and associational levels. This is confirmed by the numerous positions of responsibility held by older persons, for example in the field of the volunteer services, and by their far from negligible political influence. Steps must be taken to correct the lack of representation of older people, and to remove the prejudices and misconceptions that have damaged their image in our time.

Older people must be enabled to influence the policies that concern their life, but also those that concern society in general. They must be helped to do so through specific organizations, and through appropriate forms of political and trade-union representation. The creation of associations for older people must therefore be encouraged, and those already existing be supported. Such associations, as John Paul II has stressed, "must be recognised by the authorities in society as a legitimate expression of the voice of older people, and especially of those older people who are most dispossessed". (7)

To stem the culture of indifference, rampant individualism, competitiveness and utilitarianism which are now threatening all areas of society, and to remove any form of segregation between the generations, a new mentality, a new attitude, a new mode of being, a new culture need to be developed. A form of prosperity and of social justice needs to be pursued that is compatible with the objective of defending the centrality of the human person and his dignity.

### IV

#### THE CHURCH AND OLDER PEOPLE

“The life of older people [...] helps to cast light on the scale of human values; to reveal the continuity of the generations and wonderfully to demonstrate the interdependence of the People of God”. (8) It is notably in the Church that this interdependence is expressed: it is there that the various generations are called to share in the plan of God’s love by reciprocally exchanging the gifts with which each person is enriched by grace of the Holy Spirit. To this exchange of gifts older people bring religious and moral values that represent a rich spiritual endowment for the life of Christian communities, families and the world.

Religious practice occupies a key place in the life of older persons. The third age seems particularly conducive to transcendental values. Confirmation of this is given, among other things, by the frequent and numerous participation of older people in liturgical celebrations, by the unexpected return of many of them to the Church after long years of absence, and by the important role played by prayer in their lives. Prayer represents in fact an inestimable contribution to the spiritual resources of devotion and sacrifice, from which the Church copiously draws and which need to be fostered both within Christian communities and within families.

Often lived in a simple way, but not for that reason any less profound, the religious faith of older people of both sexes is highly diversified; this is also determined by the relative strength of their faith in their earlier life.

At times, it is distinguished by a kind of fatalism: in such cases, suffering, disabilities, illnesses, the losses inseparable from this phase of life, are regarded, if not as divine punishments, at least as signs of a God who is no longer benevolent. The ecclesial community has the responsibility to purify this fatalism by helping to develop the religious faith of older people and by restoring a horizon of hope to it.

In this task, catechesis has a role of primary importance to play. It is the job of catechesis to purge faith of fear, to overcome the image of a wrathful God, and to lead the older person to discover the God of love. Familiarity with Holy Scripture, a deeper knowledge of the content of our faith, and meditation on the death and resurrection of Christ will help older people to overcome a punitive conception of God, which bears no relation to his love as a Father. By participating in the liturgical and sacramental prayer of the Christian community and by sharing its life, older people will increasingly learn to understand that the Lord is not uncaring, not indifferent to human sorrow or to the personal difficulties they encounter in the course of their lives.

It is the duty of the Church to announce to older people the Good News of Jesus, who is revealed to them just as he was revealed to Simeon and Anna. Jesus comforts them with his presence. He causes their hearts to rejoice at the fulfilment of hopes and promises that they had kept alive in their hearts (cf. *Lk* 2:25-38).

It is the duty of the Church to give older people the chance to encounter Christ. She must help them to rediscover the significance of their Baptism, by means of which they were buried together with Christ and joined him in death, “so that as Christ was raised from the dead by the Father’s glorious power, [they] too should begin living a new life” (*Rom* 6:4) and find in him the meaning of their present and future life. For hope is rooted in faith in this presence of the Spirit of God, “the Spirit of him who raised Jesus from the dead” and who will also give life to our own mortal bodies (cf. *ibid.* 8:11). Consciousness of rebirth in Baptism enables older people to preserve in their hearts a childlike awe before the mystery of the love of God revealed in the creation and redemption.

It is the duty of the Church to instil older people with a deep awareness of the task they too have of transmitting the Gospel of Christ to the world, and revealing to everyone the mystery of his abiding presence in history. It is also her duty to make them aware of their responsibility as privileged witnesses, who can testify—both before human society and before the Christian community—to God’s fidelity: he always keeps the promises he has made to man.

The pastoral task of evangelizing or re-evangelizing older members of the community must aim at fostering the spirituality that is peculiar to this age of life: i.e. a spirituality based on the continual rebirth that Jesus himself recommended to the elderly Nicodemus. Jesus urged Nicodemus not to let old age stand in the way of rebirth. To be reborn to a life that is ever new and full of hope, we don’t need to go back to our mother’s womb: we need to be “born from above”, by opening ourselves up to the gift of the Spirit; for “what is born of human nature is human; what is born of the Spirit is spirit” (*Jn* 3:6).

Christ’s call to holiness is addressed to all his disciples, in every phase of human life: “You must therefore set no bounds to your love, just as your heavenly Father sets none to his” (*Mt* 5:48). In spite of the passing of years, which risks dampening enthusiasm and draining away energy, older people must therefore feel themselves more than ever called to persevere in the search for Christian holiness: Christians must never let apathy or tiredness impede their spiritual journey.

This pastoral task involves the need to train priests, assistants and volunteers—young people, adults, older people themselves—for service to older people; pastoral workers who are imbued with humanity and spirituality, and who have the ability to enter into rapport with people in the third and fourth ages, and to respond to their often very individualized human, social, cultural and spiritual needs.

The needs of older people must also be addressed by the various branches of specialized pastoral care. These include the family apostolate, which cannot ignore the bonds between older people and their family, not only at the level of social services, but also at that of religious life; the various forms of social ministry; and the apostolate of health-care workers.

The contribution that older people themselves can make is also indispensable to this pastoral work. From their rich endowment of faith and of experience they can draw things old and new to the advantage not only of themselves, but also of the whole community. Far from being the passive recipients of the Church’s pastoral care, older people are irreplaceable apostles, especially among their own age group, because no one is more familiar than they with the problems and the feelings of this phase of life. Particular importance is being given today, moreover, to the apostolate of older people among people of their own age group in the form of witness of life. As Paul VI wrote in *Evangelii Nuntiandi*, modern man “listens more willingly to witness than to teachers, and if he does listen to teachers, it is because they are witnesses”. (no. 41). So it is not of secondary importance to be able to show, in concrete terms, that this season of life, when lived in a Christian way, has a value of its own, enriched by the profound significance that it acquires through the whole course of human existence. No less important is the direct preaching of the Word of God by one older person to another, or to the up-and-coming generations of children and grandchildren.

By word and by prayer, and also by the renunciations and sufferings that advanced age brings with it, older people have always been eloquent witnesses and apostles of the faith in Christian communities and in families—sometimes in conditions of persecution, as was the case, for example, under the atheist totalitarian regimes of the Communist bloc in the

20th century. Who has not heard of the Russian “babushkas”, who kept alive the faith during the long decades when any expression of religious faith was equivalent to a criminal activity, and who transmitted it to their grandchildren? It was thanks to their courage and steadfastness that faith was not completely extinguished in the former Communist countries and that a basis now exists—albeit a precarious one—for the new evangelization to build on. The International Year of Older Persons offers a valuable occasion to remember these extraordinary older people—both men and women—and their silent and heroic witness. Not only the Church, but human civilization is greatly indebted to them.

An important role in promoting the active participation of older people in the work of evangelization is now played by the Church-based associations and the ecclesial movements, “one of the gifts of the Spirit [to the Church] of our time”. (9) Many older people have already found an extremely fertile field for their formation, commitment and apostolate in the various associations present in our parishes. They have become real protagonists within the Christian community. Nor is there any lack of other groups, communities and movements working more specifically in the world of the third age. Thanks to their charisms, all these associations create an environment in which communion can thrive between the various generations and a spiritual climate that helps older people to maintain their spiritual vitality and youthfulness.

#### V

### GUIDELINES FOR THE PASTORAL CARE OF OLDER PEOPLE

Sharing “the joy and hope, the grief and anguish of the men of our time”, (10) the Church strives with maternal solicitude to support older people through forms of assistance and charitable activities. She also urges older people to continue their own evangelizing mission, which it is not only possible and necessary, but which is in some sense a specific and original task of this age of life.

In the Post-Synodal Apostolic Exhortation *Christifideles Laici* on the vocation and mission of the laity, John Paul II, addressing older people, writes: “The expected retirement of persons from various professions and the workplace provides older people with a new opportunity in the apostolate. Involved in the task is their determination to overcome the temptation of taking refuge in a nostalgia in a never-to-return past or fleeing from present responsibility because of difficulties encountered in a world of one novelty after another. They must always have a clear knowledge that one's role in the Church and society does not stop at a certain age at all, but at such times knows only new ways of application [...]. Arriving at an older age is to be considered a privilege: not simply because not everyone has the good fortune to reach this stage in life, but also, and above all, because this period provides real possibilities for better evaluating the past, for knowing and living more deeply the Paschal Mystery, for becoming an example in the Church for the whole People of God” (no. 48).

The ecclesial community, for its part, is called to respond to the greater participation which older people would like to have in the Church, by turning to account the “gift” they represent as witnesses of the tradition of faith (cf. *Ps* 44:2; *Ex* 12:26-27), teachers of the wisdom of life (cf. *Sir* 6:34; 8:11-12) and workers of charity. It must therefore re-examine its apostolate on behalf of older people, and open it up to their participation and collaboration.

Of the various areas that best lend themselves to the witness of older people in the Church the following should not be forgotten:

*Charitable activities.* A large proportion of older people have enough physical, mental and spiritual energies to devote their

own time and talents in a generous way to the various activities and programmes of the volunteer services.

*Apostolate.* Older people can make a major contribution to the preaching of the Gospel as catechists and witnesses to Christian life.

*Liturgy.* Many older people already contribute effectively to the service of places of worship. If suitably trained, they could, in larger numbers, play the role of permanent deacons, and fulfil the ministry of lector and altar server. They could also be used in the extraordinary ministry of the Eucharist, and exercise the role of animators of the liturgy. They could also help promote forms of eucharistic devotion and other forms of devotion, especially to Mary and to the Saints.

*Ecclesial associations and movements.* Especially in the aftermath of the Second Vatican Council older people began to show a more marked interest in the community dimension of their faith. The growth of many ecclesial associations and communities—which represent a great enrichment for the Church—is also due to a form of participation that integrates the various generations, and manifests the richness and fruitfulness of the different charisms of the Spirit.

*The family.* Older people represent the “historical memory” of the younger generations. They are the bearers of fundamental human values. Where this memory is lacking, people are rootless; they also lack any capacity to project themselves with hope towards a future that transcends the limits of the present. The family—and hence society as a whole—will benefit greatly from a reevaluation of the educational role of older people.

*Contemplation and prayer.* Older people should be encouraged to consecrate the years that remain hidden in the mind of God to a new mission illuminated by the Holy Spirit. In this way they may give rise to a stage of human life which, in the light of the Paschal Mystery of the Lord, is revealed as the richest and most promising of all. In this regard, John Paul II, addressing the participants at the International Forum on Ageing, said: “Older people, with the wisdom and experience which are the fruit of a life-time, have entered upon a time of extraordinary grace which opens to them new opportunities for prayer and union with God. Called to serve others and to offer their lives to the Lord and Giver of Life, new spiritual powers are given to them”. (11)

*Trials, illnesses and suffering.* These experiences represent the “fulfilment”, in body and heart, of the passion of Christ for the Church and for the world (cf. *Col* 1:24). It is important that older people—and not only they—be helped to accept these crosses in a spirit of humble submission to the will of God, in imitation of the Lord. But this will only be possible in proportion as they feel loved and esteemed. Devotion to the weak, to the suffering, to the disabled is a duty of the Church and is proof of her maternal care. A whole series of services and forms of pastoral care should therefore be provided to ensure that older people do not feel useless and a burden, and to help them to accept their suffering as a means of encountering the mystery of God and of man.

*Commitment to a “culture of life”.* Illness and suffering are privileged means for reminding us of the inalienable principle of the sacredness and inviolability of life. The mission of Jesus itself, with its many cases of healing the sick and disabled, shows how much God has at heart not only the spiritual but also the bodily life of man (cf. *Lk* 4:18). Man cannot arbitrarily choose to live or die, or decide on the life or death of others: that is a choice which only he in whom “we live, and move and exist” (*Acts* 17:28; cf. *Dt* 32:39) can make. The exclusion of, or blindness to, the transcendental dimension, typical of our own times, is increasingly promoting a tendency to appreciate life

only in so far as it produces pleasure and well-being, and to regard suffering as an intolerable burden which needs to be eliminated at all costs. Death, regarded as “absurd” if it curtails a life still full of promising and exciting potential, is regarded as a “liberation”, to be claimed as a right, if it terminates a life seen as meaningless because overwhelmed by suffering. It is this attitude that forms the cultural context of *euthanasia*, which the Church condemns as “a grave violation of the law of God, since it is the deliberate and morally unacceptable killing of a human person”. (12)

In view of the great diversity in the situations and conditions of the life of older people, the Church's pastoral ministry to those in the third and fourth ages ought to involve the implementation of a series of measures aimed at achieving the following objectives:

*Consciousness-raising:* the Church should heighten *awareness of the needs of older people*, not least that of being able to contribute to the life of the community by performing activities appropriate to their condition. This awareness will permit the formulation of qualified forms of intervention. It will also sensitise and involve both the ecclesial and civil communities; and focus attention on those options that are revealed as evangelically and culturally more valid, also with a view to a renewal of the Church's charitable works and forms of assistance.

*Countering attitudes of withdrawal:* older people must be helped to overcome the *indifference and mistrust* that hamper their active participation and solidarity.

*Promoting integration:* older people must be integrated, without any form of discrimination, into the Christian community. All the baptized, in every moment of life, must be able to *renew the richness of grace of their own Baptism* and fully experience it in their lives. No one should be deprived of the grace of God, the preaching of the Word, the consolation of prayer or the witness of charity.

*Developing the service of older people in the community:* the life of the Christian community must be organized in such a way as to encourage the participation of older persons and to *foster the capacities* of each. To this end, the dioceses should set up their own diocesan offices for the ministry to older people; and parishes should be encouraged to develop spiritual, community and recreational activities for this age group. The service of older people should also be promoted within diocesan and parish councils and within councils for economic affairs.

*Participation in the sacramental life of the Church:* older people must be helped to participate in the celebration of the *Eucharist*, in the Sacrament of *Reconciliation* and in *pilgrimages, retreats and spiritual exercises*. Steps should also be taken to ensure that their involvement in such events be not hindered by physical or architectural barriers, or by the lack of specialized personnel to accompany and assist them.

*Spiritual care:* the care and assistance of older people who are infirm or disabled, or no longer in full possession of their physical or mental faculties, should also involve spiritual care; through prayer and communion in the faith, it should testify to the inalienable value of life, even when it is reduced to a terminal condition.

*Sacrament of the sick and dying:* the administration of the *Sacrament of the Anointing of the Sick* and of *Viaticum* must be fostered in a special way, and preceded by appropriate catechesis. Where circumstances permit, it is desirable that priests incorporate the Sacrament of Anointing the Sick in

community celebrations both in the parishes and in the places of residence in which older people live.

*Comforting the terminally ill:* efforts should be made to resist the tendency to abandon the dying and leave them without *religious assistance and human comfort*. This task is not only incumbent on chaplains, whose role is fundamental, but also on the families and communities to which older people belong.

*Caring for those of other faiths:* particular attention should be devoted, in a spirit of charity and dialogue, to the *elderly of other religious confessions* in order to help them live their faith; nor should Christians be shy of witnessing to their own faith, in a spirit of brotherhood and solidarity, to *older people who are non-believers*.

*A rightful place in society and in the family:* older people have a right to a place in society and even more so to an *honoured place within the family*. The family is called to be a communion of persons. It needs to be reminded of its special mission to foster, manifest and communicate love, and its duty to provide assistance to its weaker members, not least the elderly, and surround them with affection. The need for the family to be able to benefit from adequate means of material support should also be emphasized: economic assistance, welfare and health services, and appropriate housing, pension and social security policies should be available to the needs of the family.

*Caring for older people living in public or private residential structures:* the uprooting of older people from their natural families would be less traumatic if the community were to maintain links with them. The parish community, “family of families”, must turn itself into a “diaconia” at the service of older people and their problems. It must also seek to co-operate with the authorities responsible for running such residential homes with a view to finding appropriate ways to ensure the involvement of the volunteer services, the provision of cultural activities and religious service. The latter must ensure that older people are able to be nourished by the Eucharist, and that Holy Communion assumes its significance as participation in the celebration of the Lord's Day. The Eucharist must be made present to older people as a sign of the fatherhood of God and of the fruitfulness of life and suffering which risk sinking into grief and even despair, if they are not illuminated by the comfort of the Lord.

*Caring for elderly priests:* it should never be forgotten that the ranks of older people also include *priests*, ministers of the Church and pastors of Christian communities. The diocesan Church must assume responsibility for looking after these elderly priests, and provide them with adequate residential structures and other forms of support. Parish communities too are called to make their contribution; they should take steps to ensure that elderly priests who retire from their active ministry as a result of old age or poor health find appropriate accommodation. The same goes for religious communities and their superiors, who should devote particular care to their older brothers and sisters.

*Intergenerational solidarity:* the young members of groups, associations and movements present in the parishes must be educated to show solidarity towards the elder members of the community. Such *intergenerational solidarity* is also expressed in the companionship that the young are able to offer to the old. Young people who have opportunities for involvement with older people will appreciate the value of a formative experience by which they gain in maturity and are helped to develop an awareness of others that remains with them for the whole of their life. In a society in which selfishness, materialism, consumerism are rife and in which the means of communication serve little to alleviate the growing loneliness of man, such values as selflessness, dedication, friendship,



acceptance and respect represent a challenge to those, not least the young, who are striving for the birth of a new humanity.

The pastoral ministry to older people as a whole, and those involved in it, will derive particular illumination and guidance from constant reference to the conciliar Decree on the Apostolate of Lay People *Apostolicam Actuositatem*, and to the documents issued by the Magisterium of the Church in recent years, especially the Postsynodal Apostolic Exhortation *Christifideles Laici*, the Apostolic Letter *Salvifici Doloris* and the Apostolic Exhortation *Familiaris Consortio*.

### CONCLUSIONS

Our brief exploration of the world of the third and fourth ages has thrown light on many problems associated with old age, which demand specific responses from civil society and special attention from the ecclesial community. But it has also revealed the richness in humanity and wisdom of older people, who still have a great deal to offer to the Church and to society.

To accompany older people, to approach them and enter into relation with them, is the duty of us all. The time has come to begin working towards an effective change in attitude towards older people and to restore to them their rightful place in the human community.

Society and its institutions are called to give older people scope for personal development and participation, and provide them with forms of social assistance and health-care consonant with their needs and responding to the need of the human person to live with dignity, in justice and freedom. To this end, alongside the commitment of the State aimed at promoting and safeguarding the common good, the involvement of the volunteer services and the contribution of initiatives inspired by Christian charity need to be supported and fostered, in full respect for the principle of *subsidiarity*.

The Christian community must strive to help older persons to live their own life in the light of the faith and to rediscover in it the value of the resources that they are still able, and still have a responsibility, to place at the service of others. Older people must become increasingly conscious that they have a future before them that they themselves must shape. They must be made aware that their missionary task is not exhausted. They still have a responsibility to testify to children, young people, adults and those in their own age group that there is no meaning nor joy outside the bond with Christ, neither in their own personal lives nor in their relations with others.

“The harvest is rich” (*Mt 9:37*). These words of the Lord are particularly applicable to the field of the pastoral care of older people. It is a field so extensive as to require the generous work and passionate commitment of countless apostles, workers and witnesses who can testify convincingly to the fullness of life that can characterise this season of life if it be founded on the “rock” that is Christ (cf. *Mt 7:24-27*).

An extraordinary example of this truth is given to us by Pope John Paul II: in this too he is a great witness to men and women in our time. The Pope lives his old age with the greatest naturalism. Far from concealing it (who has not seen him joke with his walking stick?), he places it before everyone's eyes. With extreme simplicity, he says of himself: “I'm an elderly priest”. He lives his old age in faith, in the service of the mission entrusted to him by Christ. He does not let himself be conditioned by his age. His seventy-eight years have not deprived him of his youthfulness of spirit. Nor has his undeniable physical fragility dampened the enthusiasm with which he dedicates himself to his mission as Successor of Peter. He tirelessly continues his apostolic journeys across the continents. And it is striking to note that his words acquire ever greater force: now more than ever they reach people's hearts.

Service to older people, especially if accompanied by a pastoral care alert to the diversity of needs and charisms, open to everyone's participation, and aimed at exploiting everyone's capacities, represents an enrichment for the whole Church. It is therefore desirable that as many as possible embrace this service, and that they grasp its profound significance as a process of conversion of heart and reciprocal giving between the generations.

The year 1999, dedicated to older people by the United Nations, is also the year dedicated to God the Father as part of the preparation for the Great Jubilee of the year 2000: a providential coincidence, which can provide the younger generations with an occasion to reflect on and reestablish their relations with the older generations. It can also provide those who are no longer young with an occasion to re-examine their own existence and to place it in the joyful perspective of bearing witness that “the whole of the Christian life is like a great pilgrimage to the house of the Father, whose unconditional love for every human creature we discover anew each day”. (13)

On the year 2000, the Jubilee Year which introduces the People of God to the third millennium of the Christian era, a special day, September 17th, will be dedicated to older people. We are confident that they will not overlook this important date. We are also confident that the prospect of the Great Jubilee will inspire initiatives—at the local, diocesan, national and international level—that will permit older people to express ever more strongly and in ever growing numbers their capacity to participate, to give hope and to receive hope. For only with older people, and thanks to them, shall the praises of the Lord be joyfully sung for ever and ever (cf. *Ps 79:13*).

*From the Vatican, 1 October 1998.*

*Stanislaw Rylko, Secretary*

*James Francis Card. Stafford, President*

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Introduction

Meaning and value of old age

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(1) The “population” section of the United Nations' Department of Economic and Social Affairs published new demographic estimates and projections on 26 October 1998. The chapter devoted to the growth in the number of older people suggests, *inter alia*, that the 66 million octogenarians and over-80 year-olds in the world today are destined to increase to 370 million in 2050, including an estimated 2.2 million centenarians.

(2) The most recent studies of the United Nations are continuously adjusting downwards the forecasts for population growth in the next few decades. The United Nations Population Fund, in its report on the state of the world population for 1998, confirms the demographic downturn. Only in a limited number of African countries does the birth rate remain high. Elsewhere, from Asia to Latin America, the birth rate is constantly decreasing.

(3) The application of these principles, the fifth revision of the International Plan of Action, and the revision of the strategy adopted by the General Assembly of the United Nations in 1992, constitute the “Global Objectives Relating to Ageing for the Year 2001”.

(4) *Insegnamenti di Giovanni Paolo II*, VII, 1 (1984), p. 744.

(5) *Insegnamenti di Giovanni Paolo II*, V, 3 (1982), p. 125.



(6) John Paul II, Address to the Italian Church gathered in Palermo for the third Ecclesial Conference, *L'Osservatore Romano*, 24 November 1995, p. 5.

(7) *Insegnamenti di Giovanni Paolo II*, V, 3 (1982), p. 130.

(8) *Insegnamenti di Giovanni Paolo II*, III, 2 (1980), p. 539.

(9) John Paul II, Homily during the Vigil of Pentecost, *L'Osservatore Romano*, 27-28 May 1996, p. 7.

(10) Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, no. 1.

(11) *Insegnamenti di Giovanni Paolo II*, III, 2 (1980), p. 538.

(12) John Paul II, Encyclical Letter *Evangelium Vitae*, no. 65.

(13) John Paul II, Apostolic Letter *Tertio Millennio Adveniente*, no. 49."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Davis rose and asked that the Clerk record 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. 2416, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Djou, Gomes, Jaffe, Leong, Meyer, Moses, Ontai, Stonebraker, Thielen and Whalen voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 929-02) recommending that S.B. No. 2302, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2302, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record a no vote for him and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair "so ordered."

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

"In regards to Standing Committee Report 929, the Hawaii State Health Authority, in honesty, the Hawaii Dental Service testimony, when we asked them what would this bill do to them, they said that they would go out of business. The majority of the testimony was in opposition, even the testimony supporting. The numbers that they gave looked like this Commission, I believe the number of people over this Authority would be 11, and 9 of them will be appointed by the Governor. The budget that we are looking at a \$5 billion budget that we will be wielding. That is bigger than our entire 1992 State budget. That is like one of those people you hear about where they have a tumor that is bigger than their body. They weigh a 150 pounds, and they have a 200 pound tumor removed. It is kind of a grotesque picture, but if we pass this bill, this is what it will be.

"It will also be a tax increase. Basically, what it does is that it says that this State Health Authority will purchase, and this is in your Committee Report at the end of paragraph one. It will purchase healthcare for all residents of this State. I think this takes away some of our freedom and increase our taxes, and I hope this doesn't go through."

Representative Jaffe rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Auwae rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote with reservations for her and the Chair, "so ordered."

Representative Whalen rose and asked that the Clerk record a no vote with reservations for him and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record a no vote with reservations for him and the Chair, "so ordered."

Representative Gomes rose and asked that the Clerk record a no vote with reservations for him and the Chair, "so ordered."

Representative Leong rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative McDermott rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Davis rose and asked that the Clerk record 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. 2302, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Djou, Gomes, Jaffe, Leong, McDermott, Meyer, Moses, Ontai, Stonebraker, Thielen and Whalen voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Ito and Takumi, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 930-02) recommending that S.B. No. 2060, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2060, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Ito and Garcia, for the Committee on Education and the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 931-02) recommending that S.B. No. 2792, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2792, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives

Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Ito and Saiki, for the Committee on Education and the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 932-02) recommending that S.B. No. 2012, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2012, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representatives Ito and Saiki, for the Committee on Education and the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 933-02) recommending that S.B. No. 2055, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2055, 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 Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 934-02) recommending that S.B. No. 2883, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2883, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"This will allow motor vehicle rental companies a limited license to sell insurance. I think we've addressed this issue before, and I think we decided it was a bad policy to establish, and I am sorry to see it surface again."

Representative Leong rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative McDermott rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2883, 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 Leong, McDermott, Meyer, Stonebraker and Thielen, voting no, and

with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 935-02) recommending that S.B. No. 2733, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2733, 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 Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 936-02) recommending that S.B. No. 2438, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2438, SD 2, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, I'd like a no vote on 936. I know it is late and I feel very badly about saying something, but it needs to get cut off because it is going to Finance. This bill, although it is a very nice, good-feeling bill, for anyone of you who say you support business in voting for this, I would be surprised if you honestly believe that in your heart.

"We keep touching this bill. In fact, I see the fingerprints of who, I assume, is the primary motivator of this bill, when we get back to the discrimination of employment. Here, this bill is regarding domestic violence, etc., and victims of that. What this bill does, besides allowing unemployment insurance to go to someone who believes that alternatives, such as taking a leave of absence, transferring jobs, or receiving an alternate work schedule, would not be sufficient to guarantee their safety. They can collect unemployment insurance. Unemployment insurance is not grown on a tree. It is paid for by employers, and the more people dip into it, the more the premiums the employers have to pay.

"The problem with this is you can become a person that fits this definition, for something as minor as your boyfriend taking a picture frame and breaking it over a table because they are angry. Or mere physical harm, which is defined as anything. Somebody bumps you intentionally or whatever, and they knock you, and you felt it. That is harm. Now you are in this category of domestic abuse victim.

"Now what we've done is we've shifted the responsibility from the abuser over to the employer. Because not only does their unemployment insurance go up if somebody wants to abuse it, but we are requiring an employer to give time off, basically, limitless time off, for someone who has this one employee. They are entitled to come back to their old job at the same pay, the same everything. So they cannot fire this person. They have to hire an interim worker.

"For instance on page 20, an employer can be sued for discrimination if they refused to provide an employee with reasonable accommodation relating to their being a victim of domestic abuse, etc. Either job restructuring, change of a

workplace or facility location, transfer, reassignment, modified schedule, leave, changed phone number, or seating assignment, installing a lock or implementation of a safety procedure. I am not sure exactly how a dating relationship comes into this. But it is in the bill itself.

"So what happens if you've got two employees and they start going out on their own in a dating relationship and something goes 'south' and one of the two partners gets violent? That is a horrible situation, but now you've brought it into the employer's place. You can't fire anyone. If they don't have anyplace or anything to do now, he, the employer, has to fire one of the partners of this dating relationship to get them out of there. If they don't they can get sued. If they do, they can get sued because they've got a discrimination thing as well. Because of what happened at work, I bumped into her at home, or where we are living together, or just on a date. What we've done is we've thrown the employer into the middle of a situation where they really shouldn't be in.

"I will stop now, but I have a feeling that other people will hop up. But if you look at this, I think we are taking the improper course of action in dragging in the employer with all the mandates that we heap upon them. Especially putting this into the discrimination category, because as we know, I don't know if any of you are familiar with the law, it is so easy for an employer to get sued. This is just one more 'Pandora's box' that we are throwing into their lap."

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

"Thank you, Mr. Speaker. I rise to express some reservations on this measure.

"My heart is with victims of domestic violence and abuse. I think it is very difficult to live with this type of situation, usually with a loved one. It is really frightening to have a threat of bodily harm or violence. It is hard to live a daily existence, hard to go to a job. Sometimes you have to be in hiding. It is difficult to deal with children. Victims of domestic abuse, you got to give a lot of understanding and they need a lot of help. However, sometimes I don't think we should take it all out on the employer and on the workplace or the business. My heart also is with small business that might have to provide for some unfortunate situations in their workplace.

"I just like to tick-off a few problems in the bill, which I think are unclear, and which perhaps the next committee can address. Leaves of absence may be taken by victims of domestic abuse, and they may take it, paid or unpaid. I am sure that a worker would elect to take it paid. It is not clear how long this leave can take. It may be indefinitely. Or to seek medical attention. That may take quite a long time. And to obtain many other services. A leave can also be taken to temporarily or permanently relocate. I don't know what permanently means, but does that mean that you can take a leave forever? Or can you take a leave if you relocate to another place in town? Or off the island? Or a little bit further than? You can take a leave if you are preparing a lawsuit for civil, criminal, legal proceeding, which may take an indefinite period? Or if you want to enhance the physical, psychological or economic health or safety of the employee, or the employee's family, or household member? Or to enhance the safety of those who associate with or work with the employee? So there are a lot of reasons that you can take paid leave, and for an unclear amount of time.

"An employee can also take this leave if someone in their family or household is affected, not just the 'so-called' victim. The employee can take leave with or without pay, if there is

someone in their household who is suffering from domestic abuse.

"A reasonable amount of time is defined, as whether it is physical or psychological injury. Physical injury, if you have a concussion, it could take quite a long time to heal. Also for a psychological injury, it is very difficult to determine when you are healed. This injury must be determined by an attending physician or other treating medical professional. I don't know who that could be. A nurse or maybe even a dentist. That is medical personnel.

"In other sections it allows for a reduced work schedule, returning to work on an interim basis. All these terms must be made clear and must..."

Representative Djou rose to yield his time, and the Chair, "so ordered."

Representative Marumoto, continued stating:"

"My thanks to the Minority Floor Leader. These things must be clarified and made time-certain. In other sections it allows for taking of unemployment insurance, even when there is a voluntary quit. I inquired whether if this was a change in philosophy, because generally, my understanding was, that you could not take unemployment insurance if you walked away from your job. Apparently this is not a change a philosophy, and will allow unemployment insurance payments if you are a victim of domestic abuse.

"Finally as pointed out by the previous speaker, you can collect, and you can sue the employer if you feel like you have been discriminated against. This may give this type of abused employee greater rights than others. For all these reasons, I ask the Finance Committee to take a close look at this measure. Thank you."

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

"I stand in support with just some brief comments. I think we've recognized that there are some complexities that we still have to work on, and that is why we put a defective date on this. So during this time we hope the proponents will continue to work with the Department of Labor in trying to refine it further, as they've already done so far. I think they've demonstrated that under the rules of the Department of Labor, you already can get unemployment insurance for a good cause. All we are doing is trying to define what are the scenarios of good cause. So I think for the efforts of continuing the discussion, that this is a very worthwhile bill."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, so ordered."

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

"Thank you, Mr. Speaker. I rise in support with very strong reservations. In looking at the Committee Report, I see that the Department of Labor testified against this bill, also the Society for Human Resource Management Hawaii Chapter, and the Department of Taxation. With our economic problems that we have now, the problems that small business has, I think that this would be a tremendous burden. Thank you."

Representative Stonebraker rose in support of the measure with reservations and asked that the remarks of Representative Marumoto be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In opposition to Standing Committee Report 936 with a few comments. I am concerned about the impact that this will have on the employers. I know that the proponents have evidently tried to reach out to the employer community, but it concerns me that they haven't been present in the conversation, for whatever reason. I find it as a shortcoming for a bill of this nature.

"The other thing is, as I understand it, while some of the members may be individually supporting it, evidently this is not a part of the legislative Women's Caucus package, which I think should inform the members.

"I also have a concern with that, because we are talking about domestic violence, and just the education of 'domestic violence.' I think even the proponents of this bill have an issue with that because one of the brochures they circulated to the Committee yesterday was telling in that it seemingly tried to educate persons in the workplace on how to protect themselves from domestic violence. But it was basically cast as the male being the perpetrator, and it was always in reference to 'him' and 'her,' 'his' and 'whatnot.' I thought that was very odd and serious, because this is not just a 'male on female' issue. It is a 'female on female' issue, 'female on male' issue. And I think that kind of effort to educate has to be done very carefully. There are a lot of assumptions and other things that we have got to get around, and behind, and on top of. I just found that it a bit startling for the proponents who would know, and should know, that that kind of language was used. At any rate, I think that is illustrative of the kinds of issues that we would get involved with in a measure like this, if you try to put it on the employing community. There are all sorts of ambiguities and unknowns that are brought up. Anyway, I am against this."

Representative Leong rose in support of the measure with reservations and asked that the remarks of Representative Marumoto be entered in the Journal as her own, and the Chair "so ordered" (By reference only.)

Representative Auwae rose in opposition to the measure and asked that the remarks of Representative Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Djou rose and asked that the Clerk record 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. 2438, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII VICTIMS' ECONOMIC SECURITY AND SAFETY ACT," passed Second Reading and was referred to the Committee on Finance with Representatives Auwae, Gomes and Whalen voting no, and with Representatives Hale, Pendleton, Rath, Takamine and Yoshinaga being excused.

#### ANNOUNCEMENTS

The Chair addressed the Body, stating:

"The Chair has one announcement this evening, that on Monday, the Chair would hope that we all come on time, at

12:00 for the Session. We will be having two floor presentations."

#### ADJOURNMENT

At 8:22 o'clock p.m. on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, March 25, 2002. (Representatives Halford, Pendleton, Rath, Takamine and Yoshinaga were excused.)

## THIRTY-NINTH DAY

**Monday, March 25, 2002**

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:11 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend James White of the United Methodist Church in Aiea, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Case, Chang, Hale, Luke, Morita, Saiki, Stonebraker, Takamine, Takumi, Whalen 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.

## GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 216) was received and announced by the Clerk was placed on file:

Gov. Msg. No. 216, transmitting a Report by the Department of Education on the Monthly Expenditures for the Felix Consent Decree, Felix Special Monitor and Felix Monitoring Project.

## INTRODUCTIONS

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

Representative Pendleton introduced family members of his legislative aide, Ms. Stephanie Tenada: her brother, Mr. Brian Tenada, and cousins, Mr. Mervyn Daganos and Mr. Kevin Deganos.

Representative M. Oshiro introduced supporters of University of Hawaii athletics, Mr. Don Murphy and his wife, Mrs. Marion Murphy, of Murphy's Bar and Grill.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following Senate bills were re-referred to committee by the Speaker:

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

	<b><u>Re-referred to:</u></b>
875	Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce
3060, SD1, HD1	Committee on Finance

**INTRODUCTION OF RESOLUTIONS**  
**(FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 160 and 161) were read by the Clerk and the following actions taken:

H.R. No. 160, entitled: "HOUSE RESOLUTION CONGRATULATING THE 2002 NARCISSUS FESTIVAL QUEEN KUULEIALOHA CHUN AND THE MEMBERS OF HER COURT; FIRST PRINCESS NATALIE LOUIE, SECOND PRINCESS SHERRI SETO, THIRD PRINCESS COLETTE CHING AND FOURTH PRINCESS KAIPOLANI CHANG," was offered by Representative Ahu Isa.

Representative Ahu Isa moved that H.R. No. 160 be adopted, seconded by Representative Souki.

Representative Ahu Isa introduced the 2002 Narcissus Festival Queen and her Court who were seated on the House floor:

Queen Kuuleialoha Chun, First Princess Natalie Louie, Second Princess Sherri Seto, and Third Princess Collette Ching.

Representative Ahu Isa also introduced Mr. Reuben Wong, President of the Chinese Chamber of Commerce representing Fourth Princess Kaipolani Chang who was not in attendance.

The motion was put to vote by the Chair and carried, and H.R. No. 160, entitled: "HOUSE RESOLUTION CONGRATULATING THE 2002 NARCISSUS FESTIVAL QUEEN KUULEIALOHA CHUN AND THE MEMBERS OF HER COURT; FIRST PRINCESS NATALIE LOUIE, SECOND PRINCESS SHERRI SETO, THIRD PRINCESS COLETTE CHING AND FOURTH PRINCESS KAIPOLANI CHANG," was adopted with Representatives Bukoski, Case, Chang, Hale, Luke, Morita, Nakasone, Saiki, Stonebraker, Takamine, Takumi, Whalen and Yoshinaga being excused.

H.R. No. 161, entitled: "HOUSE RESOLUTION CONGRATULATING THE UNIVERSITY OF HAWAII RAINBOW WARRIORS MEN'S BASKETBALL TEAM FOR WINNING THE WESTERN ATHLETIC CONFERENCE CHAMPIONSHIP," was offered by Representative McDermott.

Representative McDermott moved that H.R. No. 161 be adopted, seconded by Representative Ontai.

Representative McDermott introduced the following coaches and members of the University of Hawaii Rainbow Warriors Men's Basketball team who were seated on the House floor:

Head Coach Riley Wallace, Associate Head Coaches Bob Nash and Jackson Wheeler, Assistant Coach Scott Rigot, and team members Predrag Savovic, Carl English, and Phil Martin.

Representative McDermott also recognized other team members who were seated in the gallery: Haim Shimonovich, Paul Jesinskis, Tony Akpan, Lance Takaki; and others associated with the basketball program.

The motion was put to vote by the Chair and carried, and H.R. No. 161, entitled: "HOUSE RESOLUTION CONGRATULATING THE UNIVERSITY OF HAWAII RAINBOW WARRIORS MEN'S BASKETBALL TEAM FOR WINNING THE WESTERN ATHLETIC CONFERENCE CHAMPIONSHIP," was adopted with Representatives Bukoski, Case, Chang, Hale, Luke, Morita, Nakasone, Stonebraker, Takamine, Takumi, Whalen and Yoshinaga being excused.

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

The House of Representatives reconvened at 12:39 o'clock p.m.

### STANDING COMMITTEE REPORTS

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 937-02), recommending that H.R. No. 43, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 43, entitled: "HOUSE RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII AT HILO AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM STUDY THE FEASIBILITY OF IMPLEMENTING A SCHOOL OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was referred to the Committee on Finance with Representatives Bukoski, Case, Chang, Hale, Halford, Luke, Morita, Nakasone, Rath, Schatz, Stonebraker, Takamine, Whalen and Yoshinaga being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 938-02), recommending that H.C.R. No. 74, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII AT HILO AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM STUDY THE FEASIBILITY OF IMPLEMENTING A SCHOOL OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was referred to the Committee on Finance with Representatives Bukoski, Case, Chang, Hale, Halford, Luke, Morita, Nakasone, Rath, Schatz, Stonebraker, Takamine, Whalen and Yoshinaga being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 939-02), recommending that H.R. No. 40, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 40, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO STUDY THE SCOPE AND ADEQUACY OF THE STATE'S VIDEOCONFERENCING CAPABILITY AND THE FEASIBILITY OF PROVIDING ADDITIONAL VIDEOCONFERENCING CAPABILITY AND INTERACTIVE MULTIMEDIA METHODS FOR PUBLIC HEARINGS AND PUBLIC AGENCY MEETINGS," was referred to the Committee on Finance with Representatives Bukoski, Case, Chang, Hale, Halford, Luke, Morita, Nakasone, Rath, Schatz, Stonebraker, Takamine, Whalen and Yoshinaga being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 940-02), recommending that H.C.R. No. 71, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 71, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO STUDY THE SCOPE AND ADEQUACY OF THE STATE'S VIDEOCONFERENCING CAPABILITY AND THE FEASIBILITY OF PROVIDING ADDITIONAL VIDEOCONFERENCING CAPABILITY AND INTERACTIVE MULTIMEDIA METHODS FOR PUBLIC HEARINGS AND PUBLIC AGENCY MEETINGS," was referred to the Committee on Finance with Representatives Bukoski, Case, Chang, Hale, Halford, Luke, Morita, Nakasone, Rath, Schatz, Stonebraker, Takamine, Whalen and Yoshinaga being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented two reports:

(Stand. Com. Rep. No. 941-02), recommending that H.R. No. 21, as amended in HD 1, be referred to the Committee on Transportation, and

(Stand. Com. Rep. No. 942-02), recommending that H.C.R. No. 38, as amended in HD 1, be referred to the Committee on Transportation.

Representative M. Oshiro moved that the reports of the Committee be adopted and H.R. No. 21, HD 1, be referred to the Committee on Transportation, and H.C.R. No. 38, HD 1, be referred to the Committee on Transportation, seconded by Representative Lee.

Representative Djou rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. Please request the Clerk to register a no vote for me on Standing Committee Reports 941 and 942, and just some brief comments in opposition.

"Mr. Speaker, I understand that these resolutions, opposing the merger between Hawaiian Airlines and Aloha Airlines, are certainly well-intentioned. But I think if anything, it is illustrative, in these two resolutions, that government quite often moves much more slowly than business. And when government tends to interfere in business affairs it often goes awry, as I think it is going to with these resolutions. Thank you, Mr. Speaker."

Representative McDermott rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I have a conflict. My wife works for Aloha Air as a reservationist," 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. 21, HD 1, entitled: "HOUSE RESOLUTION EXPRESSING THIS BODY'S CONCERN OVER THE PROPOSED CONSOLIDATION OF THE HAWAII INTERISLAND AIR TRANSPORTATION MARKET BY MERGER OF HAWAIIAN AIRLINES AND ALOHA AIRLINES INTO A SINGLE PRINCIPAL CARRIER, AND REQUESTING THE ATTORNEY GENERAL AND THE UNITED STATES DEPARTMENT OF JUSTICE TO DETERMINE WHETHER REASONABLE ALTERNATIVES TO THE PROPOSED MERGER EXIST TO PRESERVE A MULTICARRIER MARKET AND, IF SO, TO DISAPPROVE THE MERGER," was referred to the Committee on Transportation with Representative Djou voting no, and, with Representatives Bukoski, Case, Chang, Hale, Halford, Luke, Morita, Nakasone,



Rath, Schatz, Stonebraker, Takamine, Whalen and Yoshinaga being excused,

and

H.C.R. No. 38, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING THE HAWAII STATE LEGISLATURE'S CONCERN OVER THE PROPOSED CONSOLIDATION OF THE HAWAII INTERISLAND AIR TRANSPORTATION MARKET BY MERGER OF HAWAIIAN AIRLINES AND ALOHA AIRLINES INTO A SINGLE PRINCIPAL CARRIER, AND REQUESTING THE ATTORNEY GENERAL AND THE UNITED STATES DEPARTMENT OF JUSTICE TO DETERMINE WHETHER REASONABLE ALTERNATIVES TO THE PROPOSED MERGER EXIST TO PRESERVE A MULTICARRIER MARKET AND, IF SO, TO DISAPPROVE THE MERGER," was referred to the Committee on Transportation with Representative Djou voting no, and with Representatives Bukoski, Case, Chang, Hale, Halford, Luke, Morita, Nakasone, Rath, Schatz, Stonebraker, Takamine, Whalen and Yoshinaga being excused.

#### LATE INTRODUCTIONS

Representative Kahikina introduced a group of students from Stanford University participating in the Alternative Spring Break Program who were here performing community service in the Hawaiian community.

Representative Djou introduced his brother, Mr. Dennis Djou.

#### ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. I would like to remind the members about the Institute for Human Services donation drive. You all have a 'wish list' of the items that are requested. If you can put them into Easter Baskets, we would really appreciate it. The Easter Baskets should be delivered to Representative Morita, or to my office. Or if you prefer to have your Easter basket picked up, please call Gail in Representative Jaffe's office, and we would like to have them by 2:00 p.m. this Wednesday. The items are food items, toiletry items, kitchen supplies, cleaning supplies and maybe a bunny or two for the children at the Institute for Human Services."

Representative Kahikina: "In view of the court challenges against the native Hawaiian benefits, I would like to announce that tomorrow we will be celebrating our Prince Kuhio Day. Prince Kuhio, if our colleagues don't know, he is known as the 'Citizen Prince.' Prince Kuhio had become a Representative for the Territory and was instrumental in developing the Hawaiian Home Lands, and the Hawaiian Home Commission Act in 1920. And I believe he passed away from a weak heart around that year, 1920 to 1921.

"Anyway, tomorrow we will be celebrating his leadership as a role model to native Hawaiians. I find it very timely for our Stanford University students to be here in view of contemporary legislation. There within lies the legislation that made the way for a relationship with native Hawaiians. In fact, that Act, the Hawaiian Homes Commission Act, that divides us today with the blood quantum to qualify, you need to be 50% or more. As I said many times on this floor, there is the division. You have the '49 percenters' yelling out loud, 'What about me? I am Hawaiian.' And the '50 percenters' are saying 'I am tired of wait on the waiting list.'

"Last year, we passed out S.B. 1102, which the Governor signed into law as Act 302, which is in the Secretary of the Interior's office for approval, as we speak. This speaks to our constitutional approval of that relationship with native Hawaiians. So I would like to also share with all my colleagues to please celebrate our Prince Kuhio Day. E'o Prince Jonah Kuhio Kalaniana'ole Ke'ali'i Makainana, the 'Citizen Prince.'"

#### ADJOURNMENT

At 12:44 o'clock p.m. on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives adjourned until 12:00 o'clock noon Wednesday, March 27, 2002. (Representatives Bukoski, Case, Chang, Hale, Luke, Morita, Nakasone, Schatz, Stonebraker, Takamine, Whalen and Yoshinaga were excused.)

## FORTIETH DAY

## Wednesday, March 27, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:12 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Mark Sugimoto, Moderator at Poamoho Bible Church & Headmaster at Hanalani School, after which the Roll was called showing all members present with the exception of Representatives Luke, Meyer, Saiki, Suzuki, Takamine, Takumi and Yoshinaga, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 394 through 413) were received and announced by the Clerk were placed on file:

Sen. Com. No. 394, transmitting S.C.R. No. 34, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF PRIVATE SECTOR SPENDING TO ADVERTISE AND PROMOTE HAWAII AS A VISITOR DESTINATION," which was adopted by the Senate on March 25, 2002.

Sen. Com. No. 395, transmitting S.C.R. No. 44, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ARMY NATIONAL GUARD AND OTHER AGENCIES OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT AND TRAINING TO THE EMERGENCY ENVIRONMENTAL WORKFORCE WHEN POSSIBLE," which was adopted by the Senate on March 25, 2002.

Sen. Com. No. 396, transmitting S.C.R. No. 50, entitled: "SENATE CONCURRENT RESOLUTION DECLARING THE WISHES OF THE LEGISLATURE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS," which was adopted by the Senate on March 25, 2002.

Sen. Com. No. 397, transmitting S.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DESIGN AND REPORT FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTING A GRADES 6-12 CAREER AND LIFE SKILLS PROGRAM, AS A PART OF A COMPREHENSIVE CAREER DEVELOPMENT SYSTEM," which was adopted by the Senate on March 25, 2002.

Sen. Com. No. 398, transmitting S.C.R. No. 78, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO SCIENTIFICALLY EVALUATE QUARANTINE OPTIONS THAT REDUCE ANIMAL CONFINEMENT," which was adopted by the Senate on March 25, 2002.

Sen. Com. No. 399, transmitting H.B. No. 1726, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 400, transmitting H.B. No. 2117, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PENAL CODE," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 401, transmitting H.B. No. 2306, HD 2, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY RECORDS," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 402, transmitting H.B. No. 2308, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 403, transmitting H.B. No. 2310, entitled: "A BILL FOR AN ACT RELATING TO VENUE," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 404, transmitting H.B. No. 2317, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 405, transmitting H.B. No. 2318, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF BAIL OR BONDS," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 406, transmitting H.B. No. 2437, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN PROTECTIVE ORDERS," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 407, transmitting H.B. No. 2493, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 408, transmitting H.B. No. 1970, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE EMERGENCY RESPONSE COMMISSION," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 409, transmitting H.B. No. 2009, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 410, transmitting H.B. No. 2305, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 411, transmitting H.B. No. 2387, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 412, transmitting H.B. No. 2427, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES," which passed Third Reading in the Senate on March 25, 2002.

Sen. Com. No. 413, transmitting H.B. No. 2438, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY," which passed Third Reading in the Senate on March 25, 2002.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the House disagreed to the amendments made by the Senate to H.B. Nos. 1970 (SD 1); 2009, HD 1 (SD 1); 2305, HD 1 (SD 1); 2387, HD 1 (SD 1); 2427, HD 1 (SD 1); and 2438, HD 1 (SD 1), and requested a conference on the subject matter of said amendments. (Representatives Luke, Meyer, Saiki, Suzuki, Takamine, Takumi and Yoshinaga were excused)

### INTRODUCTIONS

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

Representative Lee introduced the following participants in the 2002 Legislative Shadow Program:

- Rep. Lei Ahu Isa  
 - Maria Canoy, Grade 12, McKinley High  
 - Franklin Portillo, Grade 12, McKinley High
- Rep. Kika Bukoski  
 - Alysha Morimoto, Grade 11, King Kekaulike  
 - Mona Brewer, Grade 11, King Kekaulike
- Rep. Benjamin Cabrerros  
 - Daphnie Fulgueras, Grade 8, Kalakaua Middle  
 - Sterling Oilii, Grade 8, Kalakaua Middle
- Rep. Ron Davis  
 - Zane De la Cruz, Grade 9, Lanai High  
 - Melody Mambrado, Grade 7, Lanai High  
 - Nicole Tachibana, Grade 10, Molokai High  
 - Malia Martin, Grade 10, Molokai High
- Rep. Charles Djou  
 - Holland Morris, Grade 8, King Intermediate  
 - Adam Lino, Grade 7, King Intermediate
- Rep. Nestor Garcia  
 - Jane Chung, Grade 11, Moanalua High
- Rep. Helene Hale  
 - Corinnalyn Estabilio, Grade 8, Naalehu  
 - Courtney McDonald, Grade 8, Naalehu
- Rep. Chris Halford  
 - Natasha Anatolio, Grade 8, Lokelani Inter  
 - Brandi Beaulieu, Grade 8, Lokelani Inter
- Rep. Eric Hamakawa  
 - Julene Tripp, Grade 8, Keaau Middle  
 - Jackie Guerrero, Grade 8, Keaau Middle  
 - Chelsie Alvarado, Grade 8, Keaau Middle  
 - Carrie Sidman, Grade 9, Waiakea High
- Rep. Kenneth Hiraki  
 - Sam Anes, Grade 8, Washington Middle
- Rep. Ken Ito  
 - Curstyn Kalahiki-Salis, Grade 8, King Inter  
 - Tatiana Grant, Grade 7, King Inter  
 - Michelle Cadena, Grade 8, King Inter
- Rep. Michael Puamamo Kahikina  
 - Rolando Espanto, Grade 7, Nanakuli High
- Rep. Ezra Kanoho  
 - Nicolas Hasegawa, Grade 8, Chiefess Kamakahelei  
 - Nannie Ann Apaua, Grade 8, Chiefess Kamakahelei

- Rep. Bertha Kawakami  
 Lexine Valenciano, Grade 8, Waimea Canyon  
 - Earl Jay Padilla, Grade 8, Waimea Canyon
- Rep. Marilyn Lee  
 - Ryan Tokuso, Grade 11, Mililani High  
 - Nicole Okemura, Grade 8, Mililani Middle  
 - Tiffany Eulalio, Grade 8, Mililani Middle
- Rep. Bertha Leong  
 - Cassandra Ratti, Grade 8, Niu Valley Middle
- Rep. Sylvia Luke  
 - Jennifer Hui, Grade 8, Stevenson Middle
- Rep. Bob McDermott  
 - Jessica Portleg, Grade 12, Radford High  
 - Amy Pineda, Grade 11, Radford High
- Rep. Hermina Morita  
 - Randall Del Castillo, Grade 8, Iao School  
 - Mikaela Costales, Grade 7, Lanai High
- Rep. Mark Moses, Room 310  
 - Chanel Asagi, Grade 9, Kapolei High
- Rep. Guy Ontai  
 - Stephen Albano, Grade 8, Mililani Middle  
 - Bryant Lau, Grade 7, Mililani Middle
- Rep. Marcus Oshiro  
 - Huynh Tran Nguyen, Grade 10, McKinley High
- Rep. David Pendleton  
 - Ashley Makahilakila, Grade 7, Kailua Inter
- Rep. Bud Stonebreaker  
 - Lani Hatakenaka, Grade 8, Niu Valley Middle
- Rep. Nathan Suzuki  
 - Angela Leung, Grade 12, Moanalua High  
 - Jeanette Chun, Grade 7, Moanalua Middle
- Rep. Mark Takai  
 - Charis Peich, Grade 7, Highlands Inter  
 - Gemma-Rose Poland, Grade 12, Moanalua High
- Rep. Cynthia Thielen  
 - Lindsey Nakashima, Grade 7, Kailua Inter
- Rep. Nobu Yonamine  
 - Mary Kate-Ashley Naanos, Grade 7, Highlands Inter
- Representative B. Oshiro introduced members of the Massage Therapists Association of Hawaii (MATAH): Mr. Dustin Ebesu, President; Ms. Mary Lynn 'Mahana' Byinton, immediate past President; and Mr. Darin Mishima, Ms. Gail Lum, Mr. Nathan Okuma, and Mr. Jeffrey Ruiter.
- Representative Chang introduced Ms. Angela Wong of Pacific Gateway.

### ORDER OF THE DAY

#### COMMITTEE REASSIGNMENTS

The following House resolution, House concurrent resolutions and Senate bill were re-referred to committee by the Speaker:

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

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

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

114 Committee on Health, then to the Committee on Finance

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

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

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

2547, SD1 Committee on Judiciary and Hawaiian Affairs

**INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATION)**

The following resolutions (H.R. Nos. 162 and 163) were read by the Clerk and the following actions taken:

H.R. No. 162, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING CAMILLE COATES HAWAII'S JUNIOR MISS, NIKKI-ANN GUEVARRA FIRST RUNNER-UP, AND REMY MINAMI SECOND RUNNER-UP IN THE 2002 HAWAII'S JUNIOR MISS SCHOLARSHIP PROGRAM," was jointly offered by Representatives Takai and Morita.

Representative Takai moved that H.R. No. 162 be adopted, seconded by Representative Ito.

Representative Takai introduced the 2002 Hawaii's Junior Miss Scholarship Program winners who were seated on the House floor:

Ms. Camile Coates, Hawaii's Junior Miss; Ms. Nikki-Ann Guevarra, First Runner-Up; and Ms. Remy Minami, Second Runner-Up.

Representative Takai also introduced Ms. Gemma-Rose Poland, a 2002 Junior Miss contestant, who was seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 162, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING CAMILLE COATES HAWAII'S JUNIOR MISS, NIKKI-ANN GUEVARRA FIRST RUNNER-UP, AND REMY MINAMI SECOND RUNNER-UP IN THE 2002 HAWAII'S JUNIOR MISS SCHOLARSHIP PROGRAM," was adopted with Representatives Luke, Nakasone, Takamine and Yoshinaga being excused.

H.R. No. 163, entitled: "HOUSE RESOLUTION HONORING AND RECOGNIZING PACIFIC GATEWAY CENTER FOR YEARS OF DEDICATION AND SERVICE AND CONTRIBUTIONS TO THE COMMUNITY," was jointly offered by Representatives Abinsay, Ahu Isa and Takai.

Representative Abinsay moved that H.R. No. 163 be adopted, seconded by Representative Ahu Isa.

Representative Abinsay introduced the following honorees from the Pacific Gateway Center who were seated on the House floor:

Dr. Dorothy Douthit, President and Chair of the Executive Committee;

Dr. Tin Myaing Thien, Executive Director; and

Program participants, Ms. Linda West, owner of West Isles Properties; Mr. Khampout Chandara, a Kunia farmer; and Mr. Peter Yamaguchi of Internet Solutions, Inc.

Representative Chang then recognized other members of the Pacific Gateway Center who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 163, entitled: "HOUSE RESOLUTION HONORING AND RECOGNIZING PACIFIC GATEWAY CENTER FOR YEARS OF DEDICATION AND SERVICE AND CONTRIBUTIONS TO THE COMMUNITY," was adopted with Representatives Case, Luke, Nakasone, Rath, Stonebraker, and Yoshinaga being excused.

At 12:43 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 943-02), recommending that H.C.R. No. 65, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES NAVY TO MAINTAIN ITS INITIATIVE AND RESPONSIBILITY TO CLEAR KAHO'OLAWA OF UNEXPLODED ORDNANCE BEYOND THE DATE IT IS CURRENTLY SCHEDULED TO BE TURNED OVER TO THE STATE," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Case, Luke, Nakasone and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 944-02), recommending that H.C.R. No. 62, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, WITH THE ASSISTANCE OF THE HAWAII CRIMINAL JUSTICE DATA CENTER, TO COMPARE THE RECIDIVISM RATES OF INMATES TRANSFERRED TO MAINLAND CORRECTIONAL FACILITIES WITH SIMILARLY SITUATED INMATES WHO REMAINED INCARCERATED IN HAWAII," was referred to the Committee on Finance with Representatives Case, Luke, Nakasone and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 945-02), recommending that H.C.R. No. 35, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 35, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A CONGRESSIONAL RESOLUTION URGING THE CONVENING OF A WORLDWIDE CONFERENCE OF PEACEMAKERS IN HAWAII," was referred to the Committee on Finance with Representatives Case, Luke, Nakasone and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 946-02), recommending that H.C.R. No. 50, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 50, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO STUDY SAFETY AND SECURITY CONCERNS AT THE WAIPAHU CIVIC CENTER COMPLEX, THE KAPOLEI STATE OFFICE BUILDING, AND OTHER STATE OFFICE BUILDINGS WHERE STATE WORKERS CONDUCT BUSINESS DIRECTLY WITH THE PUBLIC," was referred to the Committee on Finance with Representatives Case, Luke, Nakasone and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 947-02), recommending that H.C.R. No. 63, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 63, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NARCOTICS ENFORCEMENT DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY, WITH THE COOPERATION OF THE DEPARTMENT OF HEALTH, THE BOARD OF PHARMACY, AND THE LEGISLATIVE REFERENCE BUREAU, TO CONDUCT A STUDY EXAMINING METHODS TO REDUCE PRESCRIPTION FRAUD, MITIGATE PRESCRIPTION ERRORS, AND CONTROL COSTS FOR DRUG PRESCRIPTION WITHIN THE STATE," was referred to the Committee on Consumer Protection and Commerce with Representatives Case, Luke, Nakasone and Yoshinaga being excused.

#### INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 164) was read by the Clerk and the following action taken:

H.R. No. 164, entitled: "HOUSE RESOLUTION COMMENDING AND HONORING UNITED STATES SENATOR DANIEL K. INOUE ON HIS SELECTION FOR, AND RECEIPT OF, THE SYLVANUS THAYER AWARD AT THE UNITED STATES MILITARY ACADEMY AT WEST POINT, NEW YORK," was jointly offered by Representatives Ontai, Say, Magaoay, Garcia, Luke, Chang, Saiki, B. Oshiro, Rath, Davis, Lee, Jaffe, Espero, Kanoho, Halford, Marumoto, Yonamine, Yoshinaga, Kawakami, Auwae, Case, Schatz, Cabrerros, Kahikina, Abinsay, Meyer, Djou, Fox, Thielen, Moses, Leong,

M. Oshiro, Takai, Gomes, Pendleton, Ahu Isa, Stonebraker, Ito, Hiraki, Morita, Suzuki, Hale, Bukoski, Hamakawa, McDermott, Takumi, Souki, Whalen, Takamine, Arakaki and Nakasone.

Representative Ontai moved that H.R. No. 164 be adopted, seconded by Representative Garcia.

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

Thank you, Mr. Speaker. On behalf of the House Mr. Speaker, I will be traveling to West Point. I was originally scheduled to go in October, but because of the events of September 11th, it was postponed. Senator Inouye has requested a little bit of reduced fanfare. It is usually a big banquet down in New York City that accompanies this event. However, it is all going to happen on the 18th of April. There is going to be a normal big parade of the entire core of cadets. There will be 4,000 of them, and a dinner and a small reception before the parade.

"I have been given an opportunity to attend. As you know, or maybe you don't know, as a former graduate and assistant professor of Physics there, I have been given 5 minutes at the evening banquet to make the presentation on behalf of the House. So I would be honored, Mr. Speaker, to represent the entire House."

The motion was put to vote by the Chair and carried, and H.R. No. 164, entitled: "HOUSE RESOLUTION COMMENDING AND HONORING UNITED STATES SENATOR DANIEL K. INOUE ON HIS SELECTION FOR, AND RECEIPT OF, THE SYLVANUS THAYER AWARD AT THE UNITED STATES MILITARY ACADEMY AT WEST POINT, NEW YORK," was adopted. (Representatives Case, Luke, Nakasone and Yoshinaga were excused.)

#### ANNOUNCEMENTS

Representative Ito reminded the members that the PTSA lunch had been moved from room 423 to 329.

Representative Thielen: "Thank you Mr. Speaker. As to the Easter Baskets, if members want to drop them off in Representative Bertha Leong's office, Representative Mindy Jaffe's office, or my office, today. Otherwise we are going to congregate with the Easter baskets, and I hope the Easter bunny, tomorrow afternoon at 3:00 in front of the entrance doors to the Auditorium. That is this Chamber level. So 3:00 with your baskets and any bunnies that you can find, and I hope that everyone will bring these things tomorrow for that gathering. Thank you."

Representative Arakaki for the Committees on Health and Human Services and Housing, requested a waiver of the 48 hour notice requirement for the purpose of hearing in HCR 123 and HR 84, to establish a UN Center on Children, Youth and Families for Asia and the Pacific; HCR 124 and HR 95, the Food Security Task Force; and SCR 18, Adopting Outcome Indicators of Well-being for Hawaii's Children and Families to be heard tomorrow morning at 9:00 in room 329.

#### ADJOURNMENT

At 1:00 o'clock p.m. on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, March 28, 2002. (Representatives Case, Luke, Nakasone, Takai and Yoshinaga were excused.)

## FORTY-FIRST DAY

## Thursday, March 28, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:13 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative David A. Pendleton, after which the Roll was called showing all members present with the exception of Representatives Gomes, Ito, Luke, Rath, Saiki, Whalen and Yoshinaga who were excused.

On motion by Representative Lee, seconded by Representative Djou and carried, reading of the Journals was dispensed with and the Journals of the Twenty-Third and Twenty-Fourth Days were approved. (Representatives Gomes, Ito, Luke, Rath, Saiki, Whalen and Yoshinaga were excused)

## GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 217) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 217, transmitting a report entitled: "ACT 306/2001 Progress Report: Implementation of the *ARTS FIRST* Hawaii's Arts Education Strategic Plan."

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 414 through 415) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 414, transmitting S.C.R. No. 36, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KI'ILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK," which was adopted by the Senate on March 27, 2002.

Sen. Com. No. 415, transmitting H.B. No. 2723, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on March 27, 2002.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the House disagreed to the amendments made by the Senate to H.B. No. 2723, HD 2 (SD 1), and requested a conference on the subject matter of said amendments. (Representative Gomes, Luke, Saiki, Yonamine and Yoshinaga were excused.)

## INTRODUCTIONS

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

Representative Lee introduced the following participants in the 2002 Legislative Shadow Program:

- Rep. Felipe Abinsay
- Khazi Fears, Grade 7, Dole Middle
- Jonelle Sabado, Grade 8, Dole Middle

- Rep. Dennis Arakaki
- Tatiana Ramirez De Arellano, Grade 7, Dole Middle
- Nikki D. Manuel, Grade 9, Moanalua High

- Rep. Benjamin Cabrerros
- Shantelle Bautista, Grade 8, Kalakaua Middle
- Ruthie Simon, Grade 8, Kalakaua Middle
- 

- Rep. Jerry Chang
- Lindsey Iyo, Grade 11, Hilo High
- 

- Rep. Helene Hale
- Michael Kaauamo, Grade 12, Pahoah High

- Rep. Eric Hamakawa
- Sarah Sheffield, Grade 10, Keaau High
- Maile Buck, Grade 10, Keaau High
- Kelsey Tsuchiyama, Grade 11, Waiakea High

- Rep. Ken Ito
- Stephanie Markpol, Grade 9, Castle High

- Rep. Marilyn Lee
- Denarius Gavin, Grade 11, Moanalua High
- Tiffany Llenos, Grade 12, Mililani High
- 

- Rep. Bertha Leong
- Thomas Windrath, Grade 8, Washington Middle

- Rep. Sylvia Luke
- Kelsey Yamasaki, Grade 10, Roosevelt High
- Sarah Kim, Grade 8, Stevenson Middle

- Rep. Bob McDermott
- Justine Potter, Grade 8, Aliamanu Inter
- Tiwa Leveille, Grade 8, Aliamanu Inter
- John K. Mitchell, Grade 11, Moanalua High

- Rep. Hermina Morita
- Laakea Yasso, Grade 9, Hana High

- Rep. Guy Ontai
- Elizabeth Hartnett, Grade 11, Mililani High
- Laura Nagamine, Grade 11, Mililani High

- Rep. Brian Schatz
- Samantha Abelaye, Grade 11, Roosevelt High

- Rep. Nathan Suzuki
- Nikita Inocelda, Grade 9, Moanalua High

- Rep. Mark Takai
- Michael Lamaster, Grade 9, Pearl City High
- Tracie Hunter, Grade 7, Moanalua Middle

- Chairman Dwight Takamine
- Randall Carpio, Grade 9, Kohala High

- Rep. Cynthia Thielen
- Nicole Hamada, Grade 9, Kalaheo High

The Shadows for Representatives Kika Bukoski, Chris Halford and Bob Nakasone had to return to Maui.

Representative Bukoski recognized his legislative 'shadow,' Ms. Erica Rasmusen, who had already returned to Maui.

Representative Marumoto introduced Brownie Troop No. 326: Rebekah, Laura, Elizabeth, Kayla, Jennifer and Andrea; and their Leader, Ms. Mary Maunupau; Co-leader, Ms. Claribel



Rivera; parents, Mrs. Esther Florendo-Godbout and Mrs. Lisa Gorski; and grandma, Mrs. Bertha Maunupau.

Representative Davis introduced Councilman Robert Carroll of the Maui County Council.

### ORDER OF THE DAY

#### COMMITTEE REASSIGNMENTS

The following House concurrent resolution and Senate bills were re-referred to committee by the Speaker:

#### H.C.R.

##### Nos.      Re-referred to:

124      Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance

#### S.B.

##### Nos.      Re-referred to:

2180,      Jointly to the Committee on Labor and Public  
SD 2      Employment and the Committee on Judiciary and  
Hawaiian Affairs and the Committee on Consumer  
Protection and Commerce

3060,      Committee on Transportation, then to the  
SD 1,      Committee on Finance  
HD 1

#### INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 165 and 166) were read by the Clerk and the following actions were taken:

H.R. No. 165, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING NICK JACHOWSKI, AN INTERNATIONAL GEOGRAPHIC OLYMPIAD GOLD MEDALIST, ALONG WITH HIS TEACHER AND ADVISER JUDITH FUKUDA," was jointly offered by Representatives Bukoski and Ito.

Representative Bukoski moved that H.R. No. 165 be adopted, seconded by Representative Ito.

Representative Bukoski introduced Mr. Nick Jachowski, International Geographic Olympiad, Gold Medal Winner, who was seated on the House floor.

Representative Bukoski also recognized teacher and advisor, Ms. Judith Fukuda who was not present. Accepting the honor on her behalf was Ms. Mary Francis Higuchi, an advisor with the Hawaii Geographic Bee competition.

The motion was put to vote by the Chair and carried and H.R. No. 165, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING NICK JACHOWSKI, AN INTERNATIONAL GEOGRAPHIC OLYMPIAD GOLD MEDALIST, ALONG WITH HIS TEACHER AND ADVISER JUDITH FUKUDA," was adopted with Representatives Luke, Saiki, Takai, Yonamine and Yoshinaga being excused.

H.R. No. 166, entitled: "HOUSE RESOLUTION HONORING THE 2002 HAWAII SCIENCE BOWL CHAMPIONS," was offered by Representative Bukoski.

Representative Bukoski moved that H.R. No. 166 be adopted, seconded by Representative Ito.

Representative Bukoski introduced the 2002 Science Bowl Champions from Maui High School:

Student team members Mr. Christian Ling, Mr. Matt Jachowski, Mr. Jonathan Nguyen, Mr. Chris Ling, and Mr. Nick Jachowski; and team advisor Mr. Ed Ginoza.

The motion was put to vote by the Chair and carried, and H.R. No. 166, entitled: "HOUSE RESOLUTION HONORING THE 2002 HAWAII SCIENCE BOWL CHAMPIONS," was adopted with Representatives Luke, Saiki, Yonamine and Yoshinaga were excused.

At 12:41 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:48 o'clock p.m.

#### LATE INTRODUCTION

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

Representative Kahikina introduce the Hawaii recipients of the Boys and Girls Club of America 2002 National Youth of the Year award.

Ms. Chynan Franklin of Hickam Airforce Base, and her parents and family;

Ms. Cherilyn Freitas of Schofield Barracks, and her parents and family; and

2002 Hawaii Youth of the Year, Ms. Michele Millack of the Boys and Girls Club of Hawaii, and her parents and family.

Representative Kahikina also introduced the program coordinator, Mr. John Fujioka of the Boys and Girls Club of Hawaii; and judges: Ms. Alicia Malufiti of HMSA, Judge Bode Uale of the Hawaii State Family Court, and Mr. Bert Matuoka of the State Office of Youth Services.

#### STANDING COMMITTEE REPORTS

Representatives Hamakawa and Hiraki, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 948-02) recommending that S.B. No. 2692, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2692, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL SUPPORT FOR CHILDREN," passed Second Reading and was placed on the calendar for Third Reading with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 949-02) recommending that S.B. No. 99, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 99, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 950-02) recommending that S.B. No. 2046, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2046, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GUIDE DOGS, SIGNAL DOGS, AND SERVICE ANIMALS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 951-02) recommending that S.B. No. 2727, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2727, SD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Gomes rose and asked that the Clerk record 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. 2727, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROFESSIONAL AND VOCATIONAL LICENSING ACT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 952-02) recommending that S.B. No. 2728, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2728, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 953-02) recommending that S.B. No. 2734, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2734, SD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Gomes rose and asked that the Clerk record 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. 2734, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL EMPLOYMENT AGENCIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 954-02) recommending that S.B. No. 2289, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2289, 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 Case, Luke, Yonamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 955-02) recommending that S.B. No. 2290, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2290, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEPENDENT BILL REVIEWERS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 956-02) recommending that S.B. No. 331, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 956-02 on S.B. No. 331, SD 2, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 331, SD 2, HD 2, were made available to the members of the House.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 957-02) recommending that S.B. No. 859, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 957-02 on S.B. 859, SD 1, HD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 859, SD 1, HD 2, were made available to the members of the House.

#### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Djou and carried, the rules were suspended for the purpose of considering a bill on Third Reading on the basis of a modified consent calendar. (Representatives Case, Luke, Yonamine and Yoshinaga were excused.)

## STANDING COMMITTEE REPORTS

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 958-02) recommending that S.B. No. 748, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 748, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE OPERATOR EDUCATION," passed Third Reading by a vote of 47 ayes and with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. No. 748 passed Third Reading at 12:53 o'clock p.m.

Representatives Ahu Isa and Kanoho, for the Committee on Economic Development and Business Concerns and the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 959-02), recommending that H.R. No. 108, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 108, entitled: "HOUSE RESOLUTION SUPPORTING THE DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN THE STATE OF HAWAII," was referred to the Committee on Finance with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representatives Ahu Isa and Kanoho, for the Committee on Economic Development and Business Concerns and the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 960-02), recommending that H.C.R. No. 150, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN THE STATE OF HAWAII," was referred to the Committee on Finance with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 961-02), recommending that H.C.R. No. 130, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 130, be referred to the Committee on Finance, seconded by Representative Lee.

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

"I wish to speak to with some reservations on Stand. Com. Report 961.

"First of all, it has been only two years since we last had an audit. We do have internal audits every year and the record that they have had all these years has been excellent, with the exception of the September 11th debacle.

"Mr. Speaker, I believe the losses that were incurred by the insurance companies by the Legislature were much greater than September 11th. For this, I wish to speak with strong reservations and hopefully the Finance Committee can look at

this as possibly, at this point in time, not deserving of an audit. Thank you Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND PERFORMANCE AUDIT OF THE EMPLOYEES' RETIREMENT SYSTEM," was referred to the Committee on Finance with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 962-02), recommending that H.R. No. 116, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 116, entitled: "HOUSE RESOLUTION REQUESTING THAT COMPANIES SUPPLYING ELECTRONIC DEVICES TO CONSUMERS INVESTIGATE EFFICIENCY TO REDUCE FINANCIAL AND ENVIRONMENTAL COSTS," was referred to the Committee on Consumer Protection and Commerce with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 963-02), recommending that H.C.R. No. 159, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT COMPANIES SUPPLYING ELECTRONIC DEVICES TO CONSUMERS INVESTIGATE EFFICIENCY TO REDUCE FINANCIAL AND ENVIRONMENTAL COSTS," was referred to the Committee on Consumer Protection and Commerce with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 964-02), recommending that H.R. No. 126, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 126, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INCLUDE IN ITS "RENEWABLE ENERGY RESEARCH, DEVELOPMENT, COMMERCIALIZATION, AND EXPORT PROMOTION PLAN FOR HAWAII", A PLAN FOR THE ISSUANCE OF REVENUE BONDS OR OTHER FORMS OF REVENUE FINANCING FOR RENEWABLE ENERGY SYSTEMS IN PUBLIC FACILITIES," was referred to the Committee on Finance with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 965-02), recommending that H.C.R. No. 175, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 175, HD 1, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INCLUDE IN ITS "RENEWABLE ENERGY RESEARCH, DEVELOPMENT, COMMERCIALIZATION, AND EXPORT PROMOTION PLAN FOR HAWAII". A PLAN FOR THE ISSUANCE OF REVENUE BONDS OR OTHER FORMS OF REVENUE FINANCING FOR RENEWABLE ENERGY SYSTEMS IN PUBLIC FACILITIES," was referred to the Committee on Finance with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representatives Ahu Isa and Chang, for the Committee on Economic Development and Business Concerns and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 966-02) recommending that H.R. No. 117, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 117, entitled: "HOUSE RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF A SISTER-STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE MUNICIPALITY OF TIANJIN IN THE PEOPLE'S REPUBLIC OF CHINA," was adopted with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representatives Ahu Isa and Chang, for the Committee on Economic Development and Business Concerns and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 967-02) recommending that H.C.R. No. 160, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF A SISTER-STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE MUNICIPALITY OF TIANJIN IN THE PEOPLE'S REPUBLIC OF CHINA," was adopted with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 968-02) recommending that H.R. No. 131, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 130, be adopted, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"Mr. Speaker, on 968, a no vote and a few comments.

"This deals with the disposal of nuclear waste. The Federal Department of Energy has studied this for decades. It is a problem. Where do we put this stuff? This is the best solution and the resolution does not offer an alternative. It just says that it is a bad idea. We've got to do something with it, so I am going to vote no."

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

"Thank you Mr. Speaker. I am also rising to oppose and have a few comments. Mainly, the reason I would like to oppose the resolution is that it simply puts the Body down as opposing this, and I think a more nuanced position should be developed. I am also concerned because we have had only one hearing. That may be well and good, but I'd like to find out a lot more information myself.

"From what I've heard, and as the previous speaker mentioned, this issue has been going on for sometime. It is a sore spot for our country. We've got to do something with this. There is never going to be a good place to put it, and I know there are other serious environmental issues that have to be dealt with and answered. There may not be very good answers for the questions that are asked. Still, I am not comfortable with an outright 'no' to the project from this Body."

Representative Fox rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Rath rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Djou rose and asked that the Clerk change his vote in support with reservations, to a no vote, and the Chair "so ordered."

Representative Suzuki rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"My Caucus got me. I am going to have to vote no also."

Representative Davis rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Bukoski rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 131, entitled: "HOUSE RESOLUTION OPPOSING THE DESIGNATION OF YUCCA MOUNTAIN, NEVADA, AS THE NATION'S NUCLEAR WASTE DISPOSAL SITE," was adopted, with Representatives Davis, Djou, Fox, Gomes, McDermott, Meyer, Moses, Ontai, Rath and Stonebraker, voting no, and with Representatives Case, Luke, Yonamine and Yoshinaga being excused.

At 12:59 o'clock p.m., Representative Pendleton requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:59 o'clock p.m.

### ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. Everyone who has donated an Easter basket with items in it that are going to be used like paper plates, soaps, shampoos, etc. If they would come down to the doors before the Auditorium at a few minutes before 3:00. There is going to be a group picture taking of all of you with your baskets, and I believe both the television and print media will be there.

"Mr. Speaker, this is not just a 'girl thing.' The Easter baskets can be donated by the guys as well. Long's is having good sales on paper goods and other things, and Easter baskets, I believe at this point. So you can rush over to Long's, zip back over, and then just meet us right down in front of the Auditorium a few minutes before 3:00. If you already sent your Easter basket, like some have, to one of the offices, we'll bring your baskets down. Just meet us down there. Thank you."

Representative Jaffe: "Thank you Mr. Speaker. I would just like to add to that. This Easter Basket Drive has been very successful we have collected so far, over 100 baskets. So thanks very much to everyone who has participated."

Representative Kanoho reminded the members that the Committees on Water and Land Use and Education will convening in joint session at 2:00 in room 329 on a resolution, which had been scheduled for yesterday morning's agenda, but deferred to this afternoon.

Representative Gomes: "Thank you, Mr. Speaker. I just wanted to announce to the members, and to you that the upcoming Paniolo Chili Cook-off, and my office manager, Leslie, threatened that if I didn't announce this today, she would spike my coffee with some pretty mean chili. So I wanted to let everybody know that it is coming up on April 8th.

"Apparently we already have six cooks who have committed; two of them in this Chamber. Representative Meyer and Representative Espero have agreed to feature their chili recipes for the competition. We may have five others committed as well, but those are tentative at this point. The committee is still looking for cooks.

"We have celebrity judges who have committed who include Guy Hagi, local DJ, Lanai Boy, Braddah Sam from *Local Kine Grinds*, and Cecilio from C and K. We are trying for Coach June Jones as well.

"It looks like a good day a lot of fun and a lot of chili, and it is all a fundraiser for the Foodbank. I think on that day there will be chili and hotdogs sold for \$2 a bowl. Anyone interested in participating as a judge, or if you want to have your chili sampled, please contact Leslie, my office manager, or Ellen in Representative Ontai's office to sign up. Thank you very much."

### ADJOURNMENT

At 1:03 o'clock p.m. on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, April 1, 2002. (Representatives Case, Hiraki, Luke, Yonamine and Yoshinaga were excused.)

## FORTY-SECOND DAY

Monday, April 1, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Jim Rath, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Davis, Kahikina, Kanoho, Meyer, Morita, Ontai, Takai, Takamine, Takumi and Yoshinaga who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 218 and 219) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 218, transmitting a report, The State of Hawaii, Aboveground Storage Tank Study in Campbell Industrial Park, September 2001.

Gov. Msg. No. 219, transmitting a report, On the Activities of the Department of Health, Environmental Health Administration, Office of Hazard Evaluation and Emergency Response and Use of the Environmental Response Revolving Fund.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 416 and 417) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 416, transmitting S.C.R. No. 43, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING ALL STATE AGENCIES TO DO EVERYTHING POSSIBLE TO FOSTER COMPETITION IN THE INTERISLAND AIR TRANSPORTATION MARKET," which was adopted by the Senate on March 28, 2002.

Sen. Com. No. 417, transmitting S.C.R. No. 45, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION NECESSARY TO HONOR OUR COUNTRY'S MORAL OBLIGATION TO PROVIDE FULL VETERANS BENEFITS TO FILIPINO VETERANS OF THE UNITED STATES ARMED FORCES," which was adopted by the Senate on March 28, 2002.

## DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 24) was received by the Clerk and was placed on file:

Dept. Comm. No. 24, from Marion M. Higa, State Auditor, transmitting a report summarizing work conducted in the past year.

## INTRODUCTIONS

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

Representative M. Oshiro introduced members of the Hawaii Lupus Foundation and their Board: Mr. Vernon Wong, President; Mrs. Ramona Harris, Board of Governors; Mr. Adelbert Greene and Ms. Helen Simutis, Board members; and also, Ms. Sharleen Oshiro, Executive Director.

Representative Hiraki introduced students from Central Middle School and their teachers, Ms. Ellen Owen and Ms. Cheryl Sumida, and assistant teacher, Ms. Rositter Scanlan.

Representative McDermott introduced Ms. Irene McGuire of Aliamanu Middle School, and two of her students.

Representative McDermott also introduced students from Holy Family Academy and their teachers, Ms. Keau Miyamoto, Ms. Beth Beale, and Ms. Barbara Norton.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

H.R.  
Nos.Re-referred to:

- |     |  |
|-----|--|
| 74  | Committee on Health, then to the Committee on Consumer Protection and Commerce                                       |
| 85  | Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance |
| 105 | Committee on Higher Education  |

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

- |     |  |
|-----|--|
| 67  | Committee on Health, then to the Committee on Consumer Protection and Commerce |
| 147 | Committee on Higher Education  |

S.B.  
Nos.Re-referred to:

- |              |                      |
|--------------|----------------------|
| 2118,<br>SD1 | Committee on Finance |
| 2478         | Committee on Finance |
| 2722,<br>SD1 | Committee on Finance |
| 2786,<br>SD1 | Committee on Finance |

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 167 and 168) were read by the Clerk and the following actions taken:

H.R. No. 167, entitled: "HOUSE RESOLUTION HONORING THE YWCA OF O'AHU SILVER ANNIVERSARY LEADERLUNCHEON HONOREES



SANDRA AU FONG, CAROLINE WARD ODA, NALANI OLDS, AMERICAN SAVINGS BANK AND KNDI RADIO," was jointly offered by Representatives Marumoto, Thielen, Meyer, Jaffe, Leong, Ahi Isa, Davis, Hale, B. Oshiro, Cabrerros, Lee, Auwae, Morita, Suzuki and Stonebraker.

Representative Marumoto moved that H.R. No. 167 be adopted, seconded by Representative Lee.

Representative Marumoto introduced the YWCA LeaderLuncheon Honorees seated on the House floor:

Ms. Sandra Au Fong, Ms. Caroline Ward Oda, and Ms. Nalani Olds.

Representative Lee also acknowledged the following organizations being recognized by the YWCA LeaderLuncheon, and introduced the following individuals seated on the House floor:

Ms. Constance Lau of American Savings Bank, and M. Leona Jona of KNDI Radio.

Representative Lee then introduced members of the YWCA of Hawaii who were seated in the gallery: Ms. Cheryl Kauhane, Executive Director; Ms. Kathryn Matayoshi, President of the Board of Directors; staff members, Ms. Judy Allen and Ms. Kanehi Onekea; and long-time patron, Ms. Aurora Fruehling.

The motion was put to vote by the Chair and carried, and H.R. No. 167, entitled: "HOUSE RESOLUTION HONORING THE YWCA OF O'AHU SILVER ANNIVERSARY LEADERLUNCHEON HONOREES SANDRA AU FONG, CAROLINE WARD ODA, NALANI OLDS, AMERICAN SAVINGS BANK AND KNDI RADIO," was adopted with Representatives Arakaki, Davis, Nakasone and Yoshinaga being excused.

H.R. No. 168, entitled: "HOUSE RESOLUTION RECOGNIZING ALIAMANU MIDDLE SCHOOL, CENTRAL MIDDLE SCHOOL, AND WAIMEA HIGH SCHOOL AS THE 2001-2002 BLUE RIBBON SCHOOLS BY THE UNITED STATES DEPARTMENT OF EDUCATION," was jointly offered by Representatives Ito, Kawakami, McDermott and Hiraki.

Representative Ito moved for the adoption of H.R. No. 168, seconded by Representative Takai.

Representative Ito recognized the 2001-2002 Blue Ribbon Schools: Aliamanu Middle School, Central Middle School, and Waimea High School.

Representative Takai introduced the principals of the 2001-2002 Blue Ribbon Schools who were seated on the House floor:

Ms. Patricia Ann Park of Aliamanu Middle School, Ms. Penelope Tom of Central Middle School, and Mr. William Arakaki of Waimea High School.

Representative Takai then asked the students, teachers, and staff of the Blue Ribbon Schools seated in the gallery to stand to be recognized.

The motion was put to vote by the Chair and carried, and H.R. No. 168, entitled: "HOUSE RESOLUTION RECOGNIZING ALIAMANU MIDDLE SCHOOL, CENTRAL MIDDLE SCHOOL, AND WAIMEA HIGH

SCHOOL AS THE 2001-2002 BLUE RIBBON SCHOOLS BY THE UNITED STATES DEPARTMENT OF EDUCATION," was adopted with Representatives Davis, Nakasone and Yoshinaga being excused.

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 1:56 o'clock p.m.

#### RECALL FROM COMMITTEE

Representative Fox moved that S.B. No. 2077, SD 1, be recalled from the Committee on Transportation and the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Djou.

The Chair then recognized the Clerk who announced that S.B. No. 2077, SD 1, had been referred to the Committee on Transportation and the Committee on Judiciary and Hawaiian Affairs on March 12, 2002, and that the required 20 days had lapsed for a recall.

The Chair then announced that S.B. No. 2077, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTO TRAFFIC ENFORCEMENT," was recalled from the Committee on Transportation and the Committee on Judiciary and Hawaiian Affairs by unanimous consent, and was brought to the floor for action.

Representative M. Oshiro moved that consideration on S.B. No. 2077, SD 1, be postponed to the end of the calendar on Friday, April 5, 2002, seconded by Representative Lee and carried. (Representatives Davis, Leong, Whalen, Yonamine and Yoshinaga were excused.)

The Chair then announced that that S.B. No. 2077, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTO TRAFFIC ENFORCEMENT," would be postponed to the end of the calendar on Friday, April 5, 2002.

#### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Djou 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 Davis, Leong, Whalen, Yonamine and Yoshinaga were excused.)

At 1:58 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:59 o'clock p.m.

Representative Thielen rose to a point of inquiry, stating:

"Mr. Speaker, a point of inquiry on that. You are saying that the effort to pull the bill to abolish the traffic cameras, to pull it to the floor for a vote of the Body as a whole, is now deferred to Friday April 5th? Since it has not passed Second Reading, I don't believe then, that would mean it would be impossible for it to pass Second Reading, and then to pass Third Reading on the same day."

The Chair responded, stating:

"You are correct. But if there is no amendment, you have until the end of Session to pass a bill on Third Reading."

### UNFINISHED BUSINESS

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 956-02) recommending that S.B. No. 331, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 331, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 46 ayes, with Representatives Davis, Souki, Whalen, Yonamine and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 957-02) recommending that S.B. No. 859, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 859, SD 1, HD 2 pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, on 957, I will be voting no on this particular measure and I would just like to give a short explanation. My no vote is not because I am against 'time off for good behavior' or that I believe in giving in 'time off for bad behavior.' It is just that good behavior should not be the sole criteria for a shorten sentence.

"The Paroling Authority deals with early release with a multi-faceted approach of which only one includes good behavior. I believe that the crowded conditions of our prisons may be more of an impetuous behind this measure, than the desire for good behavior. Thank you sir."

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

"I am rising in opposition as well. The Attorney General, the Hawaii Paroling Authority, as well as the Prosecuting Attorney testified in opposition to this bill. Basically what it does is it allows people to go on parole up to 25% shorter on their minimum sentence. I understand that our prisons are crowded. Really, I think that the Representative that spoke formerly hit 'the nail on the head'. This is addressing the problem of overcrowding in prisons.

"You know our schools are over crowded as well. But the answer to that problem is not to tell kids that they don't have to go to school, and that it is not very important. If we do something like this, basically the message we are sending to our felons and criminals, as well as the general public is, that justice is not really that important.

"Parole already is time off for good behavior. What we are doing is increasing that. It weakens and it 'hamstrings' the Legislature, and gives the Judicial Branch and the Executive Branch the power to execute justice and righteousness for the people of Hawaii. So with that in mind, I don't think our answers to overcrowding in prisons is to let the criminals go. I think it is to either build new prisons, to make sure that those who perpetrate such crimes would know that justice will be served, rather than a weak and lenient government. So for those reasons, I have to vote no."

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

"Mr. Speaker, I rise in favor of the measure. Mr. Speaker, this bill will enhance public safety by providing a very tangible system of rewards to motivate incarcerated persons to actively participate in their rehabilitation. Hawaii is one of only a small number of states that does not have an 'earned time' provision. It is due time that we adopt this measure.

"Persons convicted of a Class A felony will not be eligible for this program. Nor would those with a sentence of 'life without parole.' Those faced with a mandatory minimum term set by statute, will not be paroled before that minimum term has been served. The Parole Board will retain the discretion to deny parole to a person who has completed the minimum term of incarceration, even if that term has been shorten by the earned time credit this bill provides. The Parole Board will use the same criteria it presently does to weigh the risk to public safety for every case before the Board.

"After describing what the bill is not, let me describe what the bill is. Earned time credit is an excellent way to motivate inmates to actively participate in their rehabilitation. The result will not be only good for public safety, but it could also help free-up needed space for our overcrowded facilities. For an inmate who exhibits maximum participation, his or her minimum could be reduced by up to 25%. I reiterate Mr. Speaker, no inmate will go out the gates, earned time or not, if a Parole Board finds that they remain a danger to public safety.

"Mr. Speaker, I have three additional points I need to make to respond to previous statements made on the floor. One, is that we are doing what we can to expand on our prison space. If one were to open up the legal notice section of our newspaper today, you will find a RFP being put out by the administration for a new facility. This will be on the grounds of the Halawa High and Medium Security. In effect, it will be a new OCCC. The RFP has been let out today.

"Two, good behavior is not the sole criteria that the Parole Board will make a determination on, again, if the inmate remains a danger to the public safety. That is perhaps the most important criteria to determine whether or not they will win early release.

"Three, and sadly because of the overcrowded conditions in our facilities, I am holding out hope that this earned time provision, if it is signed into law, will work. Because if anyone who understands the way our system works in our prisons, because of overcrowding, there is a lack of programs. If you are constantly finding security a problem, what happens is that your facilities are in lockdown status for most of the time. That is because there was a premium placed on security. If the people or the inmates are in lockdown, there are no programs to go to. That means there is no earned time to get. So this is no way to deal with overcrowding. This is a way to bring attention to overcrowding, and if we don't solve that problem, nobody gets out. And then constantly find themselves behind bars."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 859, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," passed Third Reading by a vote of 36 ayes to 10 noes, with Representatives Djou, Fox, Jaffe, Marumoto, Meyer, Ontai, Pendleton, Rath, Stonebraker and Thielen voting no, and with Representatives Davis, Souki, Whalen, Yonamine and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. No. 331, SD 2, HD 2 and S.B. No. 859, SD 1, HD 2 passed Third Reading at 2:09 o'clock p.m.

At 2:09 o'clock p.m., Representative Halford requested 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.

#### STANDING COMMITTEE REPORTS

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 969-02) recommending that S.B. No. 2725, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2725, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," passed Second Reading and was placed on the calendar for Third Reading with Representatives Davis, Hamakawa, Hiraki, Kahikina, Souki, Whalen, Yonamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 970-02) recommending that S.B. No. 2341, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2341, SD 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 Davis, Hamakawa, Hiraki, Kahikina, Souki, Whalen, Yonamine and Yoshinaga being excused.

#### THIRD READING

##### S.B. No. 2692:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2692, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL SUPPORT FOR CHILDREN," passed Third Reading by a vote of 43 ayes with Representatives Davis, Hamakawa, Hiraki, Kahikina, Souki, Whalen, Yonamine and Yoshinaga being excused.

##### S.B. No. 99, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 99, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION," passed Third Reading by a vote of 43 ayes with Representatives Davis, Hamakawa, Hiraki, Kahikina, Souki, Whalen, Yonamine and Yoshinaga being excused.

##### S.B. No. 2046, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2046, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GUIDE DOGS, SIGNAL DOGS, AND SERVICE ANIMALS," passed Third Reading by a vote of 43 ayes with Representatives Davis, Hamakawa, Hiraki, Kahikina, Souki, Whalen, Yonamine and Yoshinaga being excused.

##### S.B. No. 2727, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2727, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROFESSIONAL AND VOCATIONAL LICENSING ACT," passed Third Reading by a vote of 43 ayes with Representatives Davis, Hamakawa, Hiraki, Kahikina, Souki, Whalen, Yonamine and Yoshinaga being excused.

At 2:10 o'clock p.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:10 o'clock p.m.

The Chair directed the Clerk to note that S.B. Nos. 2692; 99, HD 1; 2046, SD 1, HD 1; and 2727, SD 1 passed Third Reading at 2:11 o'clock p.m.

#### RECOMMIT

##### S.B. No. 2289, SD 1, HD 1:

Representative M. Oshiro moved that the House reconsider action taken on Thursday, March 28, 2002 to pass S.B. 2289, SD 1, HD 1 on Second Reading, and that said measure be recommitted to the Committee on Consumer Protection and Commerce, seconded by Lee.

At 2:12 o'clock p.m., Representative Djou requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:12 o'clock p.m.

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

"Mr. Speaker, I spoke to the Chair of the Committee and he informed me that with this particular measure, it will be taken up later today by the same Committee. There were some technical drafting errors that will be corrected, and then this measure will be brought before the Body once again. Thank you."

The Chair addressed the Body, stating:

"So the recommittal is based on some technical errors in the bill that will be taken up this afternoon."

The motion was put to vote by the Chair and carried, and the House reconsidered action taken on March 28, 2002, and S.B. 2289, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was recommitted to the Committee on Consumer Protection and Commerce with Representatives Davis, Hamakawa, Hiraki, Kahikina, Souki, Whalen, Yonamine and Yoshinaga being excused.

#### THIRD READING

##### S.B. No. 2728, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2728, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Third Reading by a vote of 43 ayes

with Representatives Davis, Hamakawa, Hiraki, Kahikina, Souki, Whalen, Yonamine and Yoshinaga being excused.

**S.B. No. 2734, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2734, SD 1 entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL EMPLOYMENT AGENCIES," passed Third Reading by a vote of 39 ayes to 4 noes, with Representatives Gomes, Halford, Ontai and Stonebraker voting no, and with Representatives Davis, Hamakawa, Hiraki, Kahikina, Souki, Whalen, Yonamine and Yoshinaga being excused.

**S.B. No. 2290, SD 1, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2290, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEPENDENT BILL REVIEWERS," passed Third Reading by a vote of 43 ayes Representatives Davis, Hamakawa, Hiraki, Kahikina, Souki, Whalen, Yonamine and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 2728, SD 1; 2734, SD 1; and 2290, SD 1, HD 1 passed Third Reading at 2:14 o'clock p.m.

**ANNOUNCEMENTS**

Representative B. Oshiro for the Committee on Judiciary and Hawaiian Affairs, requested a waiver of the 48 hour rule to hear HR 44 and HCR 75; HR 92 and HCR 134; HR 52 and HCR 82 tomorrow at 2:30. The companion HRs were inadvertently omitted from the agenda, and the Chair "so ordered."

Representative Halford: "Thank you, Mr. Speaker. Briefly, in Saturday's *Advertiser*, I was misquoted and I wanted to apologize for any misunderstanding that might have occurred. Specifically, I was attributed as saying that our general fund budget is about \$3.5 billion per year, and this includes hundreds of special funds that add spending to every department.

"Mr. Speaker, it is not a true statement, and I want to assure the membership. Also, I did not write that. Thank you."

Speaker Say: "The Chair is being very lenient to allow you to respond this particular article, because at this point you should have rose on a point of personal privilege."

Representative Halford: "I am sorry for the incorrect approach. Thank you."

Speaker Say: "That's alright. The main thing is that we are all learning the process."

**ADJOURNMENT**

At 2:16 o'clock p.m. on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, April 2, 2002. (Representatives Davis, Gomes, Hamakawa, Hiraki, Kahikina, Souki, Whalen, Yonamine and Yoshinaga were excused.)

## FORTY-THIRD DAY

Tuesday, April 2, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:12 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Duane McDaniel, of the Hawaii Kai Baptist Church, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Ito, Meyer, Takamine 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.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 418 through 421) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 418, transmitting H.B. No. 1542, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," which passed Third Reading in the Senate on April 1, 2002.

Sen. Com. No. 419, transmitting H.B. No. 2613, 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 April 1, 2002.

Sen. Com. No. 420, transmitting H.B. No. 1011, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 1, 2002.

Sen. Com. No. 421, transmitting H.B. No. 2120, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT," which passed Third Reading in the Senate on April 1, 2002.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the House disagreed to the amendments made by the Senate to H.B. Nos. 1011, HD 1, (SD 1); and 2120, HD 1 (SD 1), and requested a conference on the subject matter of said amendments. (Representatives Arakaki, Hiraki, Ito, Meyer, Takamine and Yoshinaga were excused)

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

H.R.

No.  
106

Re-referred to:

Committee on Education

H.C.R.

No.  
148

Re-referred to:

Committee on Education

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 169 and 170) were read by the Clerk and the following actions taken:

H.R. No. 169, entitled: "HOUSE RESOLUTION CONGRATULATING HERMAN LEONG, ROBIN KITSU, AND GEORGIA GOEAS AS RECIPIENTS OF THE 2001-2002 MILKEN FAMILY FOUNDATION NATIONAL EDUCATOR AWARD FOR THEIR OUTSTANDING CONTRIBUTIONS TO EDUCATION IN HAWAII," was jointly offered by Representatives Ito, Kahikina and McDermott.

Representative Takai moved that H.R. No. 169 be adopted, seconded by Representative Kahikina.

Representative Takai introduced Mr. Herman Leong of Radford High School, and Mr. Robin Kitsu of Nanakuli High School, recipients of the 2001-2002 Milken Family Foundation National Educator Award who were seated on the House floor.

Representative Takai also recognized award recipient Ms. Georgia Goeas of Konawaena High and Intermediate School who was not present, and Mrs. Michelle Kitsu, wife of Mr. Robin Kitsu who was seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 169, entitled: "HOUSE RESOLUTION CONGRATULATING HERMAN LEONG, ROBIN KITSU, AND GEORGIA GOEAS AS RECIPIENTS OF THE 2001-2002 MILKEN FAMILY FOUNDATION NATIONAL EDUCATOR AWARD FOR THEIR OUTSTANDING CONTRIBUTIONS TO EDUCATION IN HAWAII," was adopted with Representatives Ito, Hiraki, Nakasone and Yoshinaga being excused.

H.R. No. 170, entitled: "HOUSE RESOLUTION RECOGNIZING APRIL AS TSUNAMI AWARENESS MONTH," was offered by Representative Espero.

Representative Espero moved that H.R. No. 170 be adopted, seconded by Representative Hale.

Representative Espero introduced the honorees seated on the House floor:

Mr. John Jones, Deputy Director of the National Weather Service, Silver Springs, Maryland;

Mr. Jim Weyman, Region and Acting U.S. Tsunami Program Manager;

Mr. Brian Yanagi, Tsunami Program Manager for Hawaii State Civil Defense; and

Ms. Jeanne Johnston, a survivor of the 1946 tsumani.

Representative Espero also introduced Ms. Ellan Taylor and Ms. Jan Jones with the National Weather Service; and Ms. Barbara Hendrie and Mr. Leighton Ah Cook of the State Civil Defense.

The motion was put to vote and carried, and H.R. No. 170, entitled: "HOUSE RESOLUTION RECOGNIZING APRIL AS TSUNAMI AWARENESS MONTH," was adopted with Representatives Ito, Kanoho, Morita, Nakasone and Yoshinaga being excused.

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

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

#### STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 971-02), recommending that H.C.R. No. 178, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 178, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A PROGRAM AND FINANCIAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES' HISTORIC PRESERVATION DIVISION," was referred to the Committee on Legislative Management with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 972-02), recommending that H.R. No. 45, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.R. No. 45, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS," was referred to the Committee on Consumer Protection and Commerce with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 973-02), recommending that H.C.R. No. 76, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS," was referred to the Committee on Consumer Protection and Commerce with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 974-02), recommending that H.R. No. 140, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.R. No. 140, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE HEALTH CARE NEEDS OF WEST MAUI RESIDENTS," was referred to the Committee on Finance with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 975-02), recommending that H.C.R. No. 197, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE HEALTH CARE NEEDS OF WEST MAUI RESIDENTS," was referred to the Committee on Finance with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 976-02), recommending that H.R. No. 28, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and H.R. No. 28, HD 1, be referred to the Committee on Finance, seconded by Representative Schatz.

Representative Gomes rose to a point of inquiry, stating:

"Mr. Speaker, just a point of inquiry with regard to Standing Committee Report 976. I was reading the Committee Report and it explains that this particular measure, the original resolution was gutted and the new language was put in place regarding the Afghan children. The Committee Report on page 2, states that your Committee finds that a resolution requesting an audit of the EMSSB, which is the Emergency Medical Services Systems Branch of the Department of Health, is no longer necessary, and that they could use the resolution as a vehicle. My query and question to the Committee Chair, if he will yield to my question is why it is no longer necessary to conduct an audit of EMSSB, because it wasn't explained in the Committee Report."

At 12:49 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:50 o'clock p.m.

Representative Gomes rose, stating:

"Mr. Speaker, I think that the question was answered. It is my understanding that the reason this particular request is not needed is that there is an audit that is already scheduled to be performed. This is a management and fiscal audit that Legislature asked the Auditor to conduct."

Representative McDermott rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative McDermott's written remarks are as follows:

**"STATEMENT OF H.E. MONS. RENATO RAFFAELE MARTINO  
TO THE 3rd COMMISSION OF THE GENERAL ASSEMBLY  
OF THE UNITED NATIONS ON ITEM 114:  
"Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions"  
Tuesday, 20 November 2001**

*Mr. Chairman,*

The discussion of questions relating to refugees, returnees and displaced persons centers around two important documents:



*The Report of the High Commissioner* and the Report of the Secretary General entitled *Assistance to refugees, returnees and displaced persons in Africa*. Along with these two reports which have been specifically provided for this discussion, delegations have before them reports concerned with human rights issues: the *Note of the Secretary General on Internally displaced persons* and the *Report on the Protection of migrants*. These documents provide a broad overview of the work of the United Nations regarding these people who are or have been separated from their homes and family. My Delegation thanks all those who have prepared this information for us.

Of course, for this discussion, the Holy See will address the more than twenty-two million persons who are the direct concern of the UNHCR.

*Mr. Chairman,*

In recent weeks, our attention is so strongly drawn to Afghanistan, although the refugee crisis involving millions of Afghans has been going on for over twenty years. The latest reports from the office of the High Commissioner tell us that more than 3.5 million Afghan refugees have sought refuge in Pakistan and Iran. Those same reports indicate the difficulty in establishing a firm and accurate count, and also tell of the tragedy that continues to unfold as nations come to the aid of these people forced from their homes and country.

During a statement made on 11 November, His Holiness Pope John Paul II once again called attention to their situation: "As we thank God for all that the fields produced this year, we must not forget those brothers and sisters in different parts of the world who are deprived of essential goods, such as food, water, a home and health care. At this time of great international concern, I am thinking especially of the peoples of Afghanistan, who must urgently receive necessary aid. This is a world emergency, which, however, does not allow us to forget that in other parts of the world there continue to be conditions of great and compelling need." (*Pope John Paul II, Message before the Angelus, Sunday, 11 November, St. Peter's Square*).

What can be done to alleviate or solve the world's refugee problem? In the short-term, the answer must lie in protecting refugees by providing security and humanitarian assistance. This protection must deliver practical relief to those in need of food, water, clothing, shelter, and basic health care. Without such provisions, any plans for the care of refugees become meaningless or even counter-productive.

In this light, my Delegation welcomes the introduction of the basic concept of the *Note on International Protection*, emphasizing the fact that protection is a dynamic and action-oriented function, rather than an abstract concept.

The concrete understanding of the requirements for protection will lead also to a better understanding of how to address the reasons why people are forced from their homes, or why people feel they must abandon their homes.

The defense and promotion of human dignity of refugees and of those in the concern of the UNHCR, are an important part of the mission of the Programme. Their rights must be protected. These rights include the right to life as well as the rights to marriage, family, migration, asylum and religious freedom. The protection of the fundamental rights of all people is the key to changing the situation of refugees and displaced persons.

*Mr. Chairman,*

Today the fastest growing group of "people on the move" are displaced persons who do not cross borders, but are adrift inside their own country. These are people trapped by war or persecution within state boundaries and need help as much as

or possibly more than refugees. But the world has been slow to acknowledge their painful plight. It is the good fortune of refugees, if such language can be used, to be classified precisely as a refugee in that the label provides some legal protection and in some cases even political value. Refugees have a legal claim to assistance merely because they have crossed a border. UNHCR, while having no explicit mandate to care for internally displaced persons, has in the past, along with other concerned parties, helped to care for these individuals when and where possible. The Delegation of the Holy See wishes to commend such activity on the part of UNHCR and others and to encourage expanded consideration of the plight of these human beings who have the right to humanitarian assistance even though their homeland is a sovereign territory and this assistance is against the wishes of their government.

It should be abundantly clear that the recognition of human dignity and the protection of human rights imply that short-term aid to refugees and internally displaced persons is necessary but not sufficient. The building of more just and peaceful societies, the lack of which is the main cause of population displacements, must become the goal. As on other occasions, the Holy See expresses its commitment to participate in this common task.

My Delegation would like to pay tribute to those states that have been courageous enough to welcome refugees and did not remain indifferent in the face of this global problem. The generosity exhibited calls for recognition and needs to be applauded. That solidarity with a suffering portion of humanity has not been without sacrifice. In some instances, refugees outnumber the local population, presenting obvious difficulties. The local economy, and in particular when there are local subsistence farmers, has in some instances suffered due to the influx of refugee population. In such cases, UNHCR and states are encouraged to provide compensation to locals in an appropriate manner so as to encourage the openness of still more states.

In these difficult times, the world has come to recognize the importance of peace, freedom and order. Unfortunately, we have not yet learned to ensure that these goods become an everyday reality. Yet rather than submit to a world of conflict, tyranny and persecution, the Christian message is one of hope in mankind's God-given ability to improve our lot and obtain better results.

*Mr. Chairman,*

Pope John Paul II, addressing the United Nations High Commissioner for Refugees on the 50<sup>th</sup> Anniversary of the creation of the Office, last year, said: "The dawn of a new millennium calls all responsible men and women to fresh efforts to implement the great humanitarian ideal which is at the heart of the UNHCR's mission: the protection of refugees and the defense and promotion of their dignity. The Holy See fully shares the UNHCR's concerns in this respect, and will continue to do all it can to ensure that refugees and displaced persons are not forgotten in the midst of the profound transformations affecting international life."

Thank you, Mr. Chairman."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. 28, HD 1, entitled: "HOUSE RESOLUTION REQUESTING HUMANITARIAN AID ADDRESSING THE HEALTH, WELFARE, AND EDUCATION OF AFGHAN CHILDREN," was referred to the Committee on Finance with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 977-02),

recommending that H.C.R. No. 49, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 49, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HUMANITARIAN AID ADDRESSING THE HEALTH, WELFARE, AND EDUCATION OF AFGHAN CHILDREN," was referred to the Committee on Finance with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 978-02), recommending that H.C.R. No. 114, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 114, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS AND THE DEPARTMENT OF THE INTERIOR, OFFICE OF INSULAR AFFAIRS, TO PROVIDE ADEQUATE FINANCIAL ASSISTANCE FOR LAWFUL NON-IMMIGRANTS FROM THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND PALAU," was referred to the Committee on Finance with Representatives Ito, Kanoho and Yoshinaga being excused.

Representatives Arakaki and Ito, for the Committee on Health and the Committee on Education presented a report (Stand. Com. Rep. No. 979-02), recommending that H.C.R. No. 187, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 187, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EVALUATE THE OPERATIONAL EFFICIENCY AND PROGRAMMATIC EFFECTIVENESS OF THE STATE'S INTEGRATED SPECIAL EDUCATION DATABASE SYSTEM," was referred to the Committee on Finance with Representatives Ito, Kanoho and Yoshinaga being excused.

Representatives Arakaki and Ito, for the Committee on Health and the Committee on Education presented a report (Stand. Com. Rep. No. 980-02), recommending that H.C.R. No. 91, as amended in HD 1, be referred to the Committee on Legislative Management.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 91, HD 1 be referred to the Committee on Legislative Management, seconded by Representative Schatz.

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

"Thank you, Mr. Speaker. I would like to stand in strong support for H.C.R. 91. This is the Attention Deficit Hyperactivity Disorder in Children. Mr. Speaker, I would particularly like to thank the Chair of the Education Committee and the member from Nanakuli because they took this resolution and made it into a far better resolution. I really thank them for doing that."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 91, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION

REQUESTING A STUDY ON THE USE OF DRUGS TO TREAT ATTENTION DEFICIT/HYPERACTIVITY DISORDER IN CHILDREN," was referred to the Committee on Legislative Management with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 981-02), recommending that H.R. No. 60, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.R. No. 60, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO INITIATE A DOCKET OR CONVENE A TASK FORCE ON POWER QUALITY TO MEET THE NEEDS OF MODERN COMMERCE," was referred to the Committee on Consumer Protection and Commerce with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 982-02), recommending that H.C.R. No. 93, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 93, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO INITIATE A DOCKET OR CONVENE A TASK FORCE ON POWER QUALITY TO MEET THE NEEDS OF MODERN COMMERCE," was referred to the Committee on Consumer Protection and Commerce with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 983-02), recommending that H.R. No. 128, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.R. No. 128, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REOPEN DOCKET NO. 99-0207, WHICH DEALS WITH THE APPLICATION OF HAWAII ELECTRIC LIGHT COMPANY, INC., FOR APPROVAL OF RATE INCREASES AND REVISED RATE SCHEDULES WITH REGARD TO ITS STANDBY SERVICE RIDER; CONSIDER SPECIFIC ISSUES IN PROCEEDINGS REGARDING DISTRIBUTED ENERGY RESOURCES; AND CONSIDER SPECIFIC ISSUES IN ALL FUTURE PROCEEDINGS REGARDING DISTRIBUTED ENERGY RESOURCES," was referred to the Committee on Consumer Protection and Commerce with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 984-02), recommending that H.C.R. No. 177, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 177, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE

PUBLIC UTILITIES COMMISSION TO REOPEN DOCKET NO. 99-0207, WHICH DEALS WITH THE APPLICATION OF HAWAII ELECTRIC LIGHT COMPANY, INC., FOR APPROVAL OF RATE INCREASES AND REVISED RATE SCHEDULES WITH REGARD TO ITS STANDBY SERVICE RIDER; CONSIDER SPECIFIC ISSUES IN PROCEEDINGS REGARDING DISTRIBUTED ENERGY RESOURCES; AND CONSIDER SPECIFIC ISSUES IN ALL FUTURE PROCEEDINGS REGARDING DISTRIBUTED ENERGY RESOURCES," was referred to the Committee on Consumer Protection and Commerce with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 985-02), recommending that H.C.R. No. 108, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 108, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE PUBLIC UTILITIES COMMISSION," was referred to the Committee on Consumer Protection and Commerce with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 986-02), recommending that H.C.R. No. 179, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 179, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF AN ACTION PLAN TO ASSESS AND REDUCE CARBON DIOXIDE EMISSIONS," was referred to the Committee on Finance with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 987-02), recommending that H.C.R. No. 40, be referred to the Committee on Consumer Protection and Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 40, be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Schatz.

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

"Mr. Speaker, I am rising in support. I would just like to call to the attention of the Chairman of Consumer Protection Committee, where this resolution next is scheduled to be heard, that there are actually, multiple H.C.R. 40s that we have filed. If that needs to be amended, it probably needs to be taken care of in the next Committee. The second H.C.R. 40 that I found, has nothing to do with the Cable Act of 1992. It is a completely different subject matter, and so I ask that the next Committee take a look at that. 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. 40, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE CABLE ACT OF 1992 RELATING TO "MUST-CARRY" LEGISLATION," was referred to the Committee on Consumer Protection and

Commerce with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 988-02), recommending that H.R. No. 41, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.R. No. 41, entitled: "HOUSE RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO DEVELOP AN OVERALL STRATEGY, POLICY, AND PLAN TO AWARD TOURISM PRODUCT ENRICHMENT AND DIVERSIFICATION GRANTS," was referred to the Committee on Finance with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 989-02), recommending that H.C.R. No. 72, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO DEVELOP AN OVERALL STRATEGY, POLICY, AND PLAN TO AWARD TOURISM PRODUCT ENRICHMENT AND DIVERSIFICATION GRANTS," was referred to the Committee on Finance with Representatives Ito, Kanoho and Yoshinaga being excused.

Representatives Chang and Takumi, for the Committee on Tourism and Culture and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 990-02), recommending that H.R. No. 12, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.R. No. 12, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO STUDY THE FEASIBILITY OF TRANSFERRING THE OPERATION AND MANAGEMENT OF THE ALOHA STADIUM FROM THE HAWAII STADIUM AUTHORITY TO THE UNIVERSITY OF HAWAII AND THE KAPOLEI RECREATIONAL SPORTS COMPLEX TO THE UNIVERSITY OF HAWAII OR THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Finance with Representatives Ito, Kanoho and Yoshinaga being excused.

Representatives Chang and Takumi, for the Committee on Tourism and Culture and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 991-02), recommending that H.C.R. No. 26, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE FEASIBILITY OF TRANSFERRING THE OPERATION AND MANAGEMENT OF THE ALOHA STADIUM FROM THE HAWAII STADIUM AUTHORITY TO THE UNIVERSITY OF HAWAII AND THE KAPOLEI RECREATIONAL SPORTS COMPLEX TO THE UNIVERSITY OF HAWAII OR THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Finance with Representatives Ito, Kanoho and Yoshinaga being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 992-02), recommending that S.C.R. No. 18, be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative Schatz and carried, the report of the Committee was adopted and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION ADOPTING OUTCOME INDICATORS OF WELL-BEING FOR HAWAII'S CHILDREN AND FAMILIES," was referred to the Committee on Education with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 993-02) recommending that H.R. No. 100, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and H.R. No. 100, be adopted, seconded by Representative Lee.

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

"Thank you, Mr. Speaker I am rising in support of Standing Committee Report 993, H.R. 100.

"Mr. Speaker, I support this resolution which asks for a progress report on the State Foundation of the Culture and Arts, which is something I think is good. Nevertheless, I would just like to state for the record that the Foundation, in my opinion, has had a lot of problems relatively recently. I certainly hope the Foundation takes a very critical look at their organization and their structure, and their finances, and it cleans up their house and also examines the possibility of broadening its goals and reaches.

"I will be following and looking at this resolution very carefully and if we need further, more aggressive action in the future, I will be paying very close attention to it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 100, entitled: "HOUSE RESOLUTION REQUIRING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO REPORT ON ITS PROGRESS IN COMPLYING WITH THE RECOMMENDATIONS MADE BY THE AUDITOR IN THE 1999 AUDIT OF THE FOUNDATION," was adopted with Representatives Ito, Kanoho and Yoshinaga being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented two reports:

(Stand. Com. Rep. No. 994-02) recommending that H.R. No. 84, be adopted; and

(Stand. Com. Rep. No. 995-02) recommending that H.C.R. No. 123, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted and that H.R. No. 84, be adopted; and H.C.R. No. 123, be adopted, seconded by Representative Lee.

Representative Hale rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I just would like to speak in strong support of Standing Committee Reports 994-02 and 995-02, H.R. 84 and H.C.R. 128.

"In the 2001 Session, we passed a resolution, I think also introduced by the Chair of the Health Committee, to ask the United Nations to set up a Center here in Hawaii for children and youth, specifically for Asian and Pacific. It is even more important, I think, I really feel very strongly that Hawaii is a leader and should be a model for the world.

"As the head of C. Brewer, Doc Buyers told me one time when I tried to get him to be a speaker at the United Nations conference, that we ought to have the headquarters of the United Nations in Hawaii. I think we sell ourselves short because we don't follow up with this. I would like to see the two Chairs of those Committees be sent to Washington to lobby for this. And lobby strong and hard. I think we really need to make Hawaii a world center and a model for sustainable community environment and the many other progressive things that this Legislature is doing this year. Aloha."

Representative Arakaki rose to speak in support of both measures stating:

"Thank you, Mr. Speaker. In support of Standing Committee Reports 994 and 995, and the attached resolutions. I just want to let you know that the Chair of Human Services and Chair of Health stand willing to go to New York and Washington DC to pursue this matter. We'd like to take the young lady from the Big Island as our chaperone.

"All kidding aside, Mr. Speaker. The Representative from the Big Island was very eloquent in her support."

Representative Stonebraker rose to speak in opposition to both measures, stating:

"Mr. Speaker, I am rising in opposition to the same two, Standing Committee Report 994 and 995. As much as I do think that a Center for the Health, Welfare, and Education of Children, Youth, and Families for Asia and the Pacific is an excellent idea, I think we are in danger of selling our national sovereignty and our small Statehood out to a large group.

"I am not a huge fan of the United Nations. I fear one day that we'll not only pay a state tax, federal tax, but also a world tax. I just have some great concerns. Why don't we do this ourselves? We do need to demonstrate ourselves to be leaders, as the Representative from the Big Island has said. So why would we do something that indicates that we are followers and not leaders? For those reasons, thank you."

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

"Mr. Speaker, I rise in support of this particular measure. Already Hawaii is the center for many of the social services and health services that are utilized by the people in the Pacific region. I call to your attention H.C.R. 114 which we already passed on to the Finance Committee in Standing Committee Report 978. It has been changed, but it calls for asking the United States Congress and the Department of Interior to provide adequate financial assistance for lawful non-immigrants from the Federated States of Micronesia, the Republic of the Marshall Islands and Palau. This is because of national immigration policy. These people enter the United States freely, and 58% of them are very dependent on public assistance, and Hawaii provides this. They are already coming here, and we are already providing the service, and we should continue to do so. I think we can build up a lot of excellence in

this area, but we should get reimbursed from the federal government for their national immigration policy. Thank you very much."

The motion was put to vote by the Chair and carried, and the reports of the Committee was adopted and H.R. No. 84, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER THE ESTABLISHMENT IN HAWAII, OF A CENTER FOR THE HEALTH, WELFARE, AND EDUCATION OF CHILDREN, YOUTH, AND FAMILIES FOR ASIA AND THE PACIFIC AND REQUESTING SUPPORT FOR THE CENTER FROM THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES," was adopted with Representative Stonebraker voting no and with Representatives Ito, Kanoho and Yoshinaga being excused.

and

H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER THE ESTABLISHMENT IN HAWAII, OF A CENTER FOR THE HEALTH, WELFARE, AND EDUCATION OF CHILDREN, YOUTH, AND FAMILIES FOR ASIA AND THE PACIFIC AND REQUESTING SUPPORT FOR THE CENTER FROM THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES," was adopted with Representative Stonebraker voting no and with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 996-02) recommending that H.C.R. No. 190, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII," was adopted, with Representatives Ito, Kanoho and Yoshinaga being excused.

Representatives Morita and Kanoho, for the Committee on Energy and Environmental Protection and the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 997-02) recommending that H.R. No. 67, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 67, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE ENVIRONMENTAL COUNCIL, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, SIERRA CLUB, HAWAII CHAPTER, LAND USE RESEARCH FOUNDATION, CONSERVATION COUNCIL OF HAWAII, ESTATE OF JAMES CAMPBELL, EARTHJUSTICE LEGAL DEFENSE FUND, UNIVERSITY OF HAWAII, AND OTHER INTERESTED PARTIES, TO ANALYZE POTENTIAL AMENDMENTS TO HAWAII'S ENDANGERED SPECIES LAW, CHAPTER 195D, HAWAII REVISED STATUTES, TO FURTHER THE GOALS OF PROTECTING AND PROMOTING THE RECOVERY OF HAWAII'S UNIQUE AND IMPERILED FLORA AND FAUNA," was adopted with Representatives Ito, Kanoho and Yoshinaga being excused.

Representatives Morita and Kanoho, for the Committee on Energy and Environmental Protection and the Committee on Water and Land Use presented a report (Stand. Com. Rep. No.

998-02) recommending that H.C.R. No. 103, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 103, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE ENVIRONMENTAL COUNCIL, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, SIERRA CLUB, HAWAII CHAPTER, LAND USE RESEARCH FOUNDATION, CONSERVATION COUNCIL OF HAWAII, ESTATE OF JAMES CAMPBELL, EARTHJUSTICE LEGAL DEFENSE FUND, UNIVERSITY OF HAWAII, AND OTHER INTERESTED PARTIES, TO ANALYZE POTENTIAL AMENDMENTS TO HAWAII'S ENDANGERED SPECIES LAW, CHAPTER 195D, HAWAII REVISED STATUTES, TO FURTHER THE GOALS OF PROTECTING AND PROMOTING THE RECOVERY OF HAWAII'S UNIQUE AND IMPERILED FLORA AND FAUNA," was adopted with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 999-02) recommending that S.B. No. 2772, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2772, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ito, Kanoho and Yoshinaga being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1000-02) recommending that S.B. No. 2093, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2093, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1001-02) recommending that S.B. No. 2468, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2468, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Thank you Mr. Speaker, I rise in opposition with reservations. This Senate bill, Contract Price Threshold for Contractor's License, is now blank. Originally it lowered it from a \$1,000 down to \$500, and now that it's blank. Of course there is the outside possibility that it actually could be increased. But knowing our tendency towards socialism, and restriction, and monopolistic practices, and anti-competition in

this 'proto-Soviet' State, it probably is more likely to go down than up."

Representative Souki rose to a point of order, stating:

"I believe that the comments made by the Representative from Kona are highly out of order, and I would like for you to set the Representative straight."

The Chair addressed Representative Rath, stating:

"Representative Rath, could you confine your remarks to S.B. 2468. And, we are not a pro-Soviet State, as you know."

Representative Rath: "Proto. That means beginning, not quite there yet."

Speaker Say: "But please confine your remarks to the Senate bill."

Representative Rath continued, stating:

"Thank you, Mr. Speaker. I will. So to the merits of this bill, or demerits as they might be, we've decided to license contractors in this State for doing almost everything. If somebody paints a house or puts down a floor, they have to have a license, bond insurance, this, that, or the other. However, if you go to someplace like New York City with all those beautiful buildings, that infrastructure, the Empire State Building, they don't licensed contractors. All those buildings were built by unlicensed contractors. Somehow most states get away without doing this type of thing.

"What I am most interested in is the punishment of our people here, and the inability of our young people to become entrepreneurs, to gain their own business in a trade that is very important to our economy and construction. Let's face it. This has actually happened. When a young man in his 20s goes to work for another contractor, and after 5 years becomes a foreman, and after another 7 years, he decides he wants to go out on his own. He takes the test, jumps through all the hoops, and guess what. His employer tells DCCA that he didn't really supervise anybody, so now he gets fired. And now he can't get his contractors license.

"For those people who want to start out, you know, embryonic. They just want to get going in a small business. They are limited to a \$1,000 per job. I checked with a lot of handymen. A lot of guys who do home repairs, small additions and stuff like that. They tell me that it is almost impossible to go out and solicit that. To bid, sell, get and accomplish 50 jobs a year, that is one per week, maybe two. The maximum that they can get is \$1,000. Now, rule of thumb is 50-50. That's 50% for materials, and 50% for labor. That means the most they can make with 50 jobs throughout the course of the year is \$500 per job or \$25,000 a year. That is not very much money.

"Now you want to lower it so the whole job is \$500 in the original bill. It is left blank now. What we should be doing is, we should be tying this kind of activity, the threshold for a contractor's licenses, tie that to small claims court, which is \$3,500. Because now, when they do go higher than a \$1,000, \$1,200, or \$2,500, they actually have a vehicle to collect.

"Believe it or not Mr. Speaker, there are a lot of people that take advantage of these small guys. They get them in for a job for \$800 or \$900, and they say, can you do this, that, and add this on. At the end of it, they say, 'I don't have to pay you. See you later. You are not a licensed contractor.' Or the most they will give them is a \$1,000. These are beginning business people, or people who are just are eking out of living. You know, making \$25,000 a year. These guys are not getting rich,

and they are not damaging anybody. We should be raising that to \$3,500. Tie it to small claims court because right now, somebody can blow in from California and take the test, and get a contractor's license and go to work here. There are guys that are born and raised in Kona who have been doing this for years and years and years. They can't hit that bar to get that contractors license.

"So we ought to make it easier for people to get in business, not harder. You know, only competition breeds excellence. We ought to be enthusing competition and enthusing our young people to go out on their own, to try to make it and to do well. And this could move, could move like I said, I am in opposition with reservations. It could move this down to \$500, but then it could move it up towards something reasonable and effective. So I stand in opposition, I am hopeful that the light will be seen. Thank you Mr. Speaker."

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker I am rising to speak in opposition to the bill. Mr. Speaker, I need to disclose a potential conflict. I have contractors in the family," and the Chair ruled, "no conflict."

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

"Mr. Speaker, I believe that the Representative from Kona really correctly stated the issue. It is the worst thing that we can do with our young people who are having a hard time getting into this profession to begin with. The intent of the bill is right on the front of the Committee Report. And it was to lower the contract price threshold at which a contractor's license is required, from \$1,000 to \$500. Mr. Speaker, there is very little that a homeowner can get done at her or his home for \$400 to \$500. And once you then turn to the licensed contractor, you put the small entrepreneur out of business and you probably double or triple your price. The idea to raise the price to be equal to that which is accepted in small claims court, I think is a brilliant idea. Any homeowner who feels wronged can go to small claims court on his or her own, and seek remedy were this unlicensed entrepreneur to have not performed in the manner to which that person is expected.

"I think I am really surprised at this bill coming back again. I think I remember Mr. Speaker two years ago we had a huge 'hullabaloo' about this, and it was very widely covered in the press. And the press poked fun at us for doing this, for trying to stop the handyman in today's society. I don't know where this bill came from or how it ever made its way out of the Consumer Protection and Commerce Committee. It sure isn't helping commerce, and I don't think it is helping the consumer. I really think Mr. Speaker, that this bill should go back after this vote, which I assume it is going to pass on Second Reading. But I just don't think it should survive to come back out for Third Reading. It is a bad bill, a bad idea, and we are going the wrong direction. Thank you."

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

"Mr. Speaker, I speak with severe reservations about this bill. I would vote against it if the figure was in there for \$500, but since it is left blank, I am hoping the Committee reconsiders the whole idea. There are many people in my district and on my island, all you have to do is read the 'want ad' section to find the number of people who will do jobs for a \$1,000 or less.

"It is really going to hurt the small entrepreneurs, the creative craftsman type of person, who doesn't really want to go into



contracting business, but wants to do handyman kind of work. I really think that this really needs consideration and I will vote against it if it goes down below a \$1,000. Thank you."

Representative Schatz rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"In opposition, Mr. Speaker. And briefly, the description of the bill says, 'lower the contract price threshold.' We can't have any doubt about what direction this bill is going to take, even if the figure is blank. It contributes to the anti-competitive atmosphere that we have in Hawaii, to make it more difficult for these persons to do business."

Representative Souki rose to speak in support of the measure with reservations and asked that the remarks of Representative Hale be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Souki continued, stating:

"I have strong, strong reservations on this measure."

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

"Thank you, Mr. Speaker. I am in opposition and I will reserve my remarks for Third Reading."

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

"Thank you, Mr. Speaker. I think the idea of tying the threshold to the small claims limit might have some merit, if it hasn't already been tried and explored."

"The other thing I find odd is that many of us advocate for a lot less regulation in the market place, imposed by government. This particular one seems to be at the request of industry, and it is often industry itself that complains about government regulation and over regulation, and all that it does for the marketplace, except if it is in their industry, and if that regulation goes to protect their own interest."

"Well, they can't have it both ways. I think maybe there are some exceptions to that, but I see this as an attempt by industry itself to keep out competition. And I don't think that, that again, is good for the industry. The folks that are advocating for this can certainly survive these kinds of thresholds. Ultimately though, all this does is lend itself to create higher prices and less availability for people, in addition to the job opportunities that are created as entrepreneurs are out there doing work handyman type work. But ultimately, it just drives up our cost of living. This is just one more cost driver that is imposed on the marketplace. It happens to be, this time, in an industry-driven regulation that again, I think, is not helpful and not wise."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

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

"Thank you, Mr. Speaker. After 9/11, a lot of people lost their jobs out in the Leeward area, and I feel this bill is not going to help them. We have a lot of people that can't find jobs so they take on part-time jobs. For us to reduce this is just not right. Thank you."

Representative Jaffe rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. I realize it is only Second Reading. I just thought this was the saddest bill of the entire Session. It is indicative of our poor economy. When people are worried about small jobs like this, it just shows that we have a very weak economy."

"I think it was 10 to 14 years ago when prices were so high, we couldn't get enough workers. We were importing them and everything was skyrocketing out of control as far as prices were concerned. I think that I'll be voting no."

Representative McDermott rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Pendleton rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Djou rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

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

"Mr. Speaker, I am with strong reservations. With the big boom out in the Leeward area, a lot of times the general contractors and subcontractors don't want to take these small jobs, and so it is really helpful to our families where we can just hire these handymen, who are a lot of times immigrants coming in, who do a lot of good handy work. Thank you, Mr. Speaker."

Representative Bukoski rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2468, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski, Djou, Fox, Gomes, Halford, Jaffe, Marumoto, McDermott, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker and Thielen voting no and with Representatives Ito, Kanoho and Yoshinaga being excused.

#### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Djou 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 Ito, Kanoho and Yoshinaga were excused.)

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1002-02) recommending that S.B. No. 410, SD 3, pass Third Reading.



On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 410, SD 3, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 48 ayes, with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1003-02) recommending that S.B. No. 2518, SD 1, pass Third Reading.

Representative M. Oshiro moved that S.B. No. 2518, SD 1, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I rise on 1003 to express some reservations. This is on S.B. 2518, SD 1, Acacia Koa Wood. I support the local woodworking and furniture making industry in Hawaii and support the designation that Koa products should be genuine Acacia Koa wood grown here in Hawaii, and one other place. I believe they said Taipei in the hearing. No other wood, even if it looks the same, can be labeled Koa.

"Unfortunately that includes much of the paneling, the desks, the gallery seats in this Chamber and the Senate Chamber. This is because when this building was constructed, there was an insufficient supply of Koa in Hawaii. So we had to bring in wood from the Philippines. That is my understanding. So I just wanted to remind you that the wood you see here is not the real thing. If we pass this bill, it is not Koa. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2518, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Third Reading by a vote of 48 ayes, with Representatives Ito, Kanoho and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1004-02) recommending that S.B. No. 2498, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2498, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Stonebraker voting no and Representatives Ito, Kanoho and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 410, SD 3; 2518, SD 1; and 2498, SD 2, HD 1 passed Third Reading at 1:16 o'clock p.m.

### THIRD READING

#### S.B. No. 2725:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2725, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," passed Third Reading by a vote of 48 ayes with Representatives Ito, Kanoho and Yoshinaga being excused.

#### S.B. No. 2341, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2341, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Third Reading by a vote of 48 ayes with Representatives Ito, Kanoho and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 2725 and 2341, SD 1 passed Third Reading at 1:16 o'clock p.m.

### ANNOUNCEMENTS

Representative Schatz for the Committee on Energy and Environmental Protection, requested a waiver of the 48-hour notification requirement for the purpose of conducting decision making on S.B. 2005 SD 1, April 3rd at 9:00 a.m. in Conference Room 312, and the Chair "so ordered."

Representative Takamine for the Committee on Finance, requested a waiver of the 48-hour notice rule for decision making on Senate bills previously heard. S.B. Nos. 2505, SD 1, HD 1; 2007, SD 2, HD 1; 2350, SD 2, HD 1; 2709, SD 2, HD 1; and 2075, SD 2, HD 1 to be scheduled for decision making only following the agenda for this evening in Conference Room 308, and the Chair "so ordered."

### ADJOURNMENT

At 1:18 o'clock p.m. on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, April 3, 2002. (Representatives Ito, Kanoho and Yoshinaga were excused.)

## FORTY-FOURTH DAY

Wednesday, April 3, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:15 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representatives Lei Ahu Isa, Michael Puamamo Kahikina, Ezra R. Kanoho and Bertha C. Kawakami, after which the Roll was called showing all members present with the exception of Representatives Gomes, Ontai 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.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 422 and 423) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 422, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 99, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION";

S.B. No. 331, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING";

S.B. No. 859, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PAROLE";

S.B. No. 2046, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GUIDE DOGS, SIGNAL DOGS, AND SERVICE ANIMALS"; and

S.B. No. 2290, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEPENDENT BILL REVIEWERS".

Sen. Com. No. 423, transmitting S.C.R. No. 12, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO DEVELOP A MASTER PLAN FOR THE HONOLULU WATERFRONT," which was adopted by the Senate on April 2, 2002.

## INTRODUCTIONS

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

Representative Takamine, on behalf of the Big Island delegation, introduced student leaders from Kohala, Honoka'a, and Kalaniana'ole High Schools, and their advisors.

At 12:21 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:22 o'clock p.m.

Representatives Thielen and Meyer introduced the students from Waiahole Elementary School.

At 12:24 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following Senate concurrent resolutions were referred to committee by the Speaker:

S.C.R.Nos.Referred to:

34, SD1	Committee on Tourism and Culture, then to the Committee on Legislative Management
36	Committee on Water and Land Use
43	Committee on Transportation
44, SD1	Committee on Public Safety and Military Affairs, then to the Committee on Energy and Environmental Protection
45	Committee on Public Safety and Military Affairs
50	Committee on Agriculture
54	Committee on Education
78, SD1	Committee on Agriculture

## STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1005-02), recommending that H.C.R. No. 47, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 47, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE SUBMERGED AND TIDAL LANDS OF THE HONOKOHAU SMALL BOAT HARBOR TO PRIVATE ENTITIES FOR COMMERCIAL, RECREATIONAL, EDUCATIONAL, AND RESEARCH PURPOSES," was referred to the Committee on Finance, with Representative Case being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1006-02), recommending that H.C.R. No. 92, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 92, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONSTRUCT FISHING PIERS IN APPROPRIATE

LOCATIONS THROUGHOUT THE STATE," was referred to the Committee on Finance, with Representative Case being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1007-02), recommending that H.R. No. 29, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 29, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT PUBLIC MEETINGS TO IDENTIFY COASTAL AREAS THAT SHOULD BE DESIGNATED MARINE LIFE CONSERVATION DISTRICTS OR FISHERY MANAGEMENT AREAS DUE TO OVERFISHING AND HABITAT DEGRADATION," was referred to the Committee on Finance, with Representative Case being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1008-02), recommending that H.C.R. No. 52, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee 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 LAND AND NATURAL RESOURCES TO CONDUCT PUBLIC MEETINGS TO IDENTIFY COASTAL AREAS THAT SHOULD BE DESIGNATED MARINE LIFE CONSERVATION DISTRICTS OR FISHERY MANAGEMENT AREAS DUE TO OVERFISHING AND HABITAT DEGRADATION," was referred to the Committee on Finance, with Representative Case being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1009-02), recommending that H.R. No. 38, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 38, HD 1, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR AND THE UNDERSECRETARY FOR OCEANS AND ATMOSPHERE OF THE UNITED STATES NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO REAUTHORIZE THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY, URGING SANCTUARY MANAGERS TO ASSESS CURRENT PRIORITY THREATS TO HUMPBACK WHALES IN SANCTUARY WATERS TO DEVELOP AN EFFECTIVE LONG-TERM MANAGEMENT STRATEGY AND ACTION PLAN, AND COMMENDING THE SANCTUARY MANAGERS FOR EXPLORING APPROPRIATE MEASURES TO ADDRESS THE THREAT OF COLLISIONS BETWEEN WHALES AND MARINE VESSELS IN SANCTUARY WATERS," was referred to the Committee on Finance, with Representative Case being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1010-02), recommending that H.C.R. No. 69, as amended in HD 1, be referred to the Committee on Finance.

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

was adopted and H.C.R. No. 69, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR AND THE UNDERSECRETARY FOR OCEANS AND ATMOSPHERE OF THE UNITED STATES NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO REAUTHORIZE THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY, URGING SANCTUARY MANAGERS TO ASSESS CURRENT PRIORITY THREATS TO HUMPBACK WHALES IN SANCTUARY WATERS TO DEVELOP AN EFFECTIVE LONG-TERM MANAGEMENT STRATEGY AND ACTION PLAN, AND COMMENDING THE SANCTUARY MANAGERS FOR EXPLORING APPROPRIATE MEASURES TO ADDRESS THE THREAT OF COLLISIONS BETWEEN WHALES AND MARINE VESSELS IN SANCTUARY WATERS," was referred to the Committee on Finance, with Representative Case being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1011-02), recommending that H.R. No. 111, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 111, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADDRESS THE CONCERNS OF KOKEE STATE PARK LESSEES WITH EXPIRING LEASES," was referred to the Committee on Finance, with Representative Case being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1012-02), recommending that H.C.R. No. 155, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 155, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADDRESS THE CONCERNS OF KOKEE STATE PARK LESSEES WITH EXPIRING LEASES," was referred to the Committee on Finance, with Representative Case being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1013-02), recommending that H.R. No. 34, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 34, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ALLOW THE KONA HISTORICAL SOCIETY TO USE THE VENUE OF THE OLD KONA AIRPORT STATE PARK FOR FUNDRAISING PURPOSES," was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Case being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1014-02), recommending that H.C.R. No. 57, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 57, HD 1, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ALLOW THE KONA HISTORICAL SOCIETY TO USE THE VENUE OF THE OLD KONA AIRPORT STATE PARK FOR FUNDRAISING PURPOSES." was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Case being excused.

Representatives Kanohe and Abinsay, for the Committee on Water and Land Use and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1015-02), recommending that H.C.R. No. 94, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 94, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AGRICULTURAL TASK FORCE TO DEVELOP RECOMMENDATIONS FOR THE PROMOTION OF AGRICULTURAL DEVELOPMENT AND THE PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS," was referred to the Committee on Finance, with Representative Case being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1016-02), recommending that H.C.R. No. 135, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE ISSUE OF APPROPRIATE CRIMINAL PENALTIES FOR THOSE PERSONS WHO KNOWINGLY PUT OTHERS AT RISK FOR HIV INFECTION AND AIDS," was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Case being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1017-02), recommending that H.R. No. 74, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 74, entitled: "HOUSE RESOLUTION REQUESTING ALL MANUFACTURERS OF CIGARETTES AND TOBACCO PRODUCTS TO PROVIDE ANNUAL REPORTS TO THE DEPARTMENT OF HEALTH ON THE CONSTITUENCY AND NICOTINE RATINGS OF THE PRODUCTS AND REQUESTING THE DEPARTMENT OF HEALTH TO INVESTIGATE PUBLIC HEALTH RISKS ASSOCIATED WITH EXPOSURE TO THE ADDED CONSTITUENTS AND NICOTINE," was referred to the Committee on Consumer Protection and Commerce, with Representative Case being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1018-02), recommending that H.C.R. No. 67, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL MANUFACTURERS OF CIGARETTES AND TOBACCO PRODUCTS TO PROVIDE ANNUAL REPORTS TO THE

DEPARTMENT OF HEALTH ON THE CONSTITUENCY AND NICOTINE RATINGS OF THE PRODUCTS AND REQUESTING THE DEPARTMENT OF HEALTH TO INVESTIGATE PUBLIC HEALTH RISKS ASSOCIATED WITH EXPOSURE TO THE ADDED CONSTITUENTS AND NICOTINE," was referred to the Committee on Consumer Protection and Commerce, with Representative Case being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1019-02), recommending that H.R. No. 85, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 85, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF PLANNING TO CONVENE A FOOD SECURITY TASK FORCE TO DEVELOP AN ACTION PLAN TO ENHANCE FOOD SECURITY IN HAWAII," was referred to the Committee on Finance, with Representative Case being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1020-02), recommending that H.C.R. No. 124, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 124, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF PLANNING TO CONVENE A FOOD SECURITY TASK FORCE TO DEVELOP AN ACTION PLAN TO ENHANCE FOOD SECURITY IN HAWAII," was referred to the Committee on Finance, with Representative Case being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1021-02), recommending that H.R. No. 4, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and H.R. No. 4, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose to disclose a potential conflict of interest, stating:

"I sit on the Board of Directors of the American Lung Association. The Lung Association testified in favor of these resolutions and could benefit with a creation of an Office of Smoking and Health," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 4, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII MEDICAL SCHOOL TO ESTABLISH AN OFFICE OF SMOKING AND HEALTH WITHIN THE NEW HEALTH AND WELLNESS CENTER," was referred to the Committee on Finance, with Representative Case being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1022-02), recommending that H.C.R. No. 8, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 8, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose to disclose a potential conflict of interest, stating:

"I sit on the Board of Directors of the American Lung Association. The Lung Association testified in favor of these resolutions and could benefit with a creation of an Office of Smoking and Health," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII MEDICAL SCHOOL TO ESTABLISH AN OFFICE OF SMOKING AND HEALTH WITHIN THE NEW HEALTH AND WELLNESS CENTER," was referred to the Committee on Finance, with Representative Case being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1023-02), recommending that H.R. No. 87, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 87, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF PERMITTING CERTAIN IMMIGRANT STUDENTS WHO HAVE NOT YET ATTAINED LEGAL PERMANENT RESIDENT STATUS TO ATTEND THE UNIVERSITY OF HAWAII AT THE RESIDENT TUITION RATE," was referred to the Committee on Finance, with Representative Case being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1024-02), recommending that H.C.R. No. 128, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF PERMITTING CERTAIN IMMIGRANT STUDENTS WHO HAVE NOT YET ATTAINED LEGAL PERMANENT RESIDENT STATUS TO ATTEND THE UNIVERSITY OF HAWAII AT THE RESIDENT TUITION RATE," was referred to the Committee on Finance, with Representative Case being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1025-02), recommending that H.R. No. 110, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 110, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT MANOA HAMILTON LIBRARY PRESERVATION DEPARTMENT, IN COOPERATION WITH THE LEGACY FOUNDATION OF THE PACIFIC AND OTHER PUBLIC AND PRIVATE ENTITIES, TO ESTABLISH A HAWAII MEDIA PRESERVATION AND TECHNOLOGY ARCHIVING APPLICATIONS PILOT PROJECT," was referred to the Committee on Finance, with Representative Case being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1026-02), recommending that H.C.R. No. 154, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT MANOA HAMILTON LIBRARY PRESERVATION DEPARTMENT, IN COOPERATION WITH THE LEGACY FOUNDATION OF THE PACIFIC AND OTHER PUBLIC AND PRIVATE ENTITIES, TO ESTABLISH A HAWAII MEDIA PRESERVATION AND TECHNOLOGY ARCHIVING APPLICATIONS PILOT PROJECT," was referred to the Committee on Finance, with Representative Case being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1027-02), recommending that H.R. No. 130, be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 130, entitled: "HOUSE RESOLUTION REQUESTING PLANNING COLLABORATION BETWEEN THE UNIVERSITY OF HAWAII AND THE LEGISLATURE," was referred to the Committee on Legislative Management, with Representative Case being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1028-02), recommending that H.C.R. No. 181, be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 181, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PLANNING COLLABORATION BETWEEN THE UNIVERSITY OF HAWAII AND THE LEGISLATURE," was referred to the Committee on Legislative Management, with Representative Case being excused.

Representative Saiki, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1029-02), recommending that H.C.R. No. 31, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 31, HD 1, be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise with some serious reservations on Standing Committee Report 1029, H.C.R. 31, HD 1. While our OD says this is dealing with employee's sick leave, this resolution was amended and it is now talking about the Prepaid Healthcare Act and the possible affects the amendment could have on Hawaii's exemption from the ERISA Act.

"You know, this is such a big problem, the Prepaid Healthcare Act to the small businesses in this State. I realize

that when it was passed, it was to take care of uninsured people. In 1974, when this bill was passed, the number of people that were uninsured was about 11% of the population. Today in 2002, it is still at about 11%, even though the Prepaid Healthcare Act has been in effect all this time. The problem that I have with this resolution is it doesn't make any comment about our Congressional delegation. My office has been in extensive communication with the federal Department of Labor..."

Representative Saiki rose to a point of order, stating:

"We amended the resolution in our Labor Committee. Thank you."

At 12:28 o'clock p.m., Representative Meyer requested a recess and the Chair declared a recess subject to the call of the Chair.

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

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. I see that it was just the opposite. That the resolution on the Prepaid Healthcare Act was amended to this new form, which is the employee's sick leave. My remarks on the Prepaid Healthcare Act are still something that I believe in very strongly, but this was an inappropriate time to bring them up. Thank you."

The motion was put to vote by the Chair and carried, and H.C.R. No. 31, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COMPARE LEGISLATIVE PROPOSALS TO ALLOW EMPLOYEES TO USE SICK LEAVE TO CARE FOR THEIR FAMILIES AND HAWAII'S FAMILY LEAVE LAW, AS CODIFIED IN CHAPTER 398, HAWAII REVISED STATUTES," was referred to the Committee on Consumer Protection and Commerce, with Representative Case being excused.

#### INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 171 and 172) were read by the Clerk and the following actions taken:

H.R. No. 171, entitled: "HOUSE RESOLUTION CONGRATULATING MASARU "PUNDY" YOKOUCHI FOR ACHIEVING THE INAUGURAL SIDNEY R. YATES ADVOCACY AWARD," was jointly offered by Representatives Souki, Ahu Isa, Chang, Kawakami, Lee, Ito, Halford, Bukoski, Davis, Say, Nakasone, Morita, Cabrerros, Suzuki, M. Oshiro, Arakaki, Takai, Espero, Garcia, Marumoto and Magaoay.

Representative Souki moved that H.R. No. 171 be adopted, seconded by Representative Nakasone.

Representative Souki introduced the recipient of the Inaugural Sidney R. Yates Advocacy Award, Mr. Masaru 'Pundy' Yokouchi.

The motion was put to vote by the Chair and carried, and H.R. No. 171, entitled: "HOUSE RESOLUTION CONGRATULATING MASARU "PUNDY" YOKOUCHI FOR ACHIEVING THE INAUGURAL SIDNEY R. YATES ADVOCACY AWARD," was adopted with Representative Case being excused.

H.R. No. 172, entitled: "HOUSE RESOLUTION CONGRATULATING JILL HIROTA AS THE HAWAII STATE TEACHER OF THE YEAR AND LEAH AIWOHI, LANI CHANG, AILEEN DANG, HELEN KOBAYASHI, JANET SATO, AND LINDA UEHARA AS THE HAWAII STATE DISTRICT TEACHERS OF THE YEAR," was jointly offered by Representatives Ito, Chang, Souki, Cabrerros, Kanoho, Moses, Meyer and Magaoay.

Representative Ito moved that H.R. No. 172 be adopted, seconded by Representative Takai.

Representative Ito and Representative Takai introduced the Hawaii State District Teachers of the Year who were seated on the House floor:

Ms. Leah Aiwohi of Chiefess Kamakahelei Middle School, Kauai District Teacher of the Year;

Ms. Lani Chang of Waiahole Elementary School, Windward District Teacher of the Year;

Ms. Aileen Dang of King David Kalakaua Middle School, Honolulu District Teacher of the Year;

Ms. Helen Kobayashi of Waiakea High School, Hawaii District Teacher of the Year;

Ms. Janet Sato of Henry Perrine Baldwin High School, Maui District Teacher of the Year; and

Ms. Linda Uehara of Kapolei Middle School, Leeward District Teacher of the Year.

Representative Ito also recognized Ms. Jill Hirota of Wailua Elementary School, Hawaii State Teacher of the Year, who was not in attendance.

Representative Takai then introduced daughters of two honorees, Ms. Joy Kobayashi and Ms. Rachelle Dang who were seated in the gallery.

Representative Meyer introduced students from Waiahole Elementary School, their teachers Ms. Zeilyn Zakahi, Ms. Sharon Bettencourt, Ms. Ama Silva, Mr. George Kittow, Ms. Linda longi, Ms. Tracy Tom, and acting principal Mr. Jerry Smith.

The motion was put to vote by the Chair and carried and H.R. No. 172, entitled: "HOUSE RESOLUTION CONGRATULATING JILL HIROTA AS THE HAWAII STATE TEACHER OF THE YEAR AND LEAH AIWOHI, LANI CHANG, AILEEN DANG, HELEN KOBAYASHI, JANET SATO, AND LINDA UEHARA AS THE HAWAII STATE DISTRICT TEACHERS OF THE YEAR," was adopted, with Representatives Case and Rath being excused.

At 12:53 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:17 o'clock p.m.

Representative Gomes rose to a point of inquiry, stating:

"Thank you, Mr. Speaker. Just a point of inquiry if I may. I understand right now that the Consumer Protection Committee and I think another committee is meeting in joint hearing with some of the Senate Committees for a briefing on the State's



lawsuit against the oil companies. Mr. Speaker, I would request that we recess this Body so that all the members of the respective Committees can attend that hearing. I think that it is an important hearing, and it is appropriate that the Committees are going forward because there are witnesses there, and an audience there to conduct a hearing.

"But there is a lot of important business before us on the floor, and I know we have to make decisions on how we spend our time, and what we calendar and don't calendar so that we are efficient. But I just think that it would be the wiser course if we recess and come back at a later time, after this particular briefing is over, so the members would have an opportunity to fully participate and hear the testimony that is being presented. That would be my request, Mr. Speaker, to you."

The Chair responded, stating:

"Representative Gomes, your point is well taken. At this time we are going to address all the resolutions that are on the OD, up to page 8, if the members of the House have no objections. Also, right now in the other Chamber, the deliberations are still yet on-going, and therefore, I don't believe the hearing has started, in regards to the informational briefing given by the attorney, Mr. Spencer Hosie."

Representative Gomes: "Thank you, Mr. Speaker. As long as it hasn't commenced. My concern is I don't want it to commence while we are all sitting here."

Speaker Say: "Your point is well taken. I don't believe it has commenced because the Senate is still in deliberation."

#### STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water and Land Use presented two reports:

(Stand. Com. Rep. No. 1030-02) recommending that H.R. No. 15, be adopted.

(Stand. Com. Rep. No. 1031-02) recommending that H.C.R. No. 30, be adopted.

Representative M. Oshiro, moved that the reports of the Committee be adopted and that H.R. No. 15 and H.C.R. No. 30, be adopted, seconded by Representative Lee.

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

Mr. Speaker, I am speaking in support of H.R. 15 and H.C.R. 30, which are asking and supporting the acquisition of the United States National Park Service of the Kahuku Ranch for the expansion of the Hawaii Volcanoes National Park, which happens to be in my district, and the Kiilau's Village for the expansion of the Pu'u Honua O Honaunau National Historical Park which I think, is presently in Representative Whalen's district.

"But at any rate, Mr. Speaker, the reason I support these resolutions is we had similar resolutions for the acquisition of Kahuku Ranch in 2001, but somehow it didn't go through. I'd like to point out there is a S.C.R. 36 that is that companion for this Standing Committee Report 1031, which is the same language. So if we pass it and they pass it, it should go to the Governor without going to Conference Committee.

"I can't resist the occasion to tell you that I was a member of the Board of Supervisors in the County of Hawaii when we acquired the Ho'onaunau National Historical Park. That was

after many, many years of controversy as to whether or not the County had the ability, it was a County park at that time, had the ability to restore the National park. There was a lot of fear of the federal government at that time. But it finally went through, and if any of you have been to Ho'onaunau and seen the wonderful restoration that the National Park has been able to do, you will see why the whole community now supports this acquisition of Kiilau Village which is designed, if not acquired for the National Park, to be another big residential subdivision in South Kona.

"So I urge my colleagues to support this and pass it out and hopefully the Senate will do that. And it will be one resolution that we won't have to take to conference. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee was adopted and H.R. No. 15, entitled: "HOUSE RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KI'ILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK," was adopted with Representatives Hiraki, Ontai, M. Oshiro, Souki, Whalen and Yoshinaga being excused.

and

H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KI'ILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK," was adopted with Representatives Hiraki, Ontai, M. Oshiro, Souki, Whalen and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1032-02) recommending that H.R. No. 32, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 32, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REPORT TO THE LEGISLATURE ON THE PROGRESS OF PRESERVING AND PROTECTING THE KOHALA HISTORICAL SITES MONUMENT AND THE FEASIBILITY OF PROPERTY CONDEMNATION TO PROTECT THESE SITES, AND TO REVIEW PRESENT ZONING LAWS," was adopted with Representatives Hiraki, M. Oshiro, Ontai, Souki, Whalen and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1033-02) recommending that H.C.R. No. 55, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REPORT TO THE LEGISLATURE ON THE PROGRESS OF PRESERVING AND PROTECTING THE KOHALA HISTORICAL SITES MONUMENT AND THE FEASIBILITY OF PROPERTY CONDEMNATION TO PROTECT THESE SITES, AND TO REVIEW PRESENT ZONING LAWS," was adopted with Representatives Hiraki, M. Oshiro, Ontai, Souki, Whalen and Yoshinaga being

excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1034-02) recommending that H.R. No. 119, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 119, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FACILITATE SECURING SPACE FOR THE COMMERCIAL HAUL OUT OF BOATS FOR SAFETY, COMPLIANCE INSPECTIONS, AND ECONOMIC DEVELOPMENT," was adopted with Representatives Hiraki, M. Oshiro, Ontai, Souki, Whalen and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1035-02) recommending that H.C.R. No. 163, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FACILITATE SECURING SPACE FOR THE COMMERCIAL HAUL OUT OF BOATS FOR SAFETY, COMPLIANCE INSPECTIONS, AND ECONOMIC DEVELOPMENT," was adopted with Representatives Hiraki, M. Oshiro, Ontai, Souki, Whalen and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1036-02) recommending that H.C.R. No. 83, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO MEET WITH ALL STAKEHOLDERS AND USERS OF KEEHI LAGOON TO DEVELOP A CONCEPTUAL MASTER PLAN WITH FOCUS ON PRODUCTIVE USE OF UNUTILIZED LANDS AND REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE UNUTILIZED FAST AND SUBMERGED LANDS SUBJECT TO LEGISLATIVE DISAPPROVAL." was adopted with Representatives Hiraki, M. Oshiro, Ontai, Souki, Whalen and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1037-02) recommending that H.C.R. No. 87, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 87, be adopted, seconded by Representative Lee.

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

"This resolution request the Board of Land and Natural Resources to investigate existing conflicts between organized water sports events and individual recreational users, and develop recommendations for equitable access to and use of the waters and beaches of this State.

"Mr. Speaker, this is basically a North Shore resolution. I am sorry that it wasn't referred to Business and Economic Development along with Water and Land Use, because it has a

major, major economic impact. The North Shore is world famous for its surfing events. It brings in a large amount of money into this State, in visible dollars, as well as bringing in large amounts of worldwide attention through television events and other films that are shown of these sporting events. What this is, is there are surfers up in the North Shore that like the waves for themselves. I can sympathize with them and I think we have a few surfers here on the floor who are probably are glaring at me this minute. But I sympathize with them. However, before we go and set any so-called, 'equitable use of the waves,' we better take a look at what we would be doing economically to our State.

"This is not a time to ratchet down on those world famous events. The surfers do have access to the waves more than half of the year, and I think that we should be much more cautious. I am sorry that this measure is moving forward. I think it is a mistake."

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

"I am in strong support of the same measure, H.C.R. 87. Mr. Speaker, just some background on this resolution. This is really a terrific resolution that was created by the Chair of the Water and Land Use Committee after my initial attempt to deal with this issue of commercial versus non-commercial use of the near-shore ocean waters.

"This does not only apply to the North Shore, but applies to all State waters within all the counties. It applies to the surfers out in Honolua, Windmills, Ma'alaea, Ehukai, and Kauai's north shore. It deals with the issue, not only of surf contests, but filming in the near-shore surf waters year-round, but especially during the winter season when the swells are there for the North Shore residents and visitors. So I don't believe that it will stymie any economical development or production of any of the surf contests that we all enjoy and participate in. But it just seeks to bring to mind the various uses of the near-shore ocean waters today, Mr. Speaker. That is the purpose and the intent of the main measure. Thank you."

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

"I rise in support as well. Your members of the 'surf caucus,' that is both bipartisan and bicameral, have gotten together with a number of the industry heads, and the situation as it is now, in reference to the surf contests on the North Shore.

"For the enlightenment of my colleague from Kailua, there is only surf on the North Shore for half the year. So by saying that the locals there or the residents there can surf there any time in the summer, doesn't really do anything, because the North Shore only gets a north swell in the wintertime.

"Now this is the problem. The problem is that you reserve that beach in two-week blocks. What some industries or what some contest organizers have done is they have organized or reserved and gotten permits for every two weeks in the entire winter. So anytime there is halfway decent surf there, none of the locals or none of the residents, myself included, or anyone in this Body, if perhaps you would like to surf, you can't surf there. You are banned from it anytime the waves get decent. What we're doing is trying to allow the DLNR to address this situation.

"Really, they have their hands tied at the moment. There are other issues as well there. There is the issue of filming as was mentioned, we have increased the industry. There is now the issue of tow-ins now. Who is going to have oversight of those new fields? Well, what we want to do is to allow the DLNR to

be more involved, and this is not in any way, anti-industry, anti-business. As a matter of fact, what it is going to do is create safer environments, as well as to promote friendly relationships between residents, local surfers, and the industry itself. So I think that it's a really good idea."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. I'd just would like to respond to both of my colleagues. I have a couple of grandsons who are quite avid surfers. What concerns me is the economic impact that we could have though. I will specifically quote from the resolution. This is asking DLNR to develop, and I am quoting, in part, '... rules as necessary regarding limiting the number of events scheduled for specific locations.'

"Mr. Speaker, the Business and Economic Development Committee did not have an opportunity to take a look at this resolution and see the serious negative economic impact this measure could have. But this resolution asks DLNR to go ahead with the rules, and all of a sudden we are going to find the message going out, saying to these companies, these people that put on these events, 'Go to Australia. Go somewhere else. Don't come to Hawaii.' I don't think that it is in the best interest of our State."

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

"Thank you, Mr. Speaker. I stand in support of this measure. Just wanted to remind the Representative from Kailua that in the rule making process, there is ample opportunity for the public to comment, both on the negative impact, as well as economic impacts and other impacts on this measure. So the debate doesn't stop here in this Body, but it will continue through the rule making process."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO INVESTIGATE EXISTING CONFLICTS BETWEEN ORGANIZED WATER SPORTS EVENTS AND INDIVIDUAL RECREATIONAL USERS AND DEVELOP RECOMMENDATIONS FOR EQUITABLE ACCESS TO AND USE OF THE WATERS AND BEACHES OF THE STATE," was adopted with Representative Thielen voting no and with Representatives Hiraki, Ontai, M. Oshiro, Souki, Whalen and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1038-02) recommending that H.R. No. 143, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 143, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU," was adopted with Representatives Hiraki, Ontai, M. Oshiro, Souki, Whalen and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1039-02) recommending that H.C.R. No. 200, as amended in HD 1, be adopted.

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

was adopted and H.C.R. No. 200, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU," was adopted with Representatives Hiraki, Ontai, M. Oshiro, Souki, Whalen and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1040-02) recommending that H.C.R. No. 66, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 66, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK," was adopted with Representatives Hiraki, Ontai, M. Oshiro, Souki, Whalen and Yoshinaga being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1041-02) recommending that H.R. No. 107, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 107, entitled: "HOUSE RESOLUTION CELEBRATING THE EIGHTIETH ANNIVERSARY OF KA LEO O HAWAII," was adopted with Representatives Hiraki, Ontai, M. Oshiro, Souki, Whalen and Yoshinaga being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1042-02) recommending that H.R. No. 105, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 105, entitled: "HOUSE RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH," was adopted with Representatives Hiraki, Ontai, M. Oshiro, Souki, Whalen and Yoshinaga being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1043-02) recommending that H.C.R. No. 147, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH," was adopted with Representatives Hiraki, Ontai, M. Oshiro, Souki, Whalen and Yoshinaga being excused.

## ANNOUNCEMENTS

Representative Takamine for the Committee on Finance requested a waiver of the 48-hour notice requirement for the purpose of decision making on Senate bills previously heard: S.B. Nos. 2111, HD 1; 2416, SD 2, HD 1; 2179, SD 2, HD 1; 2306, SD 2, HD 1; 2926, SD 1, HD 1; and 2270, SD 2, HD 1, to be scheduled at the end of agenda 1 at 2:00 p.m. this afternoon, and the Chair "so ordered."

Representative Takamine also announced that the Finance Committee would convene upon adjournment of today's session.

Representative Hamakawa for the Committee on Judiciary and Hawaiian Affairs requested waiver of the 48-hour rule for reconsideration of a previous decision of S.B. 2431, relating to campaign spending at the end of tomorrow's calendar, and the Chair "so ordered."

Representative Hamakawa also reminded the members of the JHA Committee that decision making was scheduled for today at the conclusion of Session."

Representative Kahikina for the Committees on Human Services and Housing and Education requested a waiver of the 48 hour notice requirement for the purpose of hearing H.C.R. 15, S.C.R. 18, H.R. 69, H.C.R. 107, H.R. 91, and H.C.R. 133 scheduled for April 5th at 8:30 a.m. in Conference Room 329, and the Chair "so ordered."

Representative Thielen: "Mr. Speaker, I just wanted to make mention to the marvelous choral group that we had this morning that sang the prayer, that my colleague from Molokai has an absolutely outstanding voice. I was able to hear that as members were singing. And I would hope that he would be invited to join the choral group."

Representative Arakaki: "Just a brief announcement. I think some of you know that a few of us walked barefooted this past weekend. The point I wanted to mention that we took off our shoes before the walk and we donated the shoes to Prevent Child Abuse Hawaii. I want to urge everyone to give up their shoes, and you don't have to walk barefoot, but to give up your shoes. We would like to display them in the Capitol Rotunda. Hopefully, they want to collect about 5,000 shoes to represent the number of children who are abused in Hawaii every year, and to say we would like to walk a mile in their shoes."

At 2:33 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:34 o'clock p.m.

#### ADJOURNMENT

At 2:34 o'clock p.m. on motion by Representative Lee, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, April 4, 2002. (Representatives Djou, Hiraki, Ontai and Whalen were excused.)

## FORTY-FIFTH DAY

**Thursday, April 4, 2002**

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Brian Schatz, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Ito, Kahikina, Marumoto, Meyer, Pendleton and Stonebraker who were excused.

On motion by Representative Lee, seconded by Representative Djou and carried, reading of the Journals was dispensed with and the Journal of the Twenty-Fifth Day was approved.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 220 through 221) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 220, transmitting the Hawaii Coastal Zone Management Annual Report for fiscal year ending June 30, 2001.

Gov. Msg. No. 221, transmitting a monthly report to the Legislature on all actions taken pursuant to Act 15, Third Special Session of 2001.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 424 through 432) were received and announced by the Clerk were placed on file:

Sen. Com. No. 424, informing the House that the Senate has disagreed to the amendments proposed by the House to S.B. No. 2498, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," on April 3, 2002.

Sen. Com. No. 425, transmitting S.C.R. No. 60, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STRATEGIC PLAN TO COORDINATE PROGRAM SUPPORT OF SUBSTANCE ABUSE AND MENTAL HEALTH RESIDENTIAL TREATMENT PROGRAMS FOR ADOLESCENTS," which was adopted by the Senate on April 3, 2002.

Sen. Com. No. 426, transmitting S.C.R. No. 65, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING CONGRESSIONAL ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS," which was adopted by the Senate on April 3, 2002.

Sen. Com. No. 427, transmitting S.C.R. No. 71, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII," which was adopted by the Senate on April 3, 2002.

Sen. Com. No. 428, transmitting S.C.R. No. 75, SD 1, entitled: "SENATE CONCURRENT RESOLUTION

REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII," which was adopted by the Senate on April 3, 2002.

Sen. Com. No. 429, transmitting S.C.R. No. 102, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE HEALTH CARE NEEDS OF WEST MAUI RESIDENTS," which was adopted by the Senate on April 3, 2002.

Sen. Com. No. 430, transmitting S.C.R. No. 110, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT AND IMPLEMENTATION OF A STRATEGY FOR STATEWIDE ERADICATION OF PEST FRUIT FLIES," which was adopted by the Senate on April 3, 2002.

Sen. Com. No. 431, transmitting H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING 2003 AS THE YEAR OF THE HAWAIIAN FORESTS," which was adopted by the Senate on April 3, 2002.

Sen. Com. No. 432, transmitting H.B. No. 1768, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE REGISTRATION," which passed Third Reading in the Senate on April 3, 2002.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the House disagreed to the amendment made by the Senate to H.B. No. 1768, HD 1 (SD 1) and requested a conference on the subject matter of said amendment. (Representatives Arakaki, Gomes, Ito, Marumoto, Meyer, Pendleton, Stonebraker and Takumi were excused)

## INTRODUCTIONS

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

Representative Yonamine introduced students from the Pearl City Elementary School Gifted and Talented Program, and their Student Council, and their teacher Ms. Sharon Oshiro, and chaperones, Ms. Gail Ogawa, Ms. Joan Higashi, and Mr. Randall Meyer.

Representative B. Oshiro introduced his niece, Ms. Kylie Oshiro from Pearl City Elementary School.

Representative B. Oshiro also introduced the students from the Aiea High School Vocational Industries Club of America (VICA) program.

Representative Moses introduced the students from the Kapolei High School VICA program, and their teachers, Mr. Daryl Madela, Mr. Brian Ichida, Mr. Edmund Sim and Mr. Glen Iwamoto.

Representative Moses also recognized Ms. Cheryl Villeneuve of the Kapolei High School VICA program, the only winner from Hawaii to place in last year's National competition.

Representative Lee, on behalf of Representative Ontai and herself, introduced the Mililani High School VICA members, and their advisors, Mr. Daryl Ota and Mr. Owen Takamori.

Representative Takumi, on behalf of Representatives Yonamine, Takai and himself, introduced Pearl City High School and Highlands Intermediate School VICA members,

and their advisors, Mr. Eric Kanemoto and Mr. Darryl Nakagawa.

Representative Takumi also introduced students and teachers from Pearl City Highlands Elementary School.

Representative Kahikina introduced the Nanakuli High and Intermediate School VICA members, Ms. Kauai Kahikina, Mr. Wayne Hirakawa, Mr. Brian Manoa, Mr. Ray Mamala, Ms. Crystal Manwarren, and Ms. Grace Rodrigues; and their teacher, Mr. Verzon, and chaperone, Mr. James Koholo.

Representative Kahikina also recognized his daughter, Ms. Kauai Kahikina.

Representative Espero introduced the Waipahu Intermediate and Campbell High School VICA members and their advisors, Ms. Rene Kaneshiro and Mr. Walden Zane.

Representative Kawakami, on behalf of Representatives Kanoho, Morita, and herself, introduced the Kamakahele Middle School and Kauai High School VICA members and their advisors, Mr. Rolando Dace and Mr. Dean Fujikawa.

Representative Takamine introduced the VICA members from the Big Island.

Representative Hamakawa, on behalf of Speaker Say, introduced Mr. James Young of KHET, Hawaii Public Television, and his wife, Mrs. Libby Young.

## ORDER OF THE DAY

### COMMITTEE ASSIGNMENT

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

**S.C.R.**  
**Nos.**

**Referred to:**

12, Jointly to the Committee on Economic  
SD1 Development and Business Concerns and the  
Committee on Tourism and Culture

### COMMITTEE REASSIGNMENTS

The following resolution and Senate bills were re-referred to committee by the Speaker:

**H.R.**  
**No.**

**Re-referred to:**

137 Committee on Consumer Protection and  
Commerce, then to the Committee on Judiciary and  
Hawaiian Affairs

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

**Re-referred to:**

2102, Committee on Education, then to the Committee on  
SD1, Finance  
HD1

3018, Committee on Education, then to the Committee on  
SD1, Finance  
HD1

### INTRODUCTION OF RESOLUTION

### (FLOOR PRESENTATION)

The following resolution (H.R. No. 173) was read by the Clerk and the following actions taken:

H.R. No. 173, entitled: "HOUSE RESOLUTION RECOGNIZING THE FIFTIETH ANNUAL CHERRY BLOSSOM FESTIVAL AND CONGRATULATING LISA AKIKO LOKELANI OKINAGA AS THE 2002 CHERRY BLOSSOM QUEEN, MEMBERS OF HER COURT, AND FESTIVAL ORGANIZERS," was jointly offered by Representatives Takai, Say and Ahu Isa.

Representative Takai moved that H.R. No. 173 be adopted, seconded by Representative Ahu Isa.

Representatives Takai and Ahu Isa introduced the 2002 Cherry Blossom Queen and her Court, who were seated on the House floor:

Queen Lisa Akiko Lokelani Okinaga, who was not in attendance;

First Princess Katie Matsuko Young;

Princess and Miss Popularity Nina Masami Hashimoto;

Princess Michele Aki Nakata;

Princess Charlene Kaoru Sakuma; and

Miss Congeniality Nicole Rae Kuwahara.

Representative Takai also introduced members of the Honolulu Japanese Junior Chamber of Commerce, President Mr. Rod Taone; 50th Annual Cherry Blossom Festival Chairwoman Ms. Sharene Urakami; and Queen's Advisor, Mr. Leo Asuncion. Also in the gallery were Mr. Jim Young and Mrs. Libby Young, parents of Princess Katie Young; and Ms. Jackie Kuwahara, mother of Miss Congeniality Nicole Kuwahara.

The motion was put to vote by the Chair and carried, and H.R. No. 173, entitled: "HOUSE RESOLUTION RECOGNIZING THE FIFTIETH ANNUAL CHERRY BLOSSOM FESTIVAL AND CONGRATULATING LISA AKIKO LOKELANI OKINAGA AS THE 2002 CHERRY BLOSSOM QUEEN, MEMBERS OF HER COURT, AND FESTIVAL ORGANIZERS," was adopted with Representatives Arakaki, Ito, Nakasone and Pendleton being excused.

At 12:32 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

### LATE INTRODUCTION

Representative Luke introduced former Representative Iris Ikeda Catalani, and baby Catalani.

### INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)

The following resolution (H.R. No. 174) was read by the Clerk and the following actions taken:

H.R. No. 174, entitled: "HOUSE RESOLUTION



CONGRATULATING MARGARET ALMONY, SUZANNE ACORD, LEONARD WILSON, KELLY CHUNG, AND MICHAEL IBARA, RECIPIENTS OF THE 2001-2002 OUTSTANDING INTERNATIONAL EDUCATOR AWARDS FOR THEIR OUTSTANDING CONTRIBUTIONS TO EDUCATION IN THE STATE OF HAWAII," was jointly offered by Representatives Ito, McDermott, Cabrerros, Chang, Djou and Case.

Representative Takai moved that H.R. No. 174 be adopted, seconded by Representative Case.

Representative Takai introduced the recipients of the 2001-2002 Outstanding International Educator Award who were seated on the House floor:

Ms. Margaret Almony of Ahuimanu Elementary School;

Ms. Suzanne Acord of the University Laboratory School;

Mr. Leonard Wilson of Radford High School;

Mr. Micheal Ibara of Puuhale Elementary School; and

Ms. Kelly Chung of St. Joseph's School in Hilo who was not in attendance.

Representative Takai also recognized staff members of the East-West Center and the Pacific Asian Affairs Council, as well as family and friends who were seated in the gallery:

Mr. Steven Wichelfel, husband of Ms. Suzanne Acord, and Ms. Linda Menton, Chair of the social studies department;

Mr. Joe Almony, husband of Ms. Margaret Almony, and from Ahuimanu Elementary School: Principal Anne Marie Duca, Vice Principal Conley Gali, and Parent Community Network Coordinator Iris Ikeda-Catalani; and

Deputy Superintendent Clayton Fujii.

The motion was put to vote by the Chair and carried, and H.R. No. 174, entitled: "HOUSE RESOLUTION CONGRATULATING MARGARET ALMONY, SUZANNE ACORD, LEONARD WILSON, KELLY CHUNG, AND MICHAEL IBARA, RECIPIENTS OF THE 2001-2002 OUTSTANDING INTERNATIONAL EDUCATOR AWARDS FOR THEIR OUTSTANDING CONTRIBUTIONS TO EDUCATION IN THE STATE OF HAWAII," was adopted with Representatives Ito, Kahikina, Nakasone, Pendleton and Saiki were excused.

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

The House of Representatives reconvened at 1:03 o'clock p.m.

#### STANDING COMMITTEE REPORTS

At 1:03 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:03 o'clock p.m.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1044-02), recommending that H.R. No. 104, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1045-02), recommending that H.C.R. No. 146, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted and H.R. No. 104, HD 1, and H.C.R. No. 146, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker in support of Standing Committee Reports 1044 and 1045, and some comments. Mr. Speaker, I want to first thank your Committees on Human Services and Health for hearing the measures, and hopefully, the Finance Committee will take up the referral.

"The resolutions make mention of the impacts, especially with respect to the healthcare providers. They also speak to trying to get reimbursement, as far as for the cost of educating the students from the jurisdictions mentioned in the resolutions. These students made, shall I say, life interesting for the teachers in my district. They have been prevailing upon myself and my other colleagues. I would hope to try and get the needed resources to educate the students from Micronesia and the Marshall Islands. I don't know if they've had impacts in other districts. I am pretty sure they have.

"So we were going to be calling upon, with these resolutions, which also underscore our request to the federal government to come up with the monies necessary to help these students and to subsequently help, not just with the healthcare providers mentioned in these resolutions, but also our teachers affected by this. 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. 104, HD 1, entitled: "HOUSE RESOLUTION REQUESTING FEDERAL REIMBURSEMENT FROM CONGRESS FOR STATE EXPENSES RELATED TO MIGRANTS TO HAWAII FROM MICRONESIA AND THE MARSHALL ISLANDS OVER THE PAST 15 YEARS," was referred to the Committee on Finance with Representatives Ito and Pendleton being excused.

and

H.C.R. No. 146, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING FEDERAL REIMBURSEMENT FROM CONGRESS FOR STATE EXPENSES RELATED TO MIGRANTS TO HAWAII FROM MICRONESIA AND THE MARSHALL ISLANDS OVER THE PAST 15 YEARS," was referred to the Committee on Finance with Representatives Ito and Pendleton being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1046-02), recommending that H.C.R. No. 19, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 19, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, I would like to cast a no vote on H.C.R. 19 which is the Ala Wai Marine Fuel Facility measure. Let me just explain.

"I believe that I will be able to vote in full support provided two words are put back into the H.C.R. On page 2 the operative paragraph where it is strongly requesting the Board of Land and Natural Resources to issue a long-term lease to a qualified public entity for a facility. The two words that are missing are 'fuel dock.' It is supposed to be for a fuel dock facility and evidently there was a computer glitch or something, because those two words were removed and should be in there. This would then be the intent of the Committee and it would help the boating public down there in that area to be able to fuel their boats. It would also allow a convenience store and laundromat. Thank you."

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

"I too will be voting no on this particular measure.

"We were led to believe in Committee that the bill was going to be amended with the very specific language that the Representative from Kailua had mentioned. There is a gas station there, but it is in bad repair. The lessee is on a month-to-month lease and is not willing to put capital improvements in there under those circumstances. So it was framed in such a way that this bill was necessary to give somebody a long-term lease. So that is why it is so important that rather than it being too broad, that it be very specific in that it is for the boat refueling facility, the laundromat and the convenience store which are already there, but in rather poor condition. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support. I would just like to indicate that the missing words were just an inadvertent omission and they will be included when it is reviewed by the subsequent Committee."

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

"I am in opposition and appreciate the words of the previous speaker, the Chair of the Water and Land Use Committee."

Representative Jaffe rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record a vote for him and the Chair, "so ordered"

Representative Marumoto rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

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

"In opposition, and I would just like to state that based on what the Chair from the Water and Land Use said, I would be more than happy to support this once the amendment is put in place. Thank you."

Representative Djou rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

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

"Mr. Speaker, I will cast a no vote and when the language is changed, I'll support it."

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

"Yes, Mr. Speaker. A no vote and that will change with the language."

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

"The same, Mr. Speaker. No, and it will change when the language is changed."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 19, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A LONG-TERM LEASE FOR THE MARINE FUEL FACILITY PREMISES AT ALA WAI SMALL BOAT HARBOR TO PROVIDE CONTINUED FUELING SERVICES TO THE BOATING PUBLIC AT THAT LOCATION," was referred to the Committee on Finance with Representatives Bukoski, Djou, Fox, Halford, Jaffe, Marumoto, McDermott, Meyer, Moses, Ontai, Rath and Thielen voting no and with Representatives Ito and Pendleton being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1047-02), recommending that H.R. No. 99, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 99, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY TO MEASURE VISITOR ACCOMMODATIONS PERFORMANCE," was referred to the Committee on Finance with Representatives Ito and Pendleton being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1048-02), recommending that H.C.R. No. 142, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 142, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY TO MEASURE VISITOR ACCOMMODATIONS PERFORMANCE," was referred to the Committee on Finance with Representatives Ito and Pendleton being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1049-02), recommending that H.C.R. No. 63, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 63, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU, WITH THE

COOPERATION OF THE NARCOTICS ENFORCEMENT DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY, DEPARTMENT OF HEALTH, AND THE BOARD OF PHARMACY, TO CONDUCT A STUDY EXAMINING METHODS TO REDUCE PRESCRIPTION FRAUD, MITIGATE PRESCRIPTION ERRORS, AND CONTROL COSTS FOR DRUG PRESCRIPTION WITHIN THE STATE," was referred to the Committee on Finance with Representatives Ito and Pendleton being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented two reports:

(Stand. Com. Rep. No. 1050-02), recommending that H.R. No. 137, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs; and

(Stand. Com. Rep. No. 1051-02), recommending that H.C.R. No. 194, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the reports of the Committee be adopted and H.R. No. 137, HD 1 and H.C.R. 194, HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Whalen rose and asked the Clerk record a no vote for him on both measures, and the Chair, "so ordered."

Representative McDermott rose in opposition to both measures and asked that his written remarks be inserted in the Journal, and the Chair, "so ordered."

Representative McDermott's written remarks are as follows:

**"PONTIFICAL ACADEMY FOR LIFE  
STATEMENT ON THE SO-CALLED  
"MORNING-AFTER PILL"**

As is commonly known, the so-called *morning-after pill* recently went on sale in Italian pharmacies. It is a well-known chemical product (of the hormonal type) which has frequently - even in the past week - been presented by many in the field and by the mass media as a mere contraceptive or, more precisely, as an "emergency contraceptive", which can be used within a short time after a presumably fertile act of sexual intercourse, should one wish to prevent the continuation of an unwanted pregnancy. The inevitable critical reactions of those who have raised serious doubts about how this product works, namely, that its action is not merely "contraceptive" but "abortifacient", have received the very hasty reply that such concerns appear unfounded, since the morning-after pill has an "anti-implantation" effect, thus implicitly suggesting a clear distinction between abortion and *interception* (preventing the implantation of the fertilized ovum, i.e., the embryo, in the uterine wall).

Considering that the use of this product concerns fundamental human goods and values, to the point of involving the origins of human life itself, the Pontifical Academy for Life feels the pressing duty and definite need to offer some clarifications and considerations on the subject, reaffirming moreover already well-known ethical positions supported by precise scientific data and reinforced by Catholic doctrine.

1. The *morning-after pill* is a hormone-based preparation (it can contain oestrogens, oestrogen/progestogens or only progestogens) which, within and no later than 72 hours after a presumably fertile act of sexual intercourse, has a predominantly "anti-implantation" function, i.e., it prevents a possible fertilized ovum (which is a human embryo), by now in the *blastocyst* stage of its development (fifth to sixth day after

fertilization), from being implanted in the uterine wall by a process of altering the wall itself.

The final result will thus be the expulsion and loss of this embryo.

Only if this pill were to be taken several days before the moment of ovulation could it sometimes act to prevent the latter (in this case it would function as a typical "contraceptive").

However, the woman who uses this kind of pill does so in the fear that she may be in her fertile period and therefore intends to cause the expulsion of a possible new conceptus; above all, it would be unrealistic to think that a woman, finding herself in the situation of wanting to use an emergency contraceptive, would be able to know exactly and opportunely her current state of fertility.

2. The decision to use the term "fertilized ovum" to indicate the earliest phases of embryonic development can in no way lead to an artificial value distinction between different moments in the development of the same human individual. In other words, if it can be useful, for reasons of scientific description, to distinguish with conventional terms (fertilized ovum, embryo, fetus, etc.) different moments in a single growth process, it can never be legitimate to decide arbitrarily that the human individual has greater or lesser value (with the resulting variation in the duty to protect it) according to its stage of development.

3. It is clear, therefore, that the proven "anti-implantation" action of the *morning-after pill* is really nothing other than a chemically induced abortion. It is neither intellectually consistent nor scientifically justifiable to say that we are not dealing with the same thing.

Moreover, it seems sufficiently clear that those who ask for or offer this pill are seeking the direct termination of a possible pregnancy already in progress, just as in the case of abortion. Pregnancy, in fact, begins with fertilization and not with the implantation of the blastocyst in the uterine wall, which is what is being implicitly suggested.

4. Consequently, from the ethical standpoint the same absolute unlawfulness of abortifacient procedures also applies to distributing, prescribing and taking the *morning-after pill*. All who, whether sharing the intention or not, directly co-operate with this procedure are also morally responsible for it.

5. A further consideration should be made regarding the use of the *morning-after pill* in relation to the application of Law 194/78, which in Italy regulates the conditions and procedures for the voluntary termination of pregnancy.

Saying that the pill is an "anti-implantation" product, instead of using the more transparent term "abortifacient", makes it possible to avoid all the obligatory procedures required by Law 194 in order to terminate a pregnancy (prior interview, verification of pregnancy, determination of growth stage, time for reflection, etc.), by practising a form of abortion that is completely hidden and cannot be recorded by any institution. All this seems, then, to be in direct contradiction to the correct application of Law 194, itself debatable.

6. In the end, since these procedures are becoming more widespread, we strongly urge everyone who works in this sector to make a firm objection of moral conscience, which will bear courageous and practical witness to the inalienable value of human life, especially in view of the new *hidden* forms of aggression against the weakest and most defenceless individuals, as is the case with a human embryo."

Vatican City, 31 October 2000.

**"SACRED CONGREGATION FOR THE DOCTRINE OF  
THE FAITH  
DECLARATION ON PROCURED ABORTION**

1. The problem of procured abortion and of its possible legal liberalization has become more or less everywhere the subject of impassioned discussions. These debates would be less grave were it not a question of human life, a primordial value, which must be protected and promoted. Everyone understands this, although many look for reasons, even against all evidence, to promote the use of abortion. One cannot but be astonished to see a simultaneous increase of unqualified protests against the death penalty and every form of war and the vindication of the liberalization of abortion, either in its entirety or in ever broader indications. The Church is too conscious of the fact that it belongs to her vocation to defend man against everything that could disintegrate or lessen his dignity to remain silent on such a topic. Because the Son of God became man, there is no man who is not His brother in humanity and who is not called to become a Christian in order to receive salvation from Him.

2. In many countries the public authorities which resist the liberalization of abortion laws are the object of powerful pressures aimed at leading them to this goal. This, it is said, would violate no one's conscience, for each individual would be left free to follow his own opinion, while being prevented from imposing it on others. Ethical pluralism is claimed to be a normal consequence of ideological pluralism. There is, however, a great difference between the one and the other, for action affects the interests of others more quickly than does mere opinion. Moreover, one can never claim freedom of opinion as a pretext for attacking the rights of others, most especially the right to life.

3. Numerous Christian lay people, especially doctors, but also parents' associations, statesmen, or leading figures in posts of responsibility have vigorously reacted against this propaganda campaign. Above all, many episcopal conferences and many bishops acting in their own name have judged it opportune to recall very strongly the traditional doctrine of the Church.[1] With a striking convergence these documents admirably emphasize an attitude of respect for life which is at the same time human and Christian. Nevertheless, it has happened that several of these documents here or there have encountered reservation or even opposition.

4. Charged with the promotion and the defense of faith and morals in the universal Church,[2] the Sacred Congregation for the Doctrine of the Faith proposes to recall this teaching in its essential aspects to all the faithful. Thus in showing the unity of the Church, it will confirm by the authority proper to the Holy See what the bishops have opportunely undertaken. It hopes that all the faithful, including those who might have been unsettled by the controversies and new opinions, will understand that it is not a question of opposing one opinion to another, but of transmitting to the faithful a constant teaching of the supreme Magisterium, which teaches moral norms in the light of faith.[3] It is therefore clear that this declaration necessarily entails a grave obligation for Christian consciences.[4] May God deign to enlighten also all men who strive with their whole heart to "act in truth" (Jn. 3:21).

5. "Death was not God's doing, he takes no pleasure in the extinction of the living" (Wis. 1:13). Certainly God has created beings who have only one lifetime and physical death cannot be absent from the world of those with a bodily existence. But what is immediately willed is life, and in the visible universe everything has been made for man, who is the image of God and the world's crowning glory (cf. Gen. 1:26-28). On the

human level, "it was the devil's envy that brought death into the world" (Wis. 2:24). Introduced by sin, death remains bound up with it: death is the sign and fruit of sin. But there is no final triumph for death. Confirming faith in the Resurrection, the Lord proclaims in the Gospel: "God is God, not of the dead, but of the living" (Mt. 22:32). And death like sin will be definitively defeated by resurrection in Christ (cf. 1 Cor. 15:20-27). Thus we understand that human life, even on this earth, is precious. Infused by the Creator,[5] life is again taken back by Him (cf. Gen. 2:7; Wis. 15:11). It remains under His protection: man's blood cries out to Him (cf. Gen. 4:10) and He will demand an account of it, "for in the image of God man was made" (Gen. 9:5-6). The commandment of God is formal: "You shall not kill" (Ex. 20:13). Life is at the same time a gift and a responsibility. It is received as a "talent" (cf. Mt. 25:14-30); it must be put to proper use. In order that life may bring forth fruit, many tasks are offered to man in this world and he must not shirk them. More important still, the Christian knows that eternal life depends on what, with the grace of God, he does with his life on earth.

6. The tradition of the Church has always held that human life must be protected and favored from the beginning, just as at the various stages of its development. Opposing the morals of the Greco-Roman world, the Church of the first centuries insisted on the difference that exists on this point between those morals and Christian morals. In the *Didache* it is clearly said: "You shall not kill by abortion the fruit of the womb and you shall not murder the infant already born." [6] Athenagoras emphasizes that Christians consider as murderers those women who take medicines to procure an abortion; he condemns the killers of children, including those still living in their mother's womb, "where they are already the object of the care of divine Providence." Tertullian did not always perhaps use the same language; he nevertheless clearly affirms the essential principle: "To prevent birth is anticipated murder; it makes little difference whether one destroys a life already born or does away with it in its nascent stage. The one who will be a man is already one." [8]

7. In the course of history, the Fathers of the Church, her Pastors and her Doctors have taught the same doctrine - the various opinions on the infusion of the spiritual soul did not introduce any doubt about the illicitness of abortion. It is true that in the Middle Ages, when the opinion was generally held that the spiritual soul was not present until after the first few weeks, a distinction was made in the evaluation of the sin and the gravity of penal sanctions. Excellent authors allowed for this first period more lenient case solutions which they rejected for following periods. But it was never denied at that time that procured abortion, even during the first days, was objectively grave fault. This condemnation was in fact unanimous. Among the many documents it is sufficient to recall certain ones. The first Council of Mainz in 847 reconsidered the penalties against abortion which had been established by preceding Councils. It decided that the most rigorous penance would be imposed "on women who procure the elimination of the fruit conceived in their womb." [9] The Decree of Gratian reported the following words of Pope Stephen V: "That person is a murderer who causes to perish by abortion what has been conceived." [10] St. Thomas, the Common Doctor of the Church, teaches that abortion is a grave sin against the natural law. "At the time of the Renaissance Pope Sixtus V condemned abortion with the greatest severity. [12] A century later, Innocent XI rejected the propositions of certain lax canonists who sought to excuse an abortion procured before the moment accepted by some as the moment of the spiritual animation of the new being. [13] In our days the recent Roman Pontiffs have proclaimed the same doctrine with the greatest clarity. Pius XI explicitly answered the most serious objections. [14] Pius XII clearly excluded all direct abortion, that is, abortion which is either an end or a means. [15] John XXIII recalled the teaching of the Fathers on

the sacred character of life "which from its beginning demands the action of God the Creator." [16] Most recently, the Second Vatican Council, presided over by Paul VI, has most severely condemned abortion: "Life must be safeguarded with extreme care from conception; abortion and infanticide are abominable crimes." [17] The same Paul VI, speaking on this subject on many occasions, has not been afraid to declare that this teaching of the Church "has not changed and is unchangeable." [18]

8. Respect for human life is not just a Christian obligation. Human reason is sufficient to impose it on the basis of the analysis of what a human person is and should be. Constituted by a rational nature, man is a personal subject capable of reflecting on himself and of determining his acts and hence his own destiny: he is free. He is consequently master of himself; or rather, because this takes place in the course of time, he has the means of becoming so: this is his task. Created immediately by God, man's soul is spiritual and therefore immortal. Hence man is open to God, he finds his fulfillment only in Him. But man lives in the community of his equals; he is nourished by interpersonal communication with men in the indispensable social setting. In the face of society and other men, each human person possesses himself, he possesses life and different goods, he has these as a right. It is this that strict justice demands from all in his regard.

9. Nevertheless, temporal life lived in this world is not identified with the person. The person possesses as his own a level of life that is more profound and that cannot end. Bodily life is a fundamental good, here below it is the condition for all other goods. But there are higher values for which it could be legitimate or even necessary to be willing to expose oneself to the risk of losing bodily life. In a society of persons the common good is for each individual an end which he must serve and to which he must subordinate his particular interest. But it is not his last end and, from this point of view, it is society which is at the service of the person, because the person will not fulfill his destiny except in God. The person can be definitively subordinated only to God. Man can never be treated simply as a means to be disposed of in order to obtain a higher end.

10. In regard to the mutual rights and duties of the person and of society, it belongs to moral teaching to enlighten consciences; it belongs to the law to specify and organize external behavior. There is precisely a certain number of rights which society is not in a position to grant since these rights precede society; but society has the function to preserve and to enforce them. These are the greater part of those which are today called "human rights" and which our age boasts of having formulated.

11. The first right of the human person is his life. He has other goods and some are more precious, but this one is fundamental - the condition of all the others. Hence it must be protected above all others. It does not belong to society, nor does it belong to public authority in any form to recognize this right for some and not for others: all discrimination is evil, whether it be founded on race, sex, color or religion. It is not recognition by another that constitutes this right. This right is antecedent to its recognition; it demands recognition and it is strictly unjust to refuse it.

12. Any discrimination based on the various stages of life is no more justified than any other discrimination. The right to life remains complete in an old person, even one greatly weakened; it is not lost by one who is incurably sick. The right to life is no less to be respected in the small infant just born than in the mature person. In reality, respect for human life is called for from the time that the process of generation begins. From the time that the ovum is fertilized, a life is begun which is neither

that of the father nor of the mother, it is rather the life of a new human being with his own growth. It would never be made human if it were not human already.

13. To this perpetual evidence - perfectly independent of the discussions on the moment of animation [19] - modern genetic science brings valuable confirmation. It has demonstrated that, from the first instant, there is established the program of what this living being will be: a man, this individual man with his characteristic aspects already well determined. Right from fertilization is begun the adventure of a human life, and each of its capacities requires time - a rather lengthy time - to find its place and to be in a position to act. The least that can be said is that present science, in its most evolved state, does not give any substantial support to those who defend abortion. Moreover, it is not up to biological sciences to make a definitive judgment on questions which are properly philosophical and moral such as the moment when a human person is constituted or the legitimacy of abortion. From a moral point of view this is certain: even if a doubt existed concerning whether the fruit of conception is already a human person, it is objectively a grave sin to dare to risk murder. "The one who will be a man is already one." [20]

14. Divine law and natural reason, therefore, exclude all right to the direct killing of an innocent man. However, if the reasons given to justify an abortion were always manifestly evil and valueless the problem would not be so dramatic. The gravity of the problem comes from the fact that in certain cases, perhaps in quite a considerable number of cases, by denying abortion one endangers important values to which it is normal to attach great value, and which may sometimes even seem to have priority. We do not deny these very great difficulties. It may be a serious question of health, sometimes of life or death, for the mother; it may be the burden represented by an additional child, especially if there are good reasons to fear that the child will be abnormal or retarded; it may be the importance attributed in different classes of society to considerations of honor or dishonor, of loss of social standing, and so forth. We proclaim only that none of these reasons can ever objectively confer the right to dispose of another's life, even when that life is only beginning. With regard to the future unhappiness of the child, no one, not even the father or mother, can act as its substitute - even if it is still in the embryonic stage - to choose in the child's name, life or death. The child itself, when grown up, will never have the right to choose suicide; no more may his parents choose death for the child while it is not of an age to decide for itself. Life is too fundamental a value to be weighed against even very serious disadvantages. [21]

15. The movement for the emancipation of women, insofar as it seeks essentially to free them from all unjust discrimination, is on perfectly sound ground. [22] In the different forms of cultural background there is a great deal to be done in this regard. But one cannot change nature. Nor can one exempt women, any more than men, from what nature demands of them. Furthermore, all publicly recognized freedom is always limited by the certain rights of others.

16. The same must be said of the claim to sexual freedom. If by this expression one is to understand the mastery progressively acquired by reason and by authentic love over instinctive impulse, without diminishing pleasure but keeping it in its proper place - and in this sphere this is the only authentic freedom - then there is nothing to object to. But this kind of freedom will always be careful not to violate justice. It, on the contrary, one is to understand that men and women are "free" to seek sexual pleasure to the point of satiety, without taking into account any law or the essential orientation of sexual life to its fruits of fertility, [23] then this idea has nothing Christian in it. It is even unworthy of man. In any case it does not confer any

right to dispose of human life - even if embryonic- or to suppress it on the pretext that it is burdensome.

17. Scientific progress is opening to technology - and will open still more - the possibility of delicate interventions, the consequences of which can be very serious, for good as well as for evil. These are achievements of the human spirit which in themselves are admirable. But technology can never be independent of the criterion of morality, since technology exists for man and must respect his finality. Just as there is no right to use nuclear energy for every possible purpose, so there is no right to manipulate human life in every possible direction. Technology must be at the service of man, so as better to ensure the functioning of his normal abilities, to prevent or to cure his illnesses, and to contribute to his better human development. It is true that the evolution of technology makes early abortion more and more easy, but the moral evaluation is in no way modified because of this.

18. We know what seriousness the problem of birth control can assume for some families and for some countries. That is why the last Council and subsequently the encyclical "Humanae vitae" of July 25, 1968, spoke of "responsible parenthood." [24] What we wish to say again with emphasis, as was pointed out in the conciliar constitution "Gaudium et spes," in the encyclical "Populorum progressio" and in other papal documents, is that never, under any pretext, may abortion be resorted to, either by a family or by the political authority, as a legitimate means of regulating births. [25] The damage to moral values is always a greater evil for the common good than any disadvantage in the economic or demographic order.

19. The moral discussion is being accompanied more or less everywhere by serious juridical debates. There is no country where legislation does not forbid and punish murder. Furthermore, many countries had specifically applied this condemnation and these penalties to the particular case of procured abortion. In these days a vast body of opinion petitions the liberalization of this latter prohibition. There already exists a fairly general tendency which seeks to limit, as far as possible, all restrictive legislation, especially when it seems to touch upon private life. The argument of pluralism is also used. Although many citizens, in particular the Catholic faithful, condemn abortion, many others hold that it is licit, at least as a lesser evil. Why force them to follow an opinion which is not theirs, especially in a country where they are in the majority? In addition it is apparent that, where they still exist, the laws condemning abortion appear difficult to apply. The crime has become too common for it to be punished every time, and the public authorities often find that it is wiser to close their eyes to it. But the preservation of a law which is not applied is always to the detriment of authority and of all the other laws. It must be added that clandestine abortion puts women, who resign themselves to it and have recourse to it, in the most serious dangers for future pregnancies and also in many cases for their lives. Even if the legislator continues to regard abortion as an evil, may he not propose to restrict its damage?

20. These arguments and others in addition that are heard from varying quarters are not conclusive. It is true that civil law cannot expect to cover the whole field of morality or to punish all faults. No one expects it to do so. It must often tolerate what is in fact a lesser evil, in order to avoid a greater one. One must, however, be attentive to what a change in legislation can represent. Many will take as authorization what is perhaps only the abstention from punishment. Even more, in the present case, this very renunciation seems at the very least to admit that the legislator no longer considers abortion a crime against human life, since murder is still always severely punished. It is true that it is not the task of the law to choose between points of view or to impose one rather than another. But the life of the

child takes precedence over all opinions. One cannot invoke freedom of thought to destroy this life.

21. The role of law is not to record what is done, but to help in promoting improvement. It is at all times the task of the State to preserve each person's rights and to protect the weakest. In order to do so the State will have to right many wrongs. The law is not obliged to sanction everything, but it cannot act contrary to a law which is deeper and more majestic than any human law: the natural law engraved in men's hearts by the Creator as a norm which reason clarifies and strives to formulate properly, and which one must always struggle to understand better, but which it is always wrong to contradict. Human law can abstain from punishment, but it cannot declare to be right what would be opposed to the natural law, for this opposition suffices to give the assurance that a law is not a law at all.

22. It must in any case be clearly understood that whatever may be laid down by civil law in this matter, man can never obey a law which is in itself immoral, and such is the case of a law which would admit in principle the liceity of abortion. Nor can he take part in a propaganda campaign in favor of such a law, or vote for it. Moreover, he may not collaborate in its application. It is, for instance, inadmissible that doctors or nurses should find themselves obliged to cooperate closely in abortions and have to choose between the law of God and their professional situation.

23. On the contrary, it is the task of law to pursue a reform of society and of conditions of life in all milieux, starting with the most deprived, so that always and everywhere it may be possible to give every child coming into this world a welcome worthy of a person. Help for families and for unmarried mothers, assured grants for children, a statute for illegitimate children and reasonable arrangements for adoption - a whole positive policy must be put into force so that there will always be a concrete, honorable and possible alternative to abortion.

24. Following one's conscience in obedience to the law of God is not always the easy way. One must not fail to recognize the weight of the sacrifices and the burdens which it can impose. Heroism is sometimes called for in order to remain faithful to the requirements of the divine law. Therefore, we must emphasize that the path of true progress of the human person passes through this constant fidelity to a conscience maintained in uprightness and truth; and we must exhort all those who are able to do so to lighten the burdens still crushing so many men and women, families and children, who are placed in situations to which, in human terms, there is no solution.

25. A Christian's outlook cannot be limited to the horizon of life in this world. He knows that during the present life another one is being prepared, one of such importance that it is in its light that judgments must be made. [26] From this viewpoint there is no absolute misfortune here below, not even the terrible sorrow of bringing up a handicapped child. This is the contradiction proclaimed by the Lord: "Happy those who mourn: they shall be comforted" (Mt. 5:5). To measure happiness by the absence of sorrow and misery in this world is to turn one's back on the Gospel.

26. But this does not mean that one can remain indifferent to these sorrows and miseries. Every man and woman with feeling, and certainly every Christian, must be ready to do what he can to remedy them. This is the law of charity, of which the first preoccupation must always be the establishment of justice. One can never approve of abortion; but it is above all necessary to combat its causes. This includes political action, which will be in particular the task of the law. But it is necessary at the same time to influence morality and to do everything possible to help families, mothers and children. Considerable progress in



the service of life has been accomplished by medicine. One can hope that such progress will continue, in accordance with the vocation of doctors, which is not to suppress life but to care for it and favor it as much as possible. It is equally desirable that, in suitable institutions, or, in their absence, in the outpouring of Christian generosity and charity every form of assistance should be developed.

27. There will be no effective action on the level of morality unless at the same time an effort is made on the level of ideas. A point of view - or even more, perhaps a way of thinking - which considers fertility as an evil cannot be allowed to spread without contradiction. It is true that not all forms of culture are equally in favor of large families. Such families come up against much greater difficulties in an industrial and urban civilization. Thus in recent times the Church has insisted on the idea of responsible parenthood, the exercise of true human and Christian prudence.

Such prudence would not be authentic if it did not include generosity. It must preserve awareness of the grandeur of the task of cooperating with the Creator in the transmission of life, which gives new members to society and new children to the Church. Christ's Church has the fundamental solicitude of protecting and favoring life. She certainly thinks before all else of the life which Christ came to bring: "I have come so that they may have life and have it to the full" (Jn. 10:10). But life at all its levels comes from God, and bodily life is for man the indispensable beginning. In this life on earth sin has introduced, multiplied and made harder to bear suffering and death. But in taking their burden upon Himself, Jesus Christ has transformed them: for whoever believes in Him, suffering and death itself become instruments of resurrection. Hence Saint Paul can say: "I think that what we suffer in this life can never be compared to the glory, as yet unrevealed, which is waiting for us" (Rom. 8:18). And, if we make this comparison we shall add with him: "Yes, the troubles which are soon over, though they weigh little, train us for the carrying of a weight of eternal glory which is out of all proportion to them" (2 Cor. 4:17).

The Supreme Pontiff Pope Paul VI, in an audience granted to the undersigned Secretary of the Sacred Congregation for the Doctrine of the Faith on June 28, 1974, has ratified this Declaration on Procured Abortion and has confirmed it and ordered it to be promulgated.

Given in Rome, at the Sacred Congregation for the Doctrine of the Faith, on November 18, the Commemoration of the Dedication of the Basilicas of Saints Peter and Paul, in the year 1974.

Franciscus Card. SEPER Prefect  
Hieronymus HAMER Titular Archbishop of Lorium Secretary

#### ENDNOTES

1. A certain number of bishops' documents are to be found in Gr. Caprile, "Non Uccidere, Il Magistero della Chiesa sull'aborto." Part II, pp. 47-300, Rome, 1973.
2. "Regimini Ecclesiae Universae," III, 1, 29. Cf. *ibid.*, 31 (AAS 59 [1967], p. 897). On the Sacred Congregation for the Doctrine of the Faith depend all the questions which are related to faith and morals or which are bound up with the faith.
3. "Lumen gentium," 12 (AAS 57 [1965], pp. 16-17). The present Declaration does not envisage all the questions which can arise in connection with abortion: it is for theologians to examine and discuss them. Only certain basic principles are here recalled which must be for the theologians themselves a guide and a rule, and confirm certain fundamental truths of Catholic doctrine for all Christians.
4. "Lumen Gentium," 25 (AAS 57 [1965], pp. 29-31).
5. The authors of Scripture do not make any philosophical observations on when life begins, but they speak of the period

of life which precedes birth as being the object of God's attention: He creates and forms the human being, like that which is moulded by His hand (cf. Ps. 118:73). It would seem that this theme finds expression for the first time in Jer. 1:5. It appears later in many other texts. Cf. Is. 49:1-5; 46:3; Jb. 10:8-12; Ps. 22:10; 71:6; 139:13. In the Gospels we read in Luke 1:44: "For the moment your greeting reached my ears, the child in my womb leapt for joy."

6. "Didache Apostolorum," edition Funk, "Patres Apostolici," V, 2. "The Epistle of Barnabas," IX, 5 uses the same expressions (cf. Funk, *l.c.*, 91-93).
7. Athenagoras, "A plea on behalf of Christians," 35 (cf. PG. 6, 970: S.C. 3, pp. 166-167). One may also consult the "Epistle to Diogenetus" (V, 6 Funk, *o.c.*, 1399: S.C. 33), where it says of Christians: "They procreate children, but they do not reject the foetus."
8. Tertullian, "Apologeticum" (IX. 8 PL. 1, 371-372: Corp. Christ. 1, p. 103, 1, 31-36).
9. Canon 21 (Mansi, 14, p. 909). Cf. Council of Elvira, canon 63 (Mansi, 2, p. 16) and the Council of Ancyra, canon 21 (*ibid.*, 519). See also the decree of Gregory III regarding the penance to be imposed upon those who are culpable of this crime (Mansi 13, 292, c. 17).
10. Gratian, "Concordantia Discordantium Canonum," c. 20, C. 2, q.[2]. During the Middle Ages appeal was often made to the authority of St. Augustine who wrote as follows in regard to this matter in "De Nuptiis et Concupiscentiis," c. 15: "Sometimes this sexually indulgent cruelty or this cruel sexual indulgence goes so far as to procure potions which produce sterility. If the desired result is not achieved, the mother terminates the life and expels the foetus which was in her womb in such a way that the child dies before having lived, or, if the baby was living already in its mother's womb, it is killed before being born." (PL 44, 423-424: CSEL 33, 619. Cf. the "Decree of Gratian" q. 2, C. 32, c. 7.)
11. "Commentary on the Sentences," book IV, dist. 31, exposition of the text.
12. Constitution "Effraenatum" in 1588 ("Bullarium Romanum," V, 1, pp. 25-27; "Fontes Iuris Canonici," I, no. 165, pp. 308-311).
13. Dz-Sch. 1184. Cf. also the Constitution "Apostolicae Sedis" of Pius IX (Acta Pii IX, V, 55-72; AAS 5 [1869], pp. 305-331; "Fontes Iuris Canonici," III, no. 552, pp. 24-31).
14. Encyclical "Casti Connubii," AAS 22 (1930), pp. 562-565; Dz-Sch. 3719-21.
15. The statements of Pius XII are express, precise and numerous; they would require a whole study on their own. We quote only this one from the Discourse to the Saint Luke Union of Italian Doctors of November 12, 1944, because it formulates the principle in all its universality: "As long as a man is not guilty, his life is untouchable, and therefore any act directly tending to destroy it is illicit, whether such destruction is intended as an end in itself or only as a means to an end, whether it is a question of life in the embryonic stage or in a stage of full development or already in its final stages" (Discourses and Radio-messages, VI, 183ff.).
16. Encyclical "Mater et magistra," AAS 53 (1961), p. 447.
17. "Gaudium et spes," 51. Cf. 27 (AAS 58 [1966], p. 1072; cf. 1047).
18. The speech, "Salutiamo con paterna effusione," December 9, 1972, AAS 64 (1972), p. 737. Among the witnesses of this unchangeable doctrine one will recall the declaration of the Holy Office, condemning direct abortion (Denzinger 1890, AAS 17 [1884], p. 556; 22 [1888-1890], 748; Dz-Sch 3258).
19. This declaration expressly leaves aside the question of the moment when the spiritual soul is infused. There is not a unanimous tradition on this point and authors are as yet in disagreement. For some it dates from the first instant; for others it could not at least precede nidation. It is not within the competence of science to decide between these views, because the existence of an immortal soul is not a question in its field. It is a philosophical problem from which our moral affirmation



remains independent for two reasons: (1) supposing a belated animation, there is still nothing less than a human life, preparing for and calling for a soul in which the nature received from parents is completed, (2) on the other hand, it suffices that this presence of the soul be probable (and one can never prove the contrary) in order that the taking of life involve accepting the risk of killing a man, not only waiting for, but already in possession of his soul.

20. Tertullian, cited in footnote 8.

21. Cardinal Villot, Secretary of State, wrote on October 19, 1973, to Cardinal Dopfner, regarding the protection of human life: "(Die Kirche) kann jedoch sur Behebung solcher Notsituationen weder empfangnisverhuetende Mittel noch erst recht nicht die Abtreibung als sittlich erlaubt erkennen" ("L'Osservatore Romano," German edition, October 26, 1973, p. 3).

22. Encyclical "Pacem in terris." AAS 55 (1963), p. 267. Constitution "Gaudium et spes," 29. Speech of Paul VI, "Salutiamo," AAS 64 (1972), 779.

23. "Gaudium et spes," 48: "Indole autem sua naturali, ipsum institutum matrimonii amorque coniugalis ad procreationem et educationem prolis ordinantur, iisque veluti suo fastigio coronantur." Also paragraph 50: "Matrimonium et amor coniugalis indole sua ad prolem procreandam et educandam ordinantur."

24. "Gaudium et spes," 50-51. Paul VI, Encyclical "Humanae vitae," 10 (AAS 60, [1968], p. 487).

25. "Gaudium et spes," 87. Paul VI, Encyclical "Populorum progressio," 31: Address to the United Nations, AAS 57 (1965), p. 883. John XXIII, "Mater et magistra," AAS 53 (1961), pp. 445-448. Responsible parenthood supposes the use of only morally licit methods of birth regulation. Cf. "Humanae vitae," [14] (ibid., p. 490).

26. Cardinal Villot, Secretary of State, wrote to the World Congress of Catholic Doctors held in Barcelona, May 26, 1974: "Por lo que a la vida humana se refiere, esta non es ciertamente univoca, mas bien se podria decir que es un haz de vidas. No se puede reducir, sin mutilarlas gravemente, las zonas de su ser, que, en su estrecha dependencia e interaccion estan ordenadas las unas a las otras: zona corporal, zona afectiva, zona mental, y ese transfondo del alma donde la vida divina, recibida por la gracia, puede desplegarse mediante los dones del Espiritu Santo" ("L'Osservatore Romano," May 29, 1974)."

Representative Stonebraker rose and asked that the Clerk record a no vote for him on both measures, and the Chair, "so ordered."

Representative Auwae rose and asked that the Clerk record a no vote for her on both measures, and the Chair, "so ordered."

Representative Rath rose and asked that the Clerk record a no vote for him on both measures, and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him on both measures, and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him on both measures, and the Chair, "so ordered."

Representative Lee rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's submitted the following article from the *San Francisco Bay Guardian* as follows:

"The other birth control pill

Morning-after contraception has existed since the mid 1960s. So why are the people working to make it available to California women considered pioneers?

By Tali Woodward

UNDER A NEW state law, California pharmacies may dispense emergency contraceptive pills – the only birth control method that's meant to be used after sex – without a doctor's prescription.

And if a local pharmacist gives you ECPs tomorrow, chances are good your medicine will have the name "Dr. Dick Fisher" typed on the prescription label.

Fisher is just one of the local health care advocates who are aggressively working to teach people about this little-used contraceptive method and to help them get it. A loose coalition is making the Bay Area a model that may transform the contraceptive landscape nationwide – with a method that's been around for decades.

As early as the mid 1960s, doctors and pharmacists knew that large doses of birth control pills, taken after sex, could greatly diminish the chances of pregnancy. Although some discreetly urged patients to use birth control pills for this off-label purpose, the Food and Drug Administration didn't approve the method for emergency use until 1997. It approved Preven, the first pill specifically packaged as an emergency contraceptive, a year later, and Plan B, a competing pill, soon after that.

Still, in 2000 the Kaiser Family Foundation found that only 2 percent of American women had ever used ECPs. Experts say that's because many women don't know about them – and that even if they do, they often find ECPs difficult to get. They argue that better access to the pills could go a long way toward diminishing the roughly three million unintended pregnancies that occur in the United States each year.

The state law that went into effect Jan. 1 allows certain pharmacists to give out ECPs "behind the counter," or without an individualized prescription. The pharmacist must first complete a training course and obtain "protocols" for dispensing the drug from a doctor who's willing to act, effectively, as a sponsor.

So far more than 650 pharmacists have completed training statewide. And San Francisco, where most Walgreens pharmacies are already offering ECPs, is setting a standard for the rest of the state. According to the Pharmacy Access Partnership, an Oakland-based nonprofit that's helping to link drugstores with doctors, at least 75 percent of the participating local pharmacies are being sponsored by Fisher and Dr. Glenda Newell, the assistant medical directors of Planned Parenthood Golden Gate.

'Timing is important'

Sometimes called the "morning-after pill," emergency contraception may actually be taken up to 72 hours after intercourse. However, the drug is most effective when administered the first day. "Women often need it when doctors are not available," Fisher said, adding that women are more likely to have sex over the weekend, when doctors' offices are closed. "Timing is important."

On some weekends Fisher's organization, which covers six Bay Area counties, has gotten as many as 300 calls from women trying to get their hands on ECPs, said Carla Eckhardt, Planned Parenthood's vice president of medical services. Fisher's willingness, she said, "to do the protocols, to put his license on the line, is the sign of a leader." She emphasized that the liability is low since ECPs are so safe and said that "it just made natural sense for us to take the lead."

"We definitely have women call [for ECPs] all the time, and we can't always see them," said Carlina Hansen, the director of the

Women's Community Clinic, a free health center in Hayes Valley. "This is a huge thing for our clients." Many women seek emergency contraception after a condom slips or breaks, they've forgotten to take their birth control pills, or – in the worse cases – they've been sexually assaulted.

Political organizing by the Pharmacy Access Partnership and clinical work by researchers and doctors at UC San Francisco also played a big part in getting the legislation passed.

"Contraception is controversial, and it's mainly a private thing," said Dr. Tina Raine, a UCSF professor who heads the New Generations Health Clinics and is overseeing ongoing clinical trials of emergency contraception. "To bring this matter to the forefront takes a lot of work."

Dr. Felicia Stewart published two landmark papers in 1992 that helped jump-start the efforts to promote ECPs and was in charge of national family planning policy under President Bill Clinton. Now she's the codirector of UCSF's Center for Reproductive Health Research and Policy. She told us the effort to promote ECPs highlights the primary contraceptive issue in the United States, "the severe financial and practical obstacles that women face in getting contraception."

"If you need birth control in any other developed country, it's free [regardless of income level]," Stewart said.

#### Continuing education

Dr. Philip Darney, the chief of obstetrics and gynecology at San Francisco General Hospital, has been a vocal advocate of ECPs and is now providing protocols to pharmacies here and in the Central Valley. Right-wing opposition must always be contended with, Darney said, citing Wal-Mart's refusal to carry ECPs. (Wal-Mart says this was a business decision, but the company has never before banned a drug from its stores.) "But it's easier to do what we view as good work in San Francisco," Darney added, in part because "women themselves have a higher degree of awareness about reproductive rights in this area."

Jane Boggess, a UC Berkeley-trained anthropologist who ran the state's Office of Family Planning and now heads the Pharmacy Access Partnership, is under no illusions that the work is complete. She emphasized that efforts to promote ECPs are neither run nor funded by the government and noted that of all the political and practical hurdles, educating the public about ECPs may prove the most challenging.

"Functionally, it's a new method," she said, explaining that some clinicians are hesitant to promote it because it seems to contradict their typical advice about using more traditional methods of contraception, particularly those that protect against sexually transmitted infections. Boggess added that large, chain pharmacies are unlikely to stock ECPs – much less have a pharmacist trained to dispense them – if few customers request them. Some people also conflate ECPs with RU-486 (or Mifeprex), the drug that can induce abortion, although ECPs do not affect established pregnancies (see "Emergency Contraceptive Pills – a Primer").

Pharmacists are steadily signing on to distribute ECPs, but practical concerns persist. For one, when the pharmacist who is trained to distribute the drug is not at work, a customer has to be sent elsewhere. Pharmacies must also have appropriate space in which to privately review the state's mandated fact sheet with the patient.

At least 10 other countries enable women to get emergency contraception at a pharmacy – sometimes over the counter. The FDA has been petitioned to do the same in the United States

but has requested more data. "There isn't any medical reason that it shouldn't be [over the counter]," Stewart told us.

In the meantime, states including Alaska, Hawaii, and New York are moving to mimic the arrangements that allow pharmacists in California and Washington to give out ECPs. Sen. Patty Murray (D-Wash.) and Rep. Louise Slaughter (D-N.Y.) introduced a bill March 6 that would direct \$10 million toward educating the public about ECPs. And a private campaign to that effect – called "Back Up Your Birth Control" – started March 20. In line with the advice some doctors have been giving for years, the campaign encourages women to ask their doctors for an advance prescription so they can easily get ECPs whenever they need them.

Sharon Camp started Women's Capital Corp. to distribute Plan B, the ECP that has been rated most effective and least likely to cause nausea – the most common side effect associated with ECPs. A public interest lobbyist for 25 years who says she's "only impersonating a pharmaceutical executive," Camp told us that "there's a lot of evidence that this initiative was really born in the Bay Area." Camp, who lives near Washington, D.C., has high hopes for the California project. "When you get a pharmacy-access project going," she said, "you get a lot more visibility for emergency contraception." She expects other states to quickly follow suit.

*Courtney Day helped research this story.*

*For a personal account of just how exasperating, expensive, and humiliating it can be to get a prescription for ECPs, check out her story "[My Afternoon the Morning After](#)".*

*E-mail Tali Woodward at [tali@sfbg.com](mailto:tali@sfbg.com).*

Representative Thielen rose in support of both measures and asked that the written remarks of Representative Lee be entered in 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 reports of the Committee were adopted and H.R. No. 137, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DRAFTING AND IMPLEMENTATION OF A PROTOCOL TO ALLOW EMERGENCY CONTRACEPTION," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, McDermott, Moses, Ontai, Rath, Stonebraker and Whalen voting no and with Representatives Ito and Pendleton being excused;

and

H.C.R. No. 194, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DRAFTING AND IMPLEMENTATION OF A PROTOCOL TO ALLOW EMERGENCY CONTRACEPTION," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Auwae, McDermott, Moses, Ontai, Rath, Stonebraker and Whalen voting no and with Representatives Ito and Pendleton being excused.

Representatives Morita and Kanoho, for the Committee on Energy and Environmental Protection and the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1052-02) recommending that H.R. No. 66, be adopted

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 66, entitled: "HOUSE RESOLUTION SUPPORTING THE GOALS OF THE HAWAII WATCHABLE WILDLIFE PROGRAM AND ENCOURAGING COLLABORATION AMONG ALL FEDERAL, STATE, AND COUNTY AGENCIES, AS WELL

AS NON-PROFIT ORGANIZATIONS, AND PRIVATE SECTOR IN PROMOTING RESPONSIBLE WILDLIFE VIEWING AND NATURE-BASED TOURISM THAT BENEFIT THE PEOPLE OF THE STATE OF HAWAII," was adopted with Representatives Ito and Pendleton being excused.

Representatives Morita and Kanoho, for the Committee on Energy and Environmental Protection and the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1053-02) recommending that H.C.R. No. 102, be adopted

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE GOALS OF THE HAWAII WATCHABLE WILDLIFE PROGRAM AND ENCOURAGING COLLABORATION AMONG ALL FEDERAL, STATE, AND COUNTY AGENCIES, AS WELL AS NON-PROFIT ORGANIZATIONS, AND PRIVATE SECTOR IN PROMOTING RESPONSIBLE WILDLIFE VIEWING AND NATURE-BASED TOURISM THAT BENEFIT THE PEOPLE OF THE STATE OF HAWAII," was adopted with Representatives Ito and Pendleton being excused.

Representatives Kanoho and Ito, for the Committee on Water and Land Use and the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1054-02) recommending that H.R. No. 64, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1055-02) recommending that H.C.R. No. 98, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and H.R. No. 64, HD 1 and H.C.R. No. 98, HD 1, be adopted, seconded by Representative Lee.

Representative Ontai rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I am in support of 1054 and 1055 and I have a few comments.

"I've only recently become familiar with these Hawaiian fishponds or Loko I'a as they are referred to. They are not only historical artifacts that make them interesting. They are actually very, very compelling engineering artifacts. I found it fascinating that even the Hawaiians had a word for engineer, 'na wiliki.' These things are very similar to the fascinating construction of Hawaiian lo'i, the taro patches, in how they share water.

"These fishponds are actually pretty fascinating. If you look back, many of them are several hundred years old. The fact is that there are literally hundreds of them throughout the islands, many of them on Molokai by the way, because everybody knows the fishing around Molokai is among some of the best. What makes them fascinating is with these fishponds and with these lo'i, they supported a population estimated around 400,000. That is not much different from today's population, and that is without bringing in ships and tons of aircraft bringing lots of food from outside. These Loko I'a, along with the taro patches, supported quite a substantial population. And I think that along with the wonder and the engineering feats and the mystery behind it, that combines to make it a mysterious and a compelling reason for our children to look at it.

"I think a vehicle of a resolution asking the DOE to take a look at this and to engage our students, right in our backyard. They don't have to watch the Discovery Channel to see all the nice little Indian artifacts in the mainland or some far away

place in Asia, but right in our backyard, right on our beaches, Mr. Speaker. And these ancient Hawaiian artifacts that are actually engineering feats, as well as scientific feats in aquaculture, and for those reasons, Mr. Speaker, I urge our colleagues to support this resolution with all our hearts. Mahalo."

Representative Davis rose to speak in support of both measures and asked that the remarks of Representative Ontai be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Davis continued, stating:

"Thank you, Mr. Speaker. On these same two measures. First, I'd like to thank the Chairs of Water and Land Use and Education for passing these out of Committee.

"I think the Island of Molokai has the most fishponds than any other island. The students already visit these fishponds and take part in what we are trying to do here in having the Department of Education use it as a teaching tool. For these reasons, I support this. Thank you very much."

Representative Kahikina rose to speak in support of both measures and asked that the remarks of Representative Ontai be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Kahikina continued, stating:

"Mr. Speaker, I am in full support of the same measures, and just to expand on the words in support from my colleague from Mililani. I believe that these fishponds can go beyond education, but also well into economic development. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 64, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE DEVELOPMENT OF CURRICULA FOR HAWAII PUBLIC SCHOOLS UTILIZING HAWAIIAN FISHPONDS (LOKO I'A) AS A RESOURCE FOR TEACHING," was adopted with Representatives Ito and Pendleton being excused;

and

H.C.R. No. 98, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF CURRICULA FOR HAWAII PUBLIC SCHOOLS UTILIZING HAWAIIAN FISHPONDS (LOKO I'A) AS A RESOURCE FOR TEACHING," was adopted with Representatives Ito and Pendleton being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1056-02) recommending that H.R. No. 30, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 30, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF DEATH CARE PROVIDERS," was adopted with Representatives Ito and Pendleton being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1057-02) recommending that H.C.R. No. 53, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 53, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF DEATH CARE PROVIDERS," was adopted with Representatives Ito and Pendleton being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1058-02) recommending that H.C.R. No. 29, HD 1, as amended in HD 2, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 29, HD 2, be adopted, seconded by Representative Lee.

Representative Meyer offered the following floor amendment to H.C.R. No. 29, HD 2:

SECTION 1. House Concurrent Resolution No. 29, HD2 is amended by deleting its contents and replacing its contents with those from House Concurrent Resolution No. 100, to read as follows:

"WHEREAS, the Legislature enacted the Hawaii Prepaid Health Care Act (HPHCA), Act 210, Session Laws of Hawaii 1974, Chapter 393, Hawaii Revised Statutes, requiring employers to provide health care coverage and allocating the premium costs between the employer and the employee; and

WHEREAS, HPHCA is unique in the United States and has been instrumental in making Hawaii one of the most successful states in ensuring that people have health insurance; and

WHEREAS, HPHCA requires the employer to pay at least one-half of the premium cost and provides that if the employee's contribution is less than one-half of the premium, the employer shall be liable for the entire remaining portion of the premium; and

WHEREAS, HPHCA caps the employee's share of health care premiums to one-half of the premium cost or 1.5 percent of their wages, whichever is less; and

WHEREAS, costs have escalated at a rate so far exceeding that of salary increases that a mushrooming portion of the premium has shifted to employers (the minimum wage in 1974 was \$2.00 per hour and the average employer's minimum monthly share of an employee's health premium was \$11.16 as compared to \$5.75 minimum wage and \$169.08 for employee's insurance in 2002), resulting in private employers bearing the unanticipated and undue burden of as much as 90% or more of the health care costs of their employees; and

WHEREAS, regarding public employees, the State of Hawaii pays 60% of the premium cost of medical coverage; and

WHEREAS, Hawaii law appears to obligate private sector employers to pay a larger percentage of health plan premiums than the State and counties; and

WHEREAS, because the state requires this coverage, private sector employers should not be obligated to pay a larger share of the cost than public sector employers; and

WHEREAS, later in 1974, the United States Congress enacted the Employee Retirement Income Security Act (ERISA), 29 U.S.C. 1001-1461 that preempted state laws related to employee benefit plans; and

WHEREAS, after a federal court held in *Standard Oil Company of California* that ERISA preemption of state laws included Hawaii's HPHCA, the State of Hawaii obtained an exemption under ERISA of the HPHCA as it existed on September 2, 1974; and

WHEREAS, the ERISA exemption of the Hawaii Prepaid Health Care Act at 29 U.S.C. 1144(b)(5) presents legal obstacles to amending Hawaii law to reflect these unanticipated changing circumstances without Congressional and/or Department of Labor approval; and

WHEREAS, under color of ERISA section 1144, the United States Department of Labor "may enter into cooperative arrangements under this paragraph and section 1136 of this title with officials of the State of Hawaii to assist them in effectuating the policies of provisions of such Act..."; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2002, the Senate concurring, that the Department of Labor and Industrial Relations is requested to consult with each member of Hawaii Congressional Delegation and with the United States Department of Labor in preparing a report to the Legislature on how ERISA and/or Hawaii Revised Statutes may be amended to maintain the Hawaii Prepaid Health Care Act with equitable contributions between employers and employees of both the public and private sectors as well as equalizing public and private sector premium contributions without violating the conditions of the ERISA exemption; and

BE IT FURTHER RESOLVED that the Department of Labor and Industrial Relations is requested to submit the information requested by this concurrent resolution to the Legislature no later than thirty days before the convening of the Regular Session of 2003; and

BE IT FURTHER RESOLVED that, upon passage, certified copies of this concurrent resolution be transmitted to the Director of the Hawaii Department of Labor and Industrial Relations, each member of the Hawaii Congressional Delegation, and the United States Secretary of Labor."

Representative Meyer moved that the floor amendment to H.C.R. No. 29, HD 2, be adopted, seconded by Representative Fox.

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

"Thank you, Mr. Speaker. I have offered this amendment because I feel that the problems that we are experiencing with the Hawaii Prepaid Healthcare Act are very, very serious. The small business community, over the last eight years that I have served, has come to the Legislature asking for relief each and every year. As the years have passed, I have come to find that it is a very complicated issue. We wouldn't even have the Healthcare Act that we have now if we had not received a waiver from the federal ERISA Act. So to try to solve the problem requires cooperation from our Congressional delegation. So that is why I have offered this resolution.

"While the original resolution on the OD is moving in the right direction, I fear that it is going to be too little, too late. A taskforce will convene. They'll come up with recommendations. Another year will go by and we'll still come to the point where we will have to ask for support from the Congressional delegation to solve the problem.

"I had introduced a bill this year that was designed to make changes under the theory that we could make administrative changes. And after numerous calls to the Department of Labor in Washington, it seemed that we couldn't do it that way. So I feel that it is such a serious matter that we shouldn't let another year go by.

"This bill would come at the problem directly. It would go to the Congressional delegation, have the Department of Labor here in Hawaii talk with them, because they have the expertise. In the 'Be it resolved' clause on the bottom of page two of this resolution, it would ask that the Department of Labor and Industrial Relations consult with each member of the Hawaii Congressional delegation and with United States Department of Labor in preparing a report to the Legislature on how ERISA or the Hawaii Revised Statutes may be amended to maintain the Hawaii Prepaid Healthcare Act with equitable contributions between employers and employees. This is the root of the problem.

"When the bill was originally passed, it was an equitable split on employer and employee contributions for the premium payment. But with the way healthcare has escalated over the years, we've arrived at a very untenable place, where Hawaii's small business employers are paying almost 98% of the premium costs. And as most of us in this Chamber know Mr. Speaker, Hawaii has been experiencing a very serious lag in our economy, when the rest of the nation, other states, have been enjoying huge surpluses in their budget. Their economies was just moving along, 'lickety-split.' We were just sort of crawling along trying to just maintain. While we were beginning to move forward, the events of 9/11 have created a new problem and certainly set us back.

"So this brings it even more to the fore, that our small businesses need help and they need it as soon as possible. So that is why I have offered this resolution, because I think it is the fastest and the quickest way to come to the realization of what needs to be done. Thank you, Mr. Speaker."

Representative Hiraki rose to speak in opposition to the floor amendment, stating:

"Mr. Speaker, I rise to speak against the adoption of this floor amendment. Mr. Speaker, this floor amendment, quite frankly, really puzzles me for several reasons.

"Let me begin by saying that I think that this floor amendment is actually taking two steps backwards if we want to find an equitable resolution to this issue. To me, this amendment is an attempt to really torpedo the pro-business effort to examine the Prepaid Healthcare Act. Our version of the resolution, the original HD 2 here, is a result of months and months of meetings and consultation with business, labor, government, as well as the health community, in trying to resolve this issue. The Mandated Health Benefits Taskforce recommended this resolution as a resolution that should come forward, the HD 2 version. In fact, this measure, the HD 2 version, when it was up for public hearing was supported strongly by the Chamber of Commerce, and the Hawaii Business League.

"The reason why the floor amendment is bad is that it actually works to 'ice out' small business and big business in this process. It also 'ices out' labor, doctors, hospitals, health plans, etc. According to our resolution, when we composed the task force, we have 16 members and that includes someone from small business, someone from big business, health maintenance organizations, mutual benefit societies, labor unions, from the public sector, from the private sector, also consumer health advocacy organizations, licensed physicians, complimentary care service providers, representatives of

hospitals, representatives of the Hawaii Insurance Project, and other community members. Effectively what this floor amendment says is, 'Let's exclude all of them. We'll just have the Department of Labor meet with the Congressional delegation and let this one person decide what the recommendations should be.' So what started out as a collaborative effort involving as many interested groups as possible, has now been distilled down to just one person making a recommendation to this Body. I think it is really extreme to have just one person handle such a very complicated issue. I prefer to have the 16 members all at the table discussing this issue.

"Also, the floor amendment significantly narrows the scope of the study conducted by this Task Force. One of the major areas of abuse has been the process by which the Prepaid Healthcare Council recommends the approval of health plans. This floor amendment does not allow study of this issue because it takes the language right out. So we are still going to have that problem. It is still going to be there, and that is a major problem with Prepaid Healthcare Act as it operates today. According to the floor amendment, we won't even have the opportunity to look at it.

"As far as it being 'too little, too late,' I don't believe that the approach that we're taking is too little, too late. As I am looking at it, the study that is provided by the floor amendment will be done 30 days before the convening of the Regular Session of 2003. That doesn't seem to me like an immediate solution, right now.

"Mr. Speaker and members, let the process continue as agreed upon by all the members of the Mandated Health Benefits Task Force. Again, the resolution as HD 2, is supported by business, by labor, by community groups, and by the medical community, and I believe that it is a collaborative effort to resolve this issue. Thank you."

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

"Thank you, Mr. Speaker, in favor of the amendment. Mr. Speaker if you look at the existing resolution, and you look at the amended resolution, they both recognize that we have a serious problem in this area. What we have is a difference of approach to reaching a solution. In the case of HD 2 just spoken about by the Chair of Consumer Protection and Commerce, the idea is to convene a task force to study the issue. Now, if you go to people in the business community and ask them if they like things the way they are or would they rather be involved in a task force to improve the issue, they will of course say, 'Please, let us do something about this problem, and if it is a task force, fine we'll go ahead with that.' But the reason we've gone through the significant step of actually amending a resolution on the floor of the House is because this problem is so critical.

"We can't wait for a task force to meet, select a Chair, have a series of meetings and then come back to the Legislature with a recommendation. Mr. Speaker, we already know what the problem is. The problem is with ERISA. We've got to get our Congressional delegation engaged. We have to get the Department of Labor at the national level engaged. And we've got to come back with a solution to this problem that allows more equity in the payments of healthcare between employers and employees. That is all this resolution asks for; is to come back with a way this can be done at the national level to fix our problem at home. So instead of having a task force meet for eight months to come up with a recommendation that we do something about ERISA, this amendment allows us to move right now, to take on the ERISA problem. We go to step two. We don't need step one. Thank you."

Representative Takai rose to speak in opposition to the floor amendment and asked that the remarks of Representative Hiraki be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Takai continued, stating:

"First, I think the Congressional delegation would appreciate us asking them to do something on ERISA, an exemption to ERISA as a consensus, which I don't think we have. I think one of the main purposes of this task force is to get everyone together so we understand what we are going to ask the Congressional delegation to take a look at. I think that is the best approach to deal with this situation.

"In addition Mr. Speaker, on a technical procedural issue, I believe this floor amendment form and the attached HD 3 should not even be discussed because if you notice, on the floor amendment form, there is no section 2, or even a prior section 1 before the first section, amending the title of the resolution. I don't know how this got through but there is definitely a technical, procedural, parliamentary problem with this amendment. Thank you."

Representative Saiki rose to speak in opposition to the floor amendment, stating:

"I rise in opposition to this floor amendment. I will be very brief.

"As we stated when we heard the House bill equivalent to this proposed legislation a few weeks ago, we emphasized that the Prepaid Healthcare Act reform is a very complicated and involved issue. I think the evidence of that is seen in the floor amendment that is before us. It is flawed in at least four ways.

"First, it basically repeats the relief requested in the original language of H.C.R. 29, and that is to examine the allocation of premiums between the employer and the employee. Our version of the resolution as the Chair of Consumer Protection mentioned, would involve the private sector, small businesses, and large businesses in making such recommendations.

"The second point relates to page 2 of the floor amendment where the resolution states that the State of Hawaii pay 60% of the premium cost of medical coverage. That is no longer the case because Act 88 repealed the 60% requirement. And in any event, last year in the most recent collective bargaining negotiations, the UPW negotiated an employer contribution that exceeded the 60% requirement. And that was done because the UPW made other trade-offs to balance off the 60% plus contribution by the State and counties. So that 60% figure is really no longer applicable or relevant today.

"The third reason is also found on page 2 of the floor amendment where the resolution cites Section 1144 of ERISA. Under color of ERISA, the resolution states that the federal Labor Department may enter into cooperative arrangements with State officials to assist them in effectuating the policies and provisions of this Act. It seems that the resolution appears to use this as a basis for requesting the Labor Department to negotiate amendments to the Prepaid Healthcare Act. But the section that it is cited, Section 1144 with respect to cooperative agreements, really does not relate at all to any substantive amendments to the Prepaid Healthcare Act. What it does instead is it provides that the ERISA exemption does not apply, first of all, to any causes of action that may have been brought under state law prior to the enactment of ERISA. And second, that the ERISA exemption does not apply to any state criminal proceedings that may be brought within the respective

jurisdictions. So the reliance on Section 1144 is misplaced and misconstrues the intent of the federal law.

"The final reason, as was also repeated by the Chair of the Consumer Protection Committee is that even if this floor amendment is adopted and the parties negotiate substantive amendments to the Prepaid Healthcare Act. We would still require first, legislative approval to Chapter 383 and Congressional approval, and that would take us at least into the next Legislative Session, probably a year from now in May 2003. So for these reasons, I would urge members to vote no on this floor amendment. Thank you."

The motion was put to a roll call vote by the Chair by unanimous consent, and the motion that the proposed floor amendment to H.C.R. No. 29, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO EXAMINE THE HAWAII PREPAID HEALTH CARE ACT, CHAPTER 393, HAWAII REVISED STATUTES," be adopted, failed by the following show of ayes and noes:

19 Ayes: Representatives Ahu Isa, Auwae, Bukoski, Davis, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses, Ontai, Rath, Stonebraker, Thielen and Whalen.

30 Noes: Representatives Abinsay, Arakaki, Cabrerros, Case, Chang, Espero, Garcia, Hale, Hamakawa, Hiraki, Kahikina, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Souki, Suzuki, Takai, Takamine, Takumi, Yonamine and Yoshinaga.

2 Excused: Representatives Ito and Pendleton.

(Main Motion)

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

"Thank you, the reservation that I have is that we don't want to set precedent to 'throw the baby out with the bath water.' The concern that I have with the language of this resolution to be adopted by this Body is on page 5, which discusses repealing, potentially, the Prepaid Healthcare Act. I don't believe that, that sends the right language or message, in terms of what has been viewed by many proponents, that it is a model safety net of what healthcare and healthcare reform should look like for the nation.

"I think what the Task Force needs to review is modernization, which is the language that we use for civil service modernization, and fairness in terms of balancing interests that perhaps have been neglected in terms of benefits and benefit levels under the Healthcare Act. But the word 'repeal' is very troubling and I think that members should be cautious before we go down that slope. Thank you."

At 1:39 o'clock p.m., Representative Djou requested a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:39 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 29, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO EXAMINE THE HAWAII PREPAID HEALTH CARE ACT, CHAPTER 393, HAWAII REVISED STATUTES," was adopted with Representatives Ito and Pendleton being excused.



**RECALL FROM COMMITTEE**

At this time, Representative Yoshinaga moved that H.B. No. 1989 be recalled from the Committee on Health, seconded by Representative Ahu Isa.

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

"I rise to speak in encouragement of the recall. It is with a sad heart that I find, that as the former Labor Chair, I am presenting such a dramatic recall to have an open debate and discussion on the re-visitation of benefits. Let no one misunderstand my motives. I have always advocated open opportunities for discussion, where our Majority Leadership, the Minority, as well as the Administration and unions, which are not things, but people, can sit down to fashion new solutions to modernize the way that we deal in State government.

"With both our employees, as well as our programs, and I've always advocated that we must choose the path of non-confrontation, not 'you lose, I win,' which is the usual political type of posturing. I am just a simple woman, and when I ran for office eight years ago..."

Representative Whalen rose to a point of order stating:

"I don't believe the speaker is addressing the motion to recall. It seems like we are getting into the subject matter of the bill and my point of order is that we should clearly be discussing procedure right now, as to the recall. Not anything regarding unions, or employers, or anything else."

The Chair responded, stating:

"Thank you. Your point is well taken. Representative Yoshinaga, can you confine your remarks to the procedure of the recall of H.B. 1989?"

Representative Yoshinaga responded, stating:

"Yes Mr. Speaker. The reason that I believe that this recall is significant is because we need to have a vehicle, not to meddle in the efforts of the union trust health plan."

The Chair addressed Representative Yoshinaga, stating:

"Representative Yoshinaga, can you confine your remarks to the procedural motion of the recall?"

At 1:42 o'clock p.m., Representative Yoshinaga requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:45 o'clock p.m.

Representative Yoshinaga continued, stating:

"Mr. Speaker, I would like to apologize to this Body that frankly, not having been in the position of leadership, I may have tread lightly on substantive issues in your opinion. I would like to give the reason for the recall. Procedurally, that bill has currently been deferred in the Health Committee as of February 14 of this year, and unless this Body recalls the measure to the floor, this Body is unable to take appropriate action."

Representative Meyer rose to a point of inquiry, stating:

"Because we've already passed the Crossover, how are we going to bring this to the floor today and move it?"

At 1:46 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:48 o'clock p.m.

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

"Mr. Speaker, I speak in opposition to the recall, and despite the sentiments that people have regarding the good purpose of the bill, I speak against it in terms of that it is fruitless. We cannot send this over to the Senate without a concurrent agreement with the Senate, which we do not have at this time. So this is an exercise in futility.

"If we really want to pass this bill out, we need to before hand, get an agreement with the Senate to suspend the rules so that we can send bills back and forth at this late date, which we do not have. So it is pointless to do it at this point."

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

"Mr. Speaker, I speak in favor of the recall, and with just the opposite approach to that. The Senate has sent a very strong message over to this House by passing the actual bill by a resounding majority. I do not think that it would be difficult to get their concurrence in any rule changes that might be necessary. Thank you."

Representative Halford rose to speak in support of the motion, stating:

"Yes, in support in strong support. Mr. Speaker, the Senate lives by the same rules as we do and they wouldn't have proceeded if this were an obstacle. Thank you."

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

"Along the same lines, in support of the recall, Mr. Speaker. Whether or not we agree with the underlying bill, we've always said that we believe in debate in this Body, and I am particularly willing to debate this issue. I'd debate any issue on this floor. Then if we do pass it, it is up to us to figure a way to get the Senate to concur and get it over to them. They did pass it yesterday in the Senate, Mr. Speaker."

Representative M. Oshiro rose to speak in opposition to the motion, stating:

"I rise in opposition to this motion. I think a couple of things need to be understood. At this point and time, I believe the Senate is still considering whether or not they will be passing forward a bill to this Body. And in fact, Mr. Speaker, I believe that it is public information that this afternoon, the Chairman of the Higher Education Committee will be having an informational briefing on the particular Senate bill, as amended. But I cannot predict, and I would recommend that members do not predict the actions of the other Body across the hallway.

"The second thing, Mr. Speaker, is that this bill did receive a public hearing and was given the opportunity to be heard in public. The comments of the proponents and opponents were brought to bay on it. It was my understanding that, that hearing

occurred sometime in February in the Health Committee, and at that time it was the desire, the directive, and the decision of the Chair and the Committee members, at that time, to defer any action on that particular bill.

"The third thing Mr. Speaker, is that for us to suspend the rules to recall this bill at this time, like the Representative from Kona has said, we are way past the deadline that was given to the public, and upon which the public relied during the 2002 legislative time table. Here we are on April 4th, Thursday. We are on the 45th day of the Legislature. There are 15 days remaining. We are not out of order. We are nearly 30 days past the first Crossover deadline of March 7th. We are nearly 60 days out of the decking deadline. So we are way overdue on this motion. It is really a moot issue at this point in time."

Representative Yoshinaga rose to respond stating:

"Just briefly, Mr. Speaker, in brief rebuttal of the previous speaker's comments that this measure is a constitutional right in terms of having a debate on this floor for the full Body and it has been requested. And hopefully, as leaders of a separate branch or Body of this Legislature, as the House, that we as a separate Body should then be able to educate ourselves and have an open debate such that the significant impacts of which this bill will hopefully provide, I don't want to get into the merits, provide some alternative, would then be discussed. Thank you."

The motion to put to vote by the Chair and upon a show of hands, H.B. No. 1989, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," was recalled from the Committee on Health with Representatives Ito and Pendleton being excused.

The Chair then recognized the Clerk who announced that H.B. No. 1989 had been recalled from the Committee on Health and that the required 20 days had lapsed for a recall.

The Chair then announced that H.B. No. 1989 entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," was recalled from the Committee on Health and was brought to the floor for action.

Representative Yoshinaga then moved that H.B. No. 1989 pass Second Reading and be placed on the calendar for Third Reading.

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

"Mr. Speaker, at this point in time, this would be an improper motion."

The Chair addressed the Body, stating:

"Representative M. Oshiro, your point is well taken. The motion is out of order at this time, citing House Rule No. 2(17), establishing final dates for action on legislation. The final reading for House bills, for the record, was established as of Thursday, March 7, 2002. This bill failed to meet that deadline so the motion is out of order at this time."

Representative Thielen rose and stated:

"Mr. Speaker, I move that we amend the rule to permit this bill to be before this Body."

The Chair responded, stating:

"At this point at this time, there is no rule before us to be amended, so don't embarrass the members of this Chamber at this time."

Representative Thielen moved to suspend the rules to consider H.B. No. 1989, seconded by Representative Moses.

The motion was put to vote by the Chair and upon a show of hands, the motion to suspend the rules to consider H.B. No. 1989 failed to carry with Representatives Ito and Pendleton being excused.

Representative Thielen rose, requesting:

"Mr. Speaker, could we please see the hands of those that oppose it?"

The Chair responded, stating:

"There is no need for those who oppose it at this point, because it is fruitless. I asked the members of this Chamber to raise their right hand for those who support the suspension of the rules. So at this time, the motion to suspend the rules has failed. May we proceed on to announcements?"

At this time, Representative Whalen moved that H.B. No. 1989 be laid on the table.

At 1:58 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:03 o'clock p.m.

Representative Whalen then withdrew his motion that H.B. No. 1989 be laid on the table.

Representative M. Oshiro moved that action on H.B. No. 1989 be postponed indefinitely, seconded by Representative Lee.

Representative Yoshinaga rose to a point of information, stating:

"Point of information. Citing Mason's Rules, Section 81-3, that motions which present substantive propositions in any form are debatable, and that frankly, by virtue of this motion, you're cutting off debate on the merits of the bill."

The Chair responded, stating:

"Representative Yoshinaga, I believe you are incorrect at this point. On the motion made by the Majority Leader, seconded by the Floor Leader to postpone to a time indefinitely, Representative Marcus Oshiro, is that correct?"

Representative M. Oshiro rose to respond, stating:

"Mr. Speaker, my motion is to postpone indefinitely. I believe under the rules of Mason's, a debate on the merits of the bill is proper."

The Chair continued, stating:

"And we will have two members of both the opposition and the proponents debate this issue at this point."

Representative Yoshinaga: "I am not understanding. Can you clarify what your position is? Are we going to then be able to have an open discussion?"

Speaker Say: "Yes we are."

Representative Yoshinaga: "So we are not tabling the measure?"

Speaker Say: "Representative Whalen just withdrew that motion of tabling the measure, and the Majority Leader then made the motion to postpone indefinitely. That motion allows for debate on the floor of this House."

Representative Yoshinaga: "Thank you, Mr. Speaker, for your clarification. I just wanted to make sure we were not going to have a 'dark day.'"

Speaker Say: "I don't believe it is a 'dark day.' At this point, is there any discussion?"

Representative Ahu Isa rose, stating:

"Mr. Speaker I move to table the Majority Leader's motion."

At 2:05 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:07 o'clock p.m.

Representative Ahu Isa rose, stating:

"I don't think I have to withdraw it because nobody seconded it, so it is dead. Okay, I withdraw the motion, Mr. Speaker."

The Chair addressed the Body, stating:

"Right before us now is the motion to postpone indefinitely. The Chair recognizes Representative Yoshinaga."

Representative Yoshinaga rose, stating:

"Mr. Speaker, can we call a recess, or I am going to make another motion to offer a floor amendment to H.B. 1989."

The Chair responded, stating:

"There is no bill. There is a motion to postpone indefinitely."

Representative Whalen rose to a point of order, stating:

"I believe the motion to postpone indefinitely precedes the motion to amend, so we have to deal with this motion first."

Representative Fox rose to a point of order, stating:

"Mr. Speaker, I believe a motion to amend precedes a motion to postpone indefinitely."

At 2:08 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:11 o'clock p.m.

Representative Yoshinaga rose to a point of information, stating:

"Not having been a leadership member, my point of inquiry is that in prior sessions that I have participated in, this Body has permitted not just debate, but floor amendments with respect to bills that were then recalled from Committee to be acted upon by this Body. Is my understanding correct, that the intention or the rules permit such action on this measure at this time?"

The Chair responded, stating:

"The rules do not permit it at this time, for the suspension of the rules because there was not the required 26 votes to move this measure forward to pass Second Reading and be placed on the calendar for Third Reading. That is why the Chair stated to the members of this House that basically, all we are addressing now is the disposal of the measure before us.

"If the votes were 26 in favor of the suspension of the rules to pass Second Reading and be placed on the calendar for Third Reading, your proposed floor amendment could have been considered.

"Also, let me clarify for all of you. If there are measures that were postponed, as I recall on measures in the past, it was prior to the first Crossover, which is part of our internal calendar. This measure now, is going above and beyond the deadline that we have set internally. That is why I just talked to the Minority Floor Leader and the Minority Leader, that your proposed amendment cannot be considered on the floor at this time. There is no motion moving the bill forward. Does everyone understand that?"

Representative Yoshinaga rose to a point of inquiry, stating:

"My point is, Mr. Speaker, that again, citing, and I am an attorney, so the House Rule 37.2 which says it is the right of recall from a Committee, that common sense dictates, Mr. Speaker, in my reading of this, that the purpose of recall is to permit the purpose behind and the intention from the Constitutional Convention of 1978."

Speaker Say: "Representative Yoshinaga, we did discuss the procedural motion of recall whereby I allowed you to speak on the motion of the recall. Why are you questioning the Chair's judgment or decision at this point, when I am just following the rules?"

Representative Yoshinaga: "Mr. Speaker, this is just a point of inquiry, because perhaps this is a judgment call and I am trying to understand the rationale. The purpose, it is my understanding Mr. Speaker, that the purpose for a recall of a bill is so that the minority, and this is not a partisan issue, a minority of the members at any time are given a constitutional right to recall the bill from the Committee."

Representative Gomes rose to a point of inquiry, stating:

"It seems to me that the current speaker is addressing issues that should have been brought up during the motion to recall, on why it would be a good idea to recall, on the purpose of the recall, and the substance behind recall.

"Your Minority on this side has certainly struggled with this issue and with the Majority in the past, in terms of whether there is a concomitant procedural recall plus a debate that is imbedded in the Constitution, and it is the Majority's position that it is the former, not the later. But at any rate, that should have been addressed during the initial motion to recall."

The Chair responded, stating:

"Your point is well taken, and that is where I tried to share with the individual who has risen on a point of inquiry that she had the opportunity to discuss the procedural motion for the recall, which she did state. So everyone here was given the opportunity to speak on the procedural motion of the recall."

Representative Yoshinaga responded, stating:

"Mr. Speaker, not to again irritate the members, but being a simple woman, I am using the rules on a common sense basis. I would like to then either appeal your decision in terms of your interpretation of this rule in terms of in prior Sessions, and again, this is my original point of information. That in prior Sessions, there has always been the right on a recall of the bill to then present a floor amendment. This procedural threshold or bar has never been utilized by yourself or by whoever it was proposing the floor amendment. So I am just asking for future reference in trying to get clarification so that none of the rights of any of the members, whether they're just one person, to not lose the opportunity, because we are all presented problems under rules, and I am trying to get an inquiry clarified."

Representative Whalen rose to a point of order, stating:

"Mr. Speaker, I don't believe the current speaker has a point of information, point of inquiry, or anything. She is merely making a speech at this point, and she is out of order."

The Chair addressed Representative Yoshinaga, stating:

"Representative Yoshinaga, state your point of inquiry to the Chair, and at this point, please confine it."

Representative Luke rose to a point of clarification, stating:

"Mr. Speaker, if I can just make a point of clarification. The motion to recall has already been passed. The recalled bill is already on the floor. Because the recalled bill has passed the deadline for a Crossover, we are at a point where we have voted on the motion to suspend that.

"Before anyone can make a motion to amend the bill, there has to be a motion to pass Second Reading, and that is something that we have been trying to explain to certain members here. Apparently it is not being understood. There has to be a motion to recall.

"In the past, it was a motion to recall, a motion to pass Second Reading, and then a floor amendment presented. Apparently, the person from Moiliili is saying they want to bypass Second Reading and go right into a floor amendment, which is out of order."

The Chair responded, stating:

"That is why we had the debate on the suspension of the rules."

Representative Yoshinaga rose to a point of inquiry, stating:

"Thank you Vice Speaker, for that point of clarification. Being a simple woman it is difficult for me to understand all these complex rules that I have not addressed in the past as Chair of Labor.

"What I would like to then clarify for the record, because I am concerned about the record, is that assuming that we pass and place the bill H.B. 1989, and put it on the calendar for Third Reading, am I then permitted Mr. Speaker, to then make a motion for a floor amendment? Is that what the Vice Speaker just stated?"

At 2:19 o'clock p.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:23 o'clock p.m.

Representative Yonamine rose and stated:

"Mr. Speaker, I call for the question."

The Chair responded, stating:

"At this point, I will not allow for the call of the question because the Chair stated earlier I am going to allow two members who are for this motion, and two against the motion, and end the debate there."

Representative Yonamine responded, stating:

"Mr. Speaker, procedurally I understand what you've said, but we are stymieing on one person only. If we proceed to the next two, I think we are moving toward some ending of this meeting. We have repeated it many, many times."

Speaker Say: "Representative Yonamine, may I ask for your patience at this point so that members of this Chamber can debate the issue.

"So the motion before us is to postpone indefinitely, and the Chair recognizes Representative Yoshinaga if you want to speak on the motion to postpone indefinitely, on the merits of why you should not have it be postponed, or supporting the postponement."

Representative Yoshinaga rose to speak in opposition to the motion, stating:

"I rise to speak against postponement indefinitely. I need a script on this. It is very difficult. I apologize to the Representative from Aiea. But this measure needs to be presented before this Body and that is the reason that I had the, I guess, the courage to attempt to bring it to this Body. Because I believe that there has been a misunderstanding of this measure in the Health Committee, and therefore to clarify the basis of this bill, I would like this Body, and encourage this Body, to consider passage and placement of this measure for movement on Third Reading.

"Let no one misunderstand my motives. The reason that I am advocating this is that we need an open opportunity for discussion, where our Majority Leadership, Minority Leadership, our Administration and the teachers, HSTA Leadership, as well as any others, including HGEA, which presented testimony on the measure in the Health Committee, can sit down to fashion solutions for the future."

Representative Gomes rose to a point of order, stating:

"Mr. Speaker, I believe the speaker is straying. If she is speaking against the motion, it seems to me it ought to be why the motion or the matter ought to be heard, as a matter of timeliness now, because the motion is to postpone indefinitely. And it would seem to me we ought to be discussing aye or nay, whether it is imperative to talk about this today. Not, again, the underlying merits or demerits of the underlying issue."

The Chair responded, stating:

"The motion to postpone indefinitely does allow for debate on the merits and demerits of the measure. Please proceed Representative Yoshinaga."

Representative Yoshinaga continued, stating:

"Thank you, Mr. Speaker. And the whole point is that, that demonstration is exactly what the public is upset about. They want us to bring forth issues for the future of our children. And we need, as a Body, to put aside personal kinds of trivialities such that we encourage and we foster, in local terms, an *ohana*

as family, we debate and we fashion new solutions for the future.

"This bill, presented in the Health Committee, was one such measure to improve upon Act 88, and it is not intended to meddle in the efforts of the new employer union health plans that Act 88 encompassed. Because I believe that, that group is doing its best to facilitate the Administration's proposal that this Body just passed last year. But our long-range goal, Mr. Speaker, must be, and it always should be a balance between the people that we all serve as public servants, and the affordability where citizens feel that it is the right course of action, that these expenses are not inefficient or excessive. But that it rewards the right behavior in our society. That the public servants who have sacrificed, deserve a day where they have the opportunity to participate in this process, and that is what this bill will do.

"It proposes a just, and it is a humane issue. It is not just an economic issue. But it is a human issue, that we would restore the faith and trust of the people that this health fund was created to serve, and provide them the kinds of benefits that they believe they need. I ask the colleagues to be open, and not necessarily that this is the only answer. But we should never lose sight of our search to finding new solutions, and this bill is one example to open our minds and hearts to demonstrate, as our Majority platform, that we have always been open and fair and equitable to cooperate with the stakeholders in the process."

Representative Rath rose to a point of order, stating:

"I believe the speaker's time is expired."

Representative Schatz rose to yield his time, and the Chair "so ordered."

Representative Yoshinaga continued, stating:

"Hawaii's aloha spirit is bigger than all of us. But it is being chipped away by this, 'you win, I lose' posture. By this Body's consideration, and just keeping this measure alive, it will then foster, I submit to this Body, such a feeling of trust and cooperation that empowers the people whose lives are affected by what we do here. It is not just a union. A union is not a thing. They are families, and these people are a point of contact to our future, which are our children.

"The late Jack Burns once said of this Capitol that it welcomes all people, all ideas. What I submit Mr. Speaker, this bill does today and why it is important that it not be postponed by this House. It will give these people hope and answer their prayers, that we have heard the voice of the people.

"My last point Mr. Speaker, is that this bill, and it was reported inaccurately, does not undermine what we did last year. It merely provides flexibility in the delivery of benefits for unions and the people that comprise that organization. It does not increase cost to the State, which is the taxpayers' concern.

"What these people are asking for is a 'day in court' and the court of justice rests with us. So I encourage the members to please vote against postponement indefinitely, so that this Body can then continue to collect data and information on this measure as the Senate is having an informational briefing this afternoon. Because many times this Body has considered bills out of order. It is not an unusual occurrence here. This bill is one such occurrence where the people who deal with our children everyday, are asking for their 'day in court.' And so Mr. Speaker I would just like to end by saying that any damn fool can take a stand. But my stand today is not that it is win-

lose. And it is not the teachers, and it is not the HGEA. It is about our families and our future. We don't want to take sides on this measure. We are one side, as one community, by passage of this bill. That is why we need to vote down this postponement. It will send a clear signal to the people that we serve that we're one community, and that it is not posturing or sides. Thank you."

Representative Whalen rose to speak in support of the motion, stating:

"Thank you, Mr. Speaker. The previous speech we heard was very impassioned. If we had heard it two months ago, a month and half ago, it probably would have gone a long way toward getting this bill passed when it should have been. As it has already been noted, the bill had its hearing, and that Committee decided to defer it. I don't recall any efforts on this floor to recall it anytime before today.

"The statement was made earlier that we've quite regularly considered bills out of order. I don't recall any bills out of order. If a bill is recalled from a Committee, it is recalled. That is in order. And this particular case, to comply with the move of the immediate past speaker, would be to defeat the motion. We'd have a bill sitting here that we couldn't do anything with. Mr. Speaker, I firmly believe that if we had acted on this sooner, myself and others would have been very sympathetic and more than likely, we would have passed this bill out, giving an opportunity to at least have discussion on it, and the bill would have been alive. At this point, this bill is not alive. It has been recalled, but we can't do anything with it. What are we going to do? Put it aside?"

"As you know, Mr. Speaker, there was a motion to table, which I withdrew, to allow for the discussion of the merits of the bill which is being proposed. But we cannot pass it. The reason why, and I can speak for myself and probably others who feel the same way. The reason why is we didn't suspend the rules. We don't have the power to suspend the rules to send something to the Senate. We need joint concurrence between the Senate and the House, that we do not have at this time. If we were to do it just unilaterally, send it to the Governor, despite the veto, I don't think it would hold up to the law, because we have a calendar that we have to comply with. That hasn't been complied with. There is not agreement between the House and the Senate right now to change that calendar. And until we have that agreement, until we have that change, we cannot address this matter.

"We are not allowed to just stand up and talk about whatever we please. You have given much latitude in this afternoon, for those who feel passionately about this, to do it. But if their passion, although simple, yet she's still an attorney, was directed towards the guidelines of the House and the rules that we all live under, that you have enforced repeatedly on the Minority members on this side, this bill would have been recalled before Crossover and it would be alive today. But at this point, this bill cannot be recalled. What can we do with it? There is only one thing. Put it back on the shelf and revisit this next session when we can deal with it.

"Let's face it. You cannot pass a bill in the middle of August by yourself. We have rules we have to comply with. We have rules to comply with in this situation. And although many of us, I am sure, the majority of us are extremely sympathetic to the concerns of the teachers, yet we cannot walk away from the rules that we live by to guide this House, just to do something because we feel passionately all of a sudden. Where was the passion back in February? That is when the passion could have got this thing through. Now it is just too late. The only thing that we can do is defer it."

Representative Souki rose to speak in support of the motion with reservations, stating:

"I wish to speak for the motion with some strong reservations. Mr. Speaker, the only reason I will not vote against it is in deference to you, Mr. Speaker. But I want the Body to know that I am not opposed to the bill that is before us.

"I believe that this bill had some amendments made to it, as far as taking care of the retirees, which was my consideration. We are already going to take care of the retirees. The bill does provide for that. It will provide for the future retirees, and the retirees of the past will be given the option. So in that respect, I think there are some favorable points on the bill. However I also agree that the timing may not be good, and we should not use this to embarrass leadership. I think there is a time and place for everything.

"Mr. Speaker and members, I do hope we can re-look at this issue next year. You know that I voted against the bill last year. I am still for it, strongly for it, and I have no regrets of my vote from last year. I ask that the members re-looking at this issue, looking at it comprehensively and at what is the best thing for the retirees, for the teachers, and for the State of Hawaii. Thank you very much."

Representative Saiki rose to speak in support of the motion, stating:

"I rise in support of this motion. To begin with..."

Representative Thielen rose to a point of inquiry, stating:

"Thank you, Mr. Speaker. I understood there were to be two members speaking in favor of the motion, and two against. There has been one against, and now this Representative across aisle is standing up to be the third in favor of the motion. I would like to speak against the motion Mr. Speaker."

The Chair responded, stating:

"You will be given the opportunity. I take fault for saying just two, because I wanted to limit the debate on behalf of the Committees that have decision making hearings to go to. But because this is a very critical issue, and all of you want to have your input, I am allowing it, and am retracting my statement that we will have two for, and two against, on this particular motion."

Representative Saiki rose to speak in support of the motion, stating:

"Thank you, Mr. Speaker. To begin with, it is really not fair to characterize this motion, or the series of votes, as one, being whether or not we support or do not support teachers. Because as you, and the members will recall, no pun intended, that last year, we supported the teachers and their union leadership during the unfortunate strike. And we funded their pay raise.

"The issue before us today has everything to do with fiscal responsibility, accountability to tax payers, and to creating a health fund system that is equal for all public employees and retirees. Just 11 months ago, the Legislature enacted the most significant government reform package in the history of the State of Hawaii. One half of that package included S.B. 1044, now known as Act 88, which consolidated the State Health Fund and all union health funds into a single trust fund called the Employer Union Trust Fund. The measure before us today seeks to undo S.B. 1044 and the reforms that we approved last year.

"When we approved S.B. 1044, we accomplished three purposes. The Legislature actually implemented the specific recommendations of the Legislative Auditor, Marion Higa. The Legislature acted in a fiscally responsible manner so as to serve the public interest, and the Legislature reformed the health fund system so that it will remain solvent and intact for all active employees and retirees in the long-run.

"I'd like to begin first with the Legislative Auditor's report, which was issued in May 1999. It is report number 99-02. In that report, the Auditor studied the Health Fund and made several significant findings. First, the Auditor found that the presence of union plans competing with the Health Fund for enrollees would continue to drive State and county costs higher due to adverse selection. Adverse selection occurred because the union funds captured active employees who tended to be younger, healthier and with smaller families. The State Health Fund, on the other hand, was left to cover active employees and retirees who bore higher premium costs.

"The Auditor also found that due to adverse selection and statutory requirements, the State and county supported or transferred their employer contributions to the union health plans in amounts that may have exceeded the actual cost of premiums for those covered employees. In other words, the State and counties may have paid too much.

"Finally, the Auditor warned us that if reforms were not made, the cost of providing health benefits would total \$1.5 billion by the year 2013. The auditor recommended the following structural reforms. First, combine the State Health Fund and the union funds into a single fund. Second, give the new Health Fund more authority and flexibility to deal with the dynamics of the healthcare marketplace. And third, restructure the new Board of Trustees to oversee the single fund by providing for equal representation between unions and government employers. And that is exactly what we did last year in S.B. 1044. In doing so we have been fiscally responsible.

"In making in this argument, I'd like to reference another issue that we have been engrossed in over the past year, and that is the Felix consent decree. The spiraling cost of the consent decree has prompted..."

Representative Fox rose to a point of order, stating:

"I believe the gentleman's time has expired."

Representative Lee rose to yield her time, and the Chair "so ordered."

Representative Saiki continued, stating:

"We formed a legislative investigative committee in part, because of the spiraling cost of the consent decree and the need for more oversight, given the anecdotal incidents of abuse, waste, and fraud. The purpose of our investigation was to ensure that students receive appropriate services. I'd like to compare that situation to the Health Fund because some of the issues parallel one another.

"The cost of the Felix consent decree, at this point in time, is approximately \$400 million per year. Approximately 90% of this amount is paid through the general fund, meaning State tax dollars. We can compare this to the public Health Fund. For all of us who are interested in controlling the cost of Felix, we need to be aware that in fiscal 2002, we appropriated \$410 million for the Health Fund. The anticipated cost for the Health Fund in fiscal year 2003 is \$439 million. These costs are paid for through our general fund. The Auditor noted that these costs will only increase exponentially each year. If we are so



concerned about the cost of Felix, we need to be concerned about the cost of the Health Fund as well.

"I think that what has been reported in the media recently is that some of the practices in the Health Fund, with respect to the use of taxpayer dollars, may be questionable and require better oversight. The *Advertiser* just reported recently that since 1995, one of the unions has accumulated reimbursements of approximately \$13.5 million dollars. This amount was paid into the union fund by the State and the union members. And it really begs the question of whether or not the State and the union members should be reimbursed a portion of this amount.

"The third point that I wanted to make is that we really have acted over the past year, to ensure that the Health Fund remains intact. In the long-run, by not acting, we would have guaranteed that the Health Fund, and perhaps State government, would become bankrupt by the year 2013. And that is because it is really not realistic to believe that in the year 2013, we would have a tax base sufficient to pay \$1.5 billion dollars for health benefits alone.

"I think that, in conclusion, I would just like to spend a couple of minutes explaining what we did in S.B. 1044. The new Health Fund actually contains components used in the private sector with respect to private sector union health funds. The amounts paid by the State and counties for the cost of active employees' health benefits will be determined through collective bargaining, as it is done in the private sector, as opposed to the prior system where contributions were not negotiable. The amount for retirees is set by statute and will be adjusted annually.

"The monthly contributions for qualified retirees, beginning July 1, 2003, is as follows. For retirees who have reached Medicare age, the cost of a single plan or the amount that the State will contribute for a single plan will total \$218 per month. For a family plan, the State will pay \$671 per month. For those who have not reached Medicare age, the State will pay \$342 per month for a single plan, and \$928 per month for a family plan. That is just for fiscal year July 1, 2003, Mr. Speaker. The EUTF Board of Trustees consists of ten trustees, five of whom represent the public employers, and five of whom represent..."

Representative Kanoho rose to yield his time, and the Chair "so ordered."

Representative Saiki continued, stating:

"Thank you very much. And five of whom will represent employees and retirees. The trustees have the complete discretion and flexibility to determine the types of benefits to be made available to employees and retirees.

"I think that in conclusion, my major point is that we really should give the health fund a chance. It hasn't even been one year since we passed this law. No one can say for certain that it will not work. No one has shown that it, in fact, does not work. And I think that until such evidence is provided to us, the action before us is premature. Thank you."

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

"Thank you, Mr. Speaker. I am rising to speak against the motion to postpone indefinitely, action upon this measure. Mr. Speaker, we have a monopoly in this State called Hawaiian Electric. And by having a monopoly that covers us for our electric needs, it does not result in lower prices or better service.

"We also have essentially a healthcare monopoly called HMSA, who virtually is the only show in town that will step in under the present system, unless we can pass this bill. Competition brings prices down. Competition will lower healthcare costs. That is what this debate is all about. Are we going to allow HSTA to be able to, through the use of a VEBA trust, be able to attain its own healthcare plan for better coverage for its members and retirees and at a lower cost? That is what this argument is about.

"I would like to just read a few excerpts from testimony of the President of HSTA to the Health Committee. She very clearly and correctly stated that the VEBA trust will not cost the State any additional monies. The measure is intended to contain the cost of healthcare that, as everyone is aware, is continually rising in Hawaii. The trust would have a smaller pool of members, which would allow more health insurance carriers to submit bids. Mr. Speaker, that is the competition that results in lower prices. This would generate competition to negotiate better premium rates for its members. If Hawaii's public employees are returned to a single health trust, there is only one healthcare insurance carrier, that is the monopoly, that can handle a large group of members, and this eliminates any competition.

"She goes on to talk about the healthcare insurance carriers on the mainland, and the reasons why they are finding that doing business is not possible for them. Because our system is set up to prevent competition. Just as we do in many sectors of our economy, Mr. Speaker, including our monopoly utility. We prevent competition we stomp out the others that could bring power to our residents from renewable resources. We stomp out the opportunity..."

Representative Souki rose to a point of order, stating:

"I believe the speaker from Kailua is straying from the intent of the bill."

The Chair addressed Representative Thielen, stating:

"Representative Thielen, could you confine your remarks as other speakers have? Please proceed."

Representative Thielen continued, stating:

"Thank you. The analogy is that we stomp out the renewable resource energy providers just as we are stomping out the competition in the healthcare industry, and that does not result in better service or lower prices, Mr. Speaker.

"The President of HSTA concludes that by allowing the establishment of a VEBA trust, members of the trust will pay lower health benefit premiums and would allow the trust to offer increased benefits to its members. And that this can be done because the smaller pool of members allows for more competition with carriers.

"Mr. Speaker, what we're talking about here today is competition. I would like to just do an *asid * to the comments that were made saying we can't do this today procedurally. I disagree totally, Mr. Speaker. We could pass the bill on Second Reading. We could negotiate with the Senate for an amendment to our existing rules agreed on. And they're doing the same thing over on their side. Then we could go ahead and hear the bill and amend it and pass it on Third Reading. To say that this Body cannot do anything makes me recall, Mr. Speaker, that you've said to me before. That when the Body has the majority of the members voting in favor of something, the Body can virtually do anything. And I don't take this doomsday approach, of one of my colleagues. I believe that we certainly can move ahead and that we should move ahead. I

think this motion to postpone indefinitely should be defeated, and I think we should move on to pass the bill on Second Reading and let leadership confer with Senate Leadership and amend our rules. Thank you."

Representative Hamakawa rose, stating:

"Mr. Speaker, I second the motion to call for the question."

Representative Yoshinaga rose to respond, stating:

"I would just like to rebut certain comments that were made with regards to the factual basis for the merits of this bill. Sometimes we need to do things that are unpopular. That is the reason that courts fashioned equity, because the people demand justice today. That it is not just a game, and it is not just form over substance."

The Chair addressed Representative Yoshinaga, stating:

"Representative Yoshinaga, can you confine your remarks in regards to the bill itself and the points that were brought up."

Representative Yoshinaga responded, stating:

"Well this point was brought up, that we can't do anything today because the rules preclude it."

Speaker Say: "The rules do not preclude it. The members of this Chamber voted on supporting or not supporting the suspension of the rules."

Representative Yoshinaga: "The previous speaker made this point, Mr. Speaker, so I am just setting the record straight. So being that I am an attorney, I would like to then say that, that's always the prerogative of a court in equity, to promote justice. And that's the basis of what this bill would do."

"The second point that I would like to rebut is certain other misinformation in that this bill does not undermine Act 88. What it does is supplement it, based on new information that has come to the attention of various members that preclude competition in terms of, perhaps, increasing cost in a plan design that only contemplates one single lump-sum trust fund. I would like to just explain that briefly because that is a significant point."

"What Act 88 did is create a defined contribution plan. By defined contribution, that means that we have set defined contributions into the fund. We have made that the subject of collective bargaining, such that ultimately, because collective bargaining occurs for different unions and their employees at different times, there perhaps may be different amounts. Let me just give you an example. The teachers may want to negotiate for a higher contribution and benefits, and postpone salary compensation because they're looking to the future. These are all things that are not 'one size fits all.' Whereas perhaps for HGEA, certain workers they would like the cash compensation upfront, such that their contributions under the defined contribution mechanism, which is subject to collective bargaining, would be less."

"So using my simple math for example, the teachers may decide that they are willing to put 20 cents into the benefit portion of their compensation package because it is a total benefits package with salaries and benefits. UPW and HGEA may decide they only want 5 to 10 cents, which then would create a situation that you potentially will have disparate amounts being contributed to the single fund. Which then does not provide flexibility in terms of how then the benefits are delivered to each particular segment of the population. That is perhaps due to collective bargaining, having different..."

Representative Rath rose to a point of order, stating:

"I believe the speaker's time is expired."

Representative Davis rose to yield his time, and the Chair "so ordered."

Representative Yoshinaga continued, stating:

"So for the point of clarification, and I don't want to belabor this, but this debate on the merits of the nature of fairness and the perception of fairness in terms of the delivery mechanism. It has nothing to do with the cost to the taxpayers, but it is how then it will be then allocated to each particular segment that comprises the population under the united health fund mechanism, is really what we are discussing today. It just provides another alternative, and I would like to state for the record that the Senate's informational briefing today will, by this discussion, hopefully bring up these points which are significant to this Body, to please give this measure a chance to then be continued to be discussed, and ultimately it is responsible for this Body to provide all avenues of investigation so that the people who are affected by our decision, within fiscal constraints, believe that they have had their fair say. Thank you."

At 3:02 o'clock p.m., Representative Hamakawa requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:02 o'clock p.m.

Representative Moses rose to speak in opposition to the motion, stating:

"Thank you, Mr. Speaker I will make it brief. Mr. Speaker, you've always told us that this is a separate Body. The House acts for the House's interest, and I don't believe we should continually talk about that we can't do this because we don't have the concurrence of the other Chamber. I believe we should take the appropriate action. We should do it now, and then we worry about the consequences. If we can get concurrence from the other Body, then we can move it on to the Governor, if it passes there. If not, so be it. At least we take the action, we stand tall, and we put our money where our mouth is. Thank you, Mr. Speaker."

Representative Gomes rose in support of the motion and asked that the remarks of Representative Saiki be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

At this time, Representative Yonamine withdrew his motion to call for the previous question, and Representative Hamakawa withdrew his second.

The motion was put to vote by the Chair and carried, and action on H.B. No. 1989, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," was postponed indefinitely with Representatives Ito and Pendleton being excused.

### THIRD READING

At this time the Chair announced that all remaining items on today's calendar would be deferred to 5:00 o'clock p.m., Friday, April 5, 2002.

**ANNOUNCEMENTS**

Representative Takai announced that the Committee on Education would be holding their 2:00 hearing immediately following Session in room 329.

Representative Takamine for the Committee on Finance requested waiver of the 48-hour notice requirement for the purposes of hearing certain Senate bills, and the Chair "so ordered."

Representative Takamine then announced that decision making only on S.B. 2774, SD2, HD1; S.B. 2885, SD2, HD1; S.B. 2102, SD1, HD1; S.B. 3018, SD1, HD1; and S.B. 2228 in a proposed draft form would be part of agenda number 5 in room 308 at 5:45 p.m.

Representative Takamine also requested waiver of the 48-hour hearing notice requirement for the purposes of decision making only on Senate bills previously heard, and the Chair "so ordered."

Representative Takamine then announced that decision making only on S.B. 940, HD1; S.B. 2810, SD2, HD1; S.B. 266, SD1, HD1; S.B. 2097, SD2, HD1; S.B. 2036, SD1, HD1; S.B. 2512, SD2, HD1; S.B. 3028 SD1, HD1; S.B. 2775; S.B. 2383, SD2, HD1; S.B. 2831, SD1; S.B. 2907, SD2, HD1; and S.B. 2985, SD2, HD1 would be scheduled as part of agenda number 6 at 6:00 p.m. in room 308.

Representative Takamine also requested waiver of the 48 hour notice requirement for the purpose of reconsideration on action previously taken on S.B. 2526, SD2; and S.B. 2804, with action scheduled at the end of agenda number 6 at 6:00 p.m. in room 308, and the Chair "so ordered."

**ADJOURNMENT**

At 3:07 o'clock p.m. on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives adjourned until 5:00 o'clock p.m. tomorrow, Friday, April 5, 2002. (Representatives Ahu Isa, Hiraki, Ito, Meyer and Pendleton were excused.)

## FORTY-SIXTH DAY

Friday, April 5, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 5:16 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Dean N. Fujii, of the United Church in Kalaupapa, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Bukoski, Davis, Gomes, Ito, Kanoho, McDermott, Meyer, Takai and Thielen 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 MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 222 and 223) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 222, informing the House that the following bill was signed into law:

S.B. No. 2662, SD 2, RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS (ACT 002)

Gov. Msg. No. 223, informing the House that the following bill was signed into law:

S.B. No. 2788, RELATING TO UNEMPLOYMENT INSURANCE APPEALS (ACT 003)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 433 through 436) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 433, transmitting S.C.R. No. 15, SD 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING A WORKING GROUP OF REPRESENTATIVES FROM HAWAIIAN ORGANIZATIONS, THE DEPARTMENT OF HAWAIIAN HOME LANDS, AND THE DEPARTMENT OF HEALTH TO FORM A COALITION TO PROVIDE BETTER ACCESS TO STATE VITAL STATISTICS RECORDS," which was adopted by the Senate on April 4, 2002.

Sen. Com. No. 434, transmitting S.C.R. No. 61, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE FEDERAL CABLE ACT OF 1992 FOR "MUST-CARRY" LEGISLATION," which was adopted by the Senate on April 5, 2002.

Sen. Com. No. 435, transmitting S.C.R. No. 87, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, WITH THE ASSISTANCE OF THE HAWAII CRIMINAL JUSTICE DATA CENTER, TO COMPARE THE RECIDIVISM RATES OF INMATES TRANSFERRED TO MAINLAND CORRECTIONAL FACILITIES WITH SIMILARLY SITUATED INMATES WHO REMAINED INCARCERATED IN HAWAII," which was adopted by the Senate on April 5, 2002.

Sen. Com. No. 436, transmitting S.C.R. No. 108, entitled: "SENATE CONCURRENT RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," which was adopted by the Senate on April 5, 2002.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

H.R.  
No.

Re-referred to:

127 Committee on Tourism and Culture

H.C.R.  
No.

Re-referred to:

176 Committee on Tourism and Culture

## SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Djou and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Arakaki, Bukoski, Davis, Ito, Kanoho McDermott, Takai and Thielen were excused.)

## UNFINISHED BUSINESS

## S.B. No. 2772, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2772, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," passed Third Reading by a vote of 44 ayes with Representatives Arakaki, Bukoski, Davis, Ito, Kanoho, McDermott and Takai being excused.

## S.B. No. 2093, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2093, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 44 ayes with Representatives Arakaki, Bukoski, Davis, Ito, Kanoho, McDermott and Takai being excused.

## S.B. No. 2468, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 2468, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in opposition. We've had this bill before or other things like it. This is the contractor's

threshold for those who can do work and not maintain a contractor's license. Mr. Speaker, I am clear about this. This is a special interest, lobbyist driven bill. Nobody in the community has requested this. No customers have said that this is what they want. As I explained last time, at \$1,000 per job, the guy who can do 50 jobs a year, that is labor, material, overhead, taxes and everything, at most he can make \$25,000. To hammer on somebody making \$25,000 a year, which last year we decided we use drug laws to confiscate his truck, his vehicle, his tools, so he couldn't make a living. If these licensed contractors are so bad at what they do, they are so inept, if they are so incompetent, these licensed contractors, that they have to hammer on the small guy who makes a grand per job, they shouldn't be contractors themselves.

"This is just a neighborhood handyman trying to make a living. Why this legislative Body would want to hammer on that poor guy out there working, trying to feed his family, is absolutely beyond me. Like I said, this is driven by a lobbyist and special interest. It has nothing to do with the public at large and you are hurting the entrepreneur that is trying to go out there and make a living and feed his family. I think those kinds of people that will go out on their own and do work in the neighborhood, and repair your steps, and fix your cabinets, and stuff like that, those are the kinds of people that are to be admired and respected. If they can't get another job, or maybe that is just what they want to do, to go out and do that kind of work and to live by their wits and put out a good product and good days work.

"Those people in our society should be admired, not be slammed and punished simply because they don't want to go and become big. They just want to have a little job for themselves. They don't want to have a bunch of employees, a bunch of insurance bonding, and all that kind of stuff. They just want to go out and make a simple living. For us to do this to them is just criminal on our part. I hope this thing, somewhere along the line, just dies. Thank you."

Representative Hale rose in opposition to the measure and asked that the remarks of Representative Rath be entered in 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 S.B. No. 2468, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading by a vote of 28 ayes to 16 noes with Representatives Auwae, Djou, Fox, Gomes, Hale, Halford, Jaffe, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker and Thielen, voting no and Representatives Arakaki, Bukoski, Davis, Ito, Kanoho, McDermott and Takai being excused.

#### STANDING COMMITTEE REPORTS

Representatives Saiki, Hamakawa and Hiraki, for the Committee on Labor and Public Employment and the Committee on Judiciary and Hawaiian Affairs and the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1059-02) recommending that S.B. No. 2180, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2180, SD 2 HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record 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. 2180, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION AND GENETIC TESTING," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski, Davis, Ito, Kanoho, McDermott and Takai being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1060-02) recommending that S.B. No. 2005, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2005, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I was just reading over the bill and I would just commend the Committee from where this bill came from, the Environmental Protection Committee and the Chair. It looks like they worked out, what to me looks to be a reasonable effort to try to get this thing going. I was particularly impressed with some of the language in the first section of the bill that emphasizes cooperative relationships between the various parties and that is the way to do these things and to work it out. Even though maybe, some short-term interests might be sacrificed for the time being, but considering the long-term gain, I think everybody wins. 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. 2005, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEGRATED SOLID WASTE MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski, Davis, Ito, Kanoho, McDermott and Takai being excused.

Representatives Kanoho and Ahu Isa, for the Committee on Water and Land Use and the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1061-02) recommending that S.B. No. 2613, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2613, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING RIGHTS AND REGULATIONS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski, Davis, Ito, Kanoho, McDermott and Takai being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1062-02) recommending that S.B. No. 2289, SD 1, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2289, SD 1, HD 2, 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

Bukoski, Davis, Ito, Kanoho, McDermott and Takai being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1063-02), recommending that H.R. No. 44, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 44, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1064-02), recommending that H.C.R. No. 75, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1065-02), recommending that H.R. No. 92, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 92, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE GUARDIANS AD LITEM/ATTORNEY STATUTORY FEE REQUIREMENTS TO DETERMINE IF THERE IS A MORE EFFECTIVE MODEL THAT COULD BE ADOPTED FOR HAWAII," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1066-02), recommending that H.C.R. No. 134, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 134, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE GUARDIANS AD LITEM/ATTORNEY STATUTORY FEE REQUIREMENTS TO DETERMINE IF THERE IS A MORE EFFECTIVE MODEL THAT COULD BE ADOPTED FOR HAWAII," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1067-02), recommending that H.R. No. 23, as amended in

HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 23, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO STUDY MANUFACTURED HOUSING IN HAWAII AND TO DETERMINE WHETHER THE STATE OF HAWAII SHOULD BECOME THE STATE ADMINISTRATIVE AGENCY AND THE IN PLANT INSPECTION AGENT," was referred to the Committee on Consumer Protection and Commerce with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1068-02), recommending that H.C.R. No. 41, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 41, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY MANUFACTURED HOUSING IN HAWAII AND TO DETERMINE WHETHER THE STATE OF HAWAII SHOULD BECOME THE STATE ADMINISTRATIVE AGENCY AND THE IN PLANT INSPECTION AGENT," was referred to the Committee on Consumer Protection and Commerce with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1069-02), recommending that H.R. No. 31, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 31, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO DRAFT NECESSARY PROPOSED LEGISLATION TO ENABLE THE STATE COMMITTEE OF BLIND VENDORS TO EXPEND FUNDS FROM THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT TO HIRE LAWYERS OR OTHER CONSULTANTS FOR THE PURPOSE OF BENEFITING BLIND VENDORS OF HAWAII," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1070-02), recommending that H.C.R. No. 54, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO DRAFT NECESSARY PROPOSED LEGISLATION TO ENABLE THE STATE COMMITTEE OF BLIND VENDORS TO EXPEND FUNDS FROM THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT TO HIRE LAWYERS OR OTHER CONSULTANTS FOR THE PURPOSE OF BENEFITING BLIND VENDORS OF HAWAII," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Bukoski, Davis, Ito and Kanoho being excused.



Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1071-02), recommending that H.R. No. 51, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 51, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CREATION OF A HANAI TASK FORCE TO RECOMMEND A CONSISTENT POLICY ON HANAI RELATIONSHIPS," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1072-02), recommending that H.C.R. No. 81, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 81, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A HANAI TASK FORCE TO RECOMMEND A CONSISTENT POLICY ON HANAI RELATIONSHIPS," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1073-02), recommending that H.R. No. 81, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 81, entitled: "HOUSE RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1074-02), recommending that H.C.R. No. 118, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No.

1075-02), recommending that H.R. No. 73, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 73, HD 1, entitled: "HOUSE RESOLUTION URGING EXISTING TASK FORCES TO CONTINUE TO ADDRESS THE CONTINUAL NEED AND UNMET DEMAND FOR TRANSITIONAL HOUSING AND SOCIAL WELFARE FACILITIES ON OAHU AND TO INVITE OTHER INTERESTED ORGANIZATIONS AND INDIVIDUALS TO PARTICIPATE," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1076-02), recommending that H.C.R. No. 110, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 110, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING EXISTING TASK FORCES TO CONTINUE ADDRESS THE CONTINUAL NEED AND UNMET DEMAND FOR TRANSITIONAL HOUSING AND SOCIAL WELFARE FACILITIES ON OAHU AND TO INVITE OTHER INTERESTED ORGANIZATIONS AND INDIVIDUALS TO PARTICIPATE," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1077-02), recommending that H.R. No. 82, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 82, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOGETHER TASK FORCE TO CONDUCT A STUDY TO DETERMINE IF PRIVATE NONPROFIT AGENCIES REQUIRE ASSISTANCE IN THE AFTERMATH OF THE SEPTEMBER 11TH TERRORIST ATTACKS," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1078-02), recommending that H.C.R. No. 119, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 119, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOGETHER TASK FORCE TO CONDUCT A STUDY TO DETERMINE IF PRIVATE NONPROFIT AGENCIES REQUIRE ASSISTANCE IN THE AFTERMATH OF THE SEPTEMBER 11TH TERRORIST ATTACKS," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1079-02), recommending that H.R. No. 83, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 83, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO PROMOTE PUBLIC OVERSIGHT OF THE CHILD PROTECTIVE SERVICES IN CASES OF RECURRING CHILD MALTREATMENT OR CASES WITH SUSPICIOUS CIRCUMSTANCES," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1080-02), recommending that H.C.R. No. 120, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 120, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO PROMOTE PUBLIC OVERSIGHT OF THE CHILD PROTECTIVE SERVICES IN CASES OF RECURRING CHILD MALTREATMENT OR CASES WITH SUSPICIOUS CIRCUMSTANCES," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1081-02), recommending that H.R. No. 118, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 118, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF HUMAN SERVICES TO IDENTIFY AND DESCRIBE EXISTING PROTECTIONS FOR PARENTAL AND FAMILY RIGHTS IN ALL CHILD WELFARE SERVICES BRANCH ACTIVITIES AND PROCEEDINGS," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1082-02), recommending that H.C.R. No. 161, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HUMAN SERVICES TO IDENTIFY AND DESCRIBE EXISTING PROTECTIONS FOR PARENTAL AND FAMILY RIGHTS IN ALL CHILD WELFARE SERVICES BRANCH ACTIVITIES AND PROCEEDINGS," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented two reports:

(Stand. Com. Rep. No. 1083-02), recommending that H.R. No. 132, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs; and

(Stand. Com. Rep. No. 1084-02), recommending that H.C.R. No. 185, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the reports of the Committee be adopted and H.R. No. 132, HD 1 and H.C.R. No. 185, HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Gomes rose to speak in support of both measures with reservations, stating:

"I have concerns about the designated agency that is going to conduct this. I will save my concerns for the next hearing."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 132, HD 1, entitled: "HOUSE RESOLUTION REQUESTING VOLUNTEER LEGAL SERVICES HAWAII TO CONDUCT A STUDY ON SECTION 587-81, HAWAII REVISED STATUTES," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Bukoski, Davis, Ito and Kanoho being excused.

and

H.C.R. No. 185, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING VOLUNTEER LEGAL SERVICES HAWAII TO CONDUCT A STUDY ON SECTION 587-81, HAWAII REVISED STATUTES," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented two reports:

(Stand. Com. Rep. No. 1085-02), recommending that H.R. No. 80, as amended in HD 1, be referred to the Committee on Finance, and

(Stand. Com. Rep. No. 1086-02), recommending that H.C.R. No. 117, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted and H.R. No. 80, HD 1 and H.C.R. No. 117, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Djou rose and asked that the Clerk record an aye vote with reservations for him on both measures, 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. 80, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE MOVEMENT OF CAPITAL OUT OF THE STATE," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

and

H.C.R. No. 117, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE MOVEMENT OF CAPITAL OUT OF THE STATE," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1087-02), recommending that H.R. No. 86, be referred to the Committee on Tourism and Culture.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 86, entitled: "HOUSE RESOLUTION REQUESTING UNITED AIRLINES TO RESUME DIRECT NONSTOP SERVICE BETWEEN CHICAGO AND HONOLULU," was referred to the Committee on Tourism and Culture with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1088-02), recommending that H.C.R. No. 125, be referred to the Committee on Tourism and Culture.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING UNITED AIRLINES TO RESUME DIRECT NONSTOP SERVICE BETWEEN CHICAGO AND HONOLULU," was referred to the Committee on Tourism and Culture with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1089-02), recommending that H.R. No. 123, as amended in HD 1, be referred to the Committee on Tourism and Culture.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 123, HD 1, entitled: "HOUSE RESOLUTION OPPOSING THE CLOSURE OF THE UNITED AIRLINES PILOT DOMICILE AND FLIGHT ATTENDANT DOMICILE IN HONOLULU, HAWAII," was referred to the Committee on Tourism and Culture with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1090-02), recommending that H.C.R. No. 172, as amended in HD 1, be referred to the Committee on Tourism and Culture.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 172, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE CLOSURE OF THE UNITED AIRLINES PILOT DOMICILE AND FLIGHT ATTENDANT DOMICILE IN HONOLULU, HAWAII," was referred to the Committee on Tourism and Culture with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1091-02), recommending that H.R. No. 61, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1092-02), recommending that H.C.R. No. 95, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted and H.R. No. 61 and H.C.R. No. 95, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Hale rose to speak in support of both measures with reservations, stating:

"I really don't have any objections, but I would like to register with reservations, because I hope the Finance Committee will include the Island of Hawaii in their study. 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. 61, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY CONCERNING THE USE OF EXISTING RAILROAD TRACKS AND PREVIOUS RIGHTS OF WAYS TO REVITALIZE RAIL AND OTHER ALTERNATIVE FORMS OF TRANSIT," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

and

H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY CONCERNING THE USE OF EXISTING RAILROAD TRACKS AND PREVIOUS RIGHTS OF WAYS TO REVITALIZE RAIL AND OTHER ALTERNATIVE FORMS OF TRANSIT," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1093-02), recommending that H.R. No. 96, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1094-02), recommending that H.C.R. No. 139, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted and H.R. No. 96 and H.C.R. No. 139, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Moses rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on both of these measures. As for a study to determine whether or not we need a State Highway Patrol, basically, I believe that we have enough State agencies. We are not a large State that needs a State police force. We already have sheriffs and marshals and police. And if we are concerned about traffic safety, which a lot of people say is the reason for this measure, then let's just let the police get a piece of the action and if they get money from the tickets, they don't have to get it all, we still have to have money for the courts. They could get some, instead of the vendors with the cameras. Then the police departments can buy more police, basically, and more equipment and they could do other things like stop crimes and investigate crimes, other than traffic violations. Thank you Mr. Speaker."

Representative Halford rose and asked that the Clerk record an aye vote with reservations on both measures for him and the Chair, "so ordered."

Representative Fox rose to speak in opposition to both measures, stating:

"We are a State separated by bodies of water. We don't need a Highway Patrol."

Representative Djou rose and asked that the Clerk record a no vote for him on both measures, and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her on both measures, and the Chair, "so ordered."

Representative Gomes rose and asked that the Clerk record a no vote for him on both measures, and the Chair, "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her on both measures, and the Chair, "so ordered."

The motion was put to vote by the Chair and carried, the report of the Committee was adopted and H.R. No. 96, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE POLICE DEPARTMENTS OF THE VARIOUS COUNTIES, TO EXAMINE THE FEASIBILITY OF ESTABLISHING A STATE HIGHWAY PATROL FOR THE PURPOSE OF ENFORCING STATEWIDE TRAFFIC SAFETY," was referred to the Committee on Finance with Representatives Djou, Fox, Gomes, Marumoto and Meyer voting no, and with Representatives Bukoski, Davis, Ito and Kanoho being excused.

and

H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE POLICE DEPARTMENTS OF THE VARIOUS COUNTIES, TO EXAMINE THE FEASIBILITY OF ESTABLISHING A STATE HIGHWAY PATROL FOR THE PURPOSE OF ENFORCING STATEWIDE TRAFFIC SAFETY," was referred to the Committee on Finance with Representatives Djou, Fox, Gomes, Marumoto and Meyer voting no, and with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1095-02), recommending that H.R. No. 136, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1096-02), recommending that H.C.R. No. 193, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted and H.R. No. 136 and H.C.R. No. 193, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Moses rose to speak in opposition to both measures, stating:

"Please register a no vote for me on both measures. I think this is going a little overboard. We want to keep these things off the sidewalks and next will be licensing the drivers, and putting mirrors and seatbelts, and making them wear helmets, and I think we are going overboard."

Representative Rath rose to speak in opposition to both measures, stating:

"Yes, Mr. Speaker. These are just scooters for kids to have fun. I know that State has to regulate absolutely everything, but we should probably draw the line at children having a good time. Thanks."

Representative Stonebraker rose to speak in support of both measures, stating:

"I'd like to speak in favor of these resolutions, if I may. In deference to my colleagues, I recently got a letter from a woman in my neighborhood who was walking with her two year old daughter, and I can relate. I have a two year old daughter. Her daughter was almost killed by a motorized scooter coming around the corner. And when I pictured in my mind, my little girl being threatened by a fast moving vehicle, just carelessness, although it is fun. I do think a study is in order to consider this.

"I've drafted letters and I've written a lot to HPD and so forth, and their hands are tied. They can't do anything. They can request that the kids are safe. But we are not talking about a kid's right to be reckless, and maybe 'bonk' his head. We are talking about little kids that are walking with their parents or in strollers being bashed out into the highway, into the danger of the flow of traffic, and so forth and so on. I really believe in this. So I would urge my colleagues to push this forward. Thank you."

Representative Espero rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I would like to rise in support of these measures. Recently I was driving on Kapolei Parkway and there were three motorized scooters on the sidewalk. The kids were wearing safety helmets and they were being safe in that point of view. But I started following them and seeing how fast they were going. They were doing 25 miles per hour on the sidewalks on these motorized scooters. That is excessively fast and this is something that we need to take control of before we do have individuals get seriously injured or killed. And I believe these measures are very appropriate, considering the technology that is being developed today with these many toys and gadgets and devices, which are available to us. Thank you."

Representative Lee rose in support of both measures and asked that the remarks of Representative Stonebraker be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Gomes rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. One of the calls that I seem to get repeatedly on these has less to do with the safety than with their noise. These are awfully loud, nasty little noisemakers. They look like great fun, but we do need to deal with some of the recklessness on them. But they are very loud and I think we need to deal with that as well. Thank you."

Representative Meyer rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair, "so ordered."

Representative Meyer continued, stating:

"This is a subject that I've had really a lot of communication from my constituents on, and I do believe that it is very necessary for us to do something about it. Thank you."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in support of HSCR 1095, HR 136. Gas and electric powered scooters have invaded our public sidewalks, parks, and school yards--even our streets. As a result of indiscriminate use of motorized vehicles, a danger appears to exist among pedestrians, bicyclists, and the elderly who use the sidewalks where these scooters are often operated. They are

definitely becoming a problem whose time has come, and we must, in some responsible manner, deal with that problem.

"Increases in use of these types of powered, especially by younger riders, over the past several years have prompted numerous complaints to neighborhood boards, HPD, and State Legislators. Mr. Speaker, these motorized 'vehicles' are being driven by children as young as thirteen years old, who can be injured seriously themselves or cause the injury or possibly even the death of others. Jumping curbs from sidewalk to street could result in the child's death from being struck by an automobile.

"These scooters are not only dangerous to those who operate them and others, but they are also extremely noisy. Currently, Hawaii law does not regulate the use of such devices which often leaves HPD powerless to address safety concerns.

"Therefore, Mr. Speaker, I support the purpose and intent of this resolution to request the Department of Transportation to convene a task force to examine ways of controlling the use of motorized scooters and other motorized devices on our sidewalks and highways and in our public areas. Thank you."

Representative Souki rose to speak in support of both measures, stating:

"Yes, Mr. Speaker. I wish to speak in favor of this resolution. In the event the Chairman and the members of the Finance Committee hear this resolution, I wish they would include noise also as one of the areas to be studied. Thank you very much."

Representative Moses rose to respond, stating:

"Rising for the second time with reservations. My concern is as we progress with this, and they do a study, they are going to say that maybe these things shouldn't be on the sidewalk. They should be on the streets. As you heard, maybe they can go 25 miles per hour, some of them. So now you are going to put a 25 mile an hour scooter on the streets. That is going to be real safe for the kids.

"You know, in some of the rural neighborhoods, unlike the downtown clustered areas, we have vast areas of space. Well this is how the kids get to school. This is how they go to play with their friends and go other places, instead of driving, because they can't be having their mom and dad take them so they go by scooter. So if we are going to keep them off the sidewalk, and that it is where I am afraid this is leading to, we put them on the streets. Then you are going to put on turn signals and hand signals and two-way communications. I don't know what is going to happen, but then we get things going too slow for the street, too fast for the sidewalk. I don't know where this is going to go. Those are my concerns, Mr. Speaker."

At 5:37 o'clock p.m. Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:38 o'clock p.m.

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 136, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TASK FORCE TO EXAMINE WAYS TO CONTROL THE USE OF MOTORIZED SCOOTERS AND OTHER MOTORIZED DEVICES ON SIDEWALKS, HIGHWAYS, AND PUBLIC AREAS," was referred to the Committee on

Finance with Representatives Moses and Rath voting no, and with Representatives Bukoski, Davis, Ito and Kanoho being excused.

and

H.C.R. No. 193, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TASK FORCE TO EXAMINE WAYS TO CONTROL THE USE OF MOTORIZED SCOOTERS AND OTHER MOTORIZED DEVICES ON SIDEWALKS, HIGHWAYS, AND PUBLIC AREAS," was referred to the Committee on Finance with Representatives Moses and Rath voting no, and with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1097-02), recommending that H.R. No. 27, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 27, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ESTABLISH AN INTERGOVERNMENTAL-COMMUNITY TASK FORCE TO PLAN FOR THE DEVELOPMENT OF AN ALTERNATIVE ACCESS ROAD TO KAILUA HIGH SCHOOL IN KAILUA, O'AHU," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1098-02), recommending that H.C.R. No. 46, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 46, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ESTABLISH AN INTERGOVERNMENTAL-COMMUNITY TASK FORCE TO PLAN FOR THE DEVELOPMENT OF AN ALTERNATIVE ACCESS ROAD TO KAILUA HIGH SCHOOL IN KAILUA, O'AHU," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1099-02), recommending that H.R. No. 63, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 63, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY OF BUILDING BRIDGES ACROSS STREAMS FOR HIGHWAYS ON THE ISLAND OF MOLOKAI," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1100-02), recommending that H.C.R. No. 97, as amended in HD 1, be referred to the Committee on Finance.

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

was adopted and H.C.R. No. 97, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY OF BUILDING BRIDGES ACROSS STREAMS FOR HIGHWAYS ON THE ISLAND OF MOLOKAI," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1101-02), recommending that H.R. No. 79, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 79, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING TRAFFIC IMPROVEMENT AND BEAUTIFICATION AT THE INTERSECTION OF KUAKINI STREET AND LANAKILA AVENUE," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1102-02), recommending that H.C.R. No. 116, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 116, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING TRAFFIC IMPROVEMENT AND BEAUTIFICATION AT THE INTERSECTION OF KUAKINI STREET AND LANAKILA AVENUE," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1103-02), recommending that H.C.R. No. 151, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 151, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN COOPERATION WITH COUNTY GOVERNMENTS, TO DEVELOP A PLAN FOR THE REGULAR MAINTENANCE OF ROADS IN LIMBO," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representatives Souki and Arakaki, for the Committee on Transportation and the Committee on Health presented a report (Stand. Com. Rep. No. 1104-02), recommending that H.C.R. No. 64, as amended in HD 1, be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 64, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF TRANSPORTATION, AND THE DEPARTMENT OF HEALTH, ALONG WITH THE APPROPRIATE COUNTY AGENCIES, TO COORDINATE THEIR RESOURCES TO DEVELOP A "SAFE ROUTES TO SCHOOL" PROGRAM IN HAWAII," was referred to the Committee on Education with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representatives Abinsay and Chang, for the Committee on Agriculture and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1105-02), recommending that H.R. No. 98, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 98, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AGRICULTURAL TOURISM TASK FORCE," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representatives Abinsay and Chang, for the Committee on Agriculture and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1106-02), recommending that H.C.R. No. 141, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AGRICULTURAL TOURISM TASK FORCE," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Abinsay, for the Committee on Agriculture presented two reports:

(Stand. Com. Rep. No. 1107-02), recommending that H.R. No. 141, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1108-02), recommending that H.C.R. No. 198, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted and H.R. No. 141, HD 1 and H.C.R. No. 198, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Gomes rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. Regrettably, I am opposed to these measures. The reason for my opposition is, and I mentioned this in the Committee hearing. I think that our goal should be to grow our industry and to develop whatever products we can for local consumption and export. I'm nervous about language, in official government documents like this, that talk about reduction of imported product, and I think what sort of lurks behind there, is a sort of protectionist reflex and legislation.

"That is not the way for us to go, and ultimately, that kind of regulatory effort hurts more than helps our market and our consumers. And I know that is not necessarily before us in these resolutions, but there is a command to the task force to consider legislation that would help this reduction come about. So that is my concern, and that is my opposition. 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. 141, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO APPOINT AN AGRICULTURAL SELF-SUFFICIENCY TASK FORCE TO REDUCE THE STATE'S DEPENDENCY ON IMPORTED AGRICULTURAL PRODUCTS THAT COULD BE PRODUCED LOCALLY,"



was referred to the Committee on Finance with Representative Gomes voting no, and, with Representatives Bukoski, Davis, Ito and Kanoho being excused.

and

H.C.R. No. 198, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO APPOINT AN AGRICULTURAL SELF-SUFFICIENCY TASK FORCE TO REDUCE THE STATE'S DEPENDENCY ON IMPORTED AGRICULTURAL PRODUCTS THAT COULD BE PRODUCED LOCALLY," was referred to the Committee on Finance with Representative Gomes voting no, and with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1109-02), recommending that H.R. No. 109, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 109, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A LEGISLATIVE TASK FORCE TO WORK WITH ADULT RESIDENTIAL CARE HOME OPERATORS AND RESIDENTS TO DETERMINE THE NEEDS OF THE CARE HOME RESIDENTS," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1110-02), recommending that H.C.R. No. 153, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 153, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A LEGISLATIVE TASK FORCE TO WORK WITH ADULT RESIDENTIAL CARE HOME OPERATORS AND RESIDENTS TO DETERMINE THE NEEDS OF THE CARE HOME RESIDENTS," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1111-02), recommending that H.C.R. No. 105, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF PRINTING PRODUCTS AND SERVICES UTILIZED, CONTRACTED, AND SUBCONTRACTED BY HAWAII STATE GOVERNMENT," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1112-02), recommending that H.C.R. No. 178, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 178, HD 1, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A PROGRAM AND FINANCIAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES' HISTORIC PRESERVATION DIVISION," was referred to the Committee on Finance with Representatives Bukoski, Davis, Ito and Kanoho being excused.

Representative Suzuki, for the Committee on Legislative Management presented two reports:

(Stand. Com. Rep. No. 1113-02), recommending that H.R. No. 90, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1114-02), recommending that H.C.R. No. 132, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted and H.R. No. 90, HD 1 and H.C.R. No. 132, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Hale rose to speak in support of both measures with reservations, stating:

"I have very serious reservations about this, Mr. Chair. I just ran across it right now. They picked out certain schools to audit and I don't see any justification in the Committee Report as to why these particular schools. I would be for an audit of all charter schools, but to pick out just a few, most of whom are located on my island, I would like to know why, so if maybe we call a recess and I could ask why."

At 5:41 o'clock p.m. Representative Hale requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:47 o'clock p.m.

Representative Hale continued, stating:

"Thank you, Mr. Speaker. I did get an explanation from the Chair and it sounds reasonable. I will vote to support the Chair with reservations. Really, my basic concern about this resolution is something that, I don't know how many of our Representatives here had discovered. This started out as a House concurrent resolution to examine the feasibility of adding surfing as a competitive interscholastic sport. When I look on the Order of the Day, I see Charter Schools. So I picked it up to read it.

"My problem, Mr. Chair. I am sorry. I call you Mr. Chair because I spent so many years on the County Council and the head was the Chair. Mr. Speaker, if I get reelected, I will remember next time.

"Anyhow, what I would like to say is, I am just wondering if maybe we should think about changing our process. To have all this big stack of bills before us and we don't see it. We don't even get the Order of the Day until an hour before the Session starts. If we could have taken these bills home and studied them, and found the answers, then maybe we could have taken them up on Monday. In other words, I think we really need to think about changing our calendar, or discussing it and seeing if there isn't a better way we can do this. This is not surfing. Thank you."

Representative Gomes rose to speak in opposition to both measures, stating:

"Rising in opposition to these two measures. My opposition isn't against the audits. I will get to that in a minute. But I am opposed to the fact that as the previous speaker illuminated to the Body. This was a resolution of an entirely different matter that was stripped. The matter that was before us was a resolution requesting the Legislative Reference Bureau to examine the feasibility of adding surfing as a competitive interscholastic sport.

"We heard these resolutions in the LMG Committee yesterday, and the only opposition that testified against it that I recall, was the DOE itself. The DOE I think had a very specious concern about it based on liability. They don't want this to go forward. They don't seem to want to work with the community and the schools to develop surfing as an interscholastic sport. It just seems odd, very odd, that they will be so obstructionist in this effort. And their stated reason was 'liability,' and the liability being, at least alluded to, shark attacks. That may happen when you are in the ocean, although I think that the greater risk that they are really worried about are the 'land sharks' that I mentioned, otherwise known as attorneys, of which I am a proud member.

"The risk, frankly, is much greater driving to the event, than it ever would be in the water itself, number one. Number two these kids are very acclimated to the water."

Representative Garcia rose to a point of order, stating:

"I think the speaker is speaking to a resolution that does not exist. If he could speak to the context of the measure before us."

The Chair addressed Representative Gomes, stating:

"Representative Gomes, could you confine your remarks to the charter school audits at this point."

Representative Gomes responded, stating:

"Well Mr. Speaker, I think it is apropos because the Committee report itself refers to the previous resolution, and I object to the existing resolution because I think we should be adopting the one that was substituted. And that is what I am speaking to, and the merits of that underlying resolution, and the sport which should be an interscholastic sport that the DOE should be supporting. That's what I think is important and that's what I think needs to be addressed. That the reasons for objecting to this are not appropriate.

"Yes, liability is a factor, and always will be. But that is just one of several factors that go into determining what are appropriate sports that we ought to be undertaking and supporting.

"The other issue that they talked about was that their concern was they did not have control over the practice areas. The person testifying for the DOE, personally he thought that the surf meets themselves were safe."

Representative Schatz rose to a point of order, stating:

"I am sorry to do this again, but it seems like he is straying from the context of the bill in front of him."

The Chair responded, stating:

"If the Committee report reflects the original intent of H.R. 90, the Chair will allow him to speak. Then it can be defended by the Chair of LMG to say why it was substituted with the charter school amendments."

Representative Gomes continued, stating:

"With regard to the control issue. It seems that, that again has already been addressed. We already have canoe paddling as a sport amongst the schools. There is certainly no control over the practice areas, for example, in the Ala Wai Canal, that can be exhibited over commercial and other recreational boats, exiting in and out of that canal, and the safety hazards that it might cause for the canoe teams that practice these. At any rate the liability issue is specious at best.

"I am really disappointed at the DOE's effort to hold this up rather than get on board and try to work with the groups to make it happen and make it count, because evidently there are hundreds of students that participate now in clubs that want this to go forward. A lot of teachers, a lot of faculty, a lot of time. This is an excellent sport for a lot good reasons and it ought to go forward and the DOE should be standing behind it.

"With regard to the substituted measure, in the audit themselves, I welcome them. I think this is a good idea. We need to know where we are going with our various schools. I spoke with some of the people from Lanikai School. They said, 'Great, we do our own audits already. This will save us some money.' These are effective management tools, but my one question Mr. Speaker, is fine, we'll then do audits of the charter schools. Have we done a fiscal and management audit of the DOE? And it is my understanding that has never been done.

"I was also informed that apparently, there is some proposal moving forward this Session to do just that. I hope, if that is the case, that it does in fact pass because, really, the 'big cat' that we need to worry about it is the DOE. A lot of money that we are losing out there seems to be unaccounted for. Thank you, Mr. Speaker."

Representative Halford rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I would simply like to point out that it is good that our charter schools be fiscally responsible, and can demonstrate that. I am in favor of that and I believe that the charter school law already includes fiscal accountability.

"Generally I am okay with this, but I do want to point out, as was previously pointed out, that financial and management audits of the DOE would be appropriate. Additionally, financial and management audits of all our departments would certainly show us, clearly, how the State has lots of money, and how the State squanders money, would be useful activity."

Representative Thielen rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, I have the same reservations as the Representative from Puna. I would love to just add a few words.

"It used to be much worse. I don't think our Representative from Puna was aware that we used to leave the Chamber at noon time, leave the Journal open, and the bills would pass Second Reading without our even being here to vote on them. I am very glad that our Body has adopted the process..."

Representative Souki rose to a point of order, stating:

"Mr. Speaker, I believe the Representative is out of order in the manner that she is speaking. It has no relevance to the measures at hand."

Representative Thielen continued, stating:

"I am just finishing my comments as to the comments made by the speaker from Puna. I do thank my colleague across the aisle for saying that I am out of order again, and again, and again."

Representative Souki rose to a point of order, stating:

"She still is out of order."

Representative Thielen responded, stating:

"I will see you after session. I do applaud the Body for being much more democratic. The Senate is still back in the sort of, 'dark ages.' They go home and measures are all supposedly passed by unanimous consent. This way, at least we are able to alert others about things that they should look at when it goes to the next Committee. Thank you."

Representative Suzuki rose to speak in support of both measures, stating:

"I would like to thank the Representative from Waimanalo for giving a good recount of what happened in our Committee. What also happened was we put this replacement measure on the table, letting them know that we got semi-approval, reluctantly, from the introducer of the bill who also sits on the Committee, in 'gutting' the measure and inserting this measure that was asked to be put on the table by the Chair of Education, the Legislative Auditor, and also by Pat Hamamoto. In doing that, each one of those three came up with separate lists, some of which were common selections.

"What we are trying to do is select those charter schools, we have two conversion schools, so we selected at least one of the conversion schools, but select some of the schools that anticipate will by the end of the fiscal year, result in rather large deficit balances that, I don't think, they have resources to repay. And select maybe another one or two that seemed to be operating fairly well fiscally, and try to find models among them. To find discrepancies or problems that we can highlight as we move forward with this charter school movement, and possibly come up with recommendations, midstream, rather than have to wait until the whole year has finished. This provides checkpoints as we go along the way, traveling this course.

"As far as the testifiers relating to surfing, we had teachers, we had students coming out. We had a nice group that was rounded up by our Representative who introduced the bill. What we learned was there are 11 to 16 organizations that compete throughout the State. These three teams from Kahuku went to California to compete nationally. There are about, within the State private and public schools, up to 300 participants. So it is a viable program. It is ongoing. It is not sanctioned by the DOE, but we have a lot of student participation.

"The three students who testified, their GPAs approach 4.0. Excellent examples of what we try to achieve in our interscholastic programs, and possibly what we could achieve if we are to adopt surfing as a sport for interscholastic competition. It is a good goal. I think this group has a good start. They show that they know what they are doing, know what they want, and I think they are going to get there if we continue to have Representatives like the introducer of the measure, who stand as an advocate. Thank you very much."

Representative Stonebraker rose to speak in support of both measures with reservations, stating:

"Our Charter Schools do need to be monitored. We do need some oversight for them. I am concerned however that the underlying measure, which was gutted, was opposed by the DOE. Charter schools are also opposed by the DOE and the DOE was constantly tried to badger them and harass them, and really not give them a chance to grow. I really fear that the DOE may try to use certain bad examples of charter schools. However they are all independent of themselves. But I would hate to see one of these charter schools get a bad audit, some bad numbers, and the next year the DOE says, 'Sec, charter schools are bad, and we told you so, and we shouldn't fund them.' I just have that kind of fear so I would hope that we keep our eyes open to that. I support it with reservations."

Representative Takai rose to speak in support of both measures, stating:

"I rise in support of these two resolutions. First of all, I would like to say that I wish I knew how to surf. Maybe by next Session, the introducer of the resolution will teach a whole bunch of us to surf so next time it comes around we can support it.

"But that is not the reason why I am supporting this resolution. What the Legislative Management Committee has done with these two resolutions is appropriate. As you know the Legislative Auditor, by state law is charged with coming up with a per pupil allocation for charter schools. She has the responsibility for determining how much money charter schools get. I think she has done a fairly good job.

"If you talk to the charter schools, recently the auditor came out with the recalculation of that per pupil allocation. I think many of them are quite pleased with her new recommendations. However there has been some discussion about deleting the cap of 25 from State law and I think it behooves us to let our Legislative Auditor, who I believe is a fan of charter schools, to take a look at the back end. Not the front end. We already know she is helping us come up with a per pupil allocation. What we need to know is whether these schools, both conversion and new start ups are spending the money received appropriately, and as it pertains to State law, within what we have asked these charters to do.

"So I think as we move forward on the charter schools movement, I think it is very important for us to let this Legislative Auditor do this audit. And I don't think that the advocates of the charter school movement should be concerned about this Legislative Auditor doing her job in conducting this audit. If you take a look at the resolution, and the wording is very concise, very clear. I don't think there is any intention by the Chair of the Legislative Management, nor this Body, to use this vehicle later as a way to stop the charter school movement. So I support this resolution and I encourage everyone to do the same. Thank you."

Representative Meyer rose to speak in support of both measures with reservations, stating:

"My reservations are two fold, in that I had hoped that the original resolution would go through. The Kahuku High students have been very active in surfing and they had been wanting this to be recognized as an interscholastic sport for sometime. I see by the Committee report that the principal of the school there and the students took the time to come down and share their views and their enthusiasm. I would think it was disappointing for them to see that the resolution did not go forward.

"With the amended resolution, my reservations are that two of these charter schools on the Big Island, one I think, Connections, has a suit against the State and the DOE. And the

Waters of Life was in court. I would hate to think that they would look at this as some kind of retaliation. Thank you, Mr. Speaker."

Representative Stonebraker rose to clarify his support of both measures with reservations and asked that the remarks of Representative Takai be entered in 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. 90, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF CONNECTIONS, VOYAGER, LANIKAI ELEMENTARY, KANU O KA AINA, WEST HAWAII EXPLORATION ACADEMY, AND WATERS OF LIFE CHARTER SCHOOLS," was referred to the Committee on Finance with Representative Gomes voting no, and with Representatives Bukoski, Davis, Ito and Kanoho being excused.

and

H.C.R. No. 132, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF CONNECTIONS, VOYAGER, LANIKAI ELEMENTARY, KANU O KA AINA, WEST HAWAII EXPLORATION ACADEMY, AND WATERS OF LIFE CHARTER SCHOOLS," was referred to the Committee on Finance with Representative Gomes voting no, and with Representatives Bukoski, Davis, Ito and Kanoho being excused.

#### RECALL FROM COMMITTEE

Representative Fox moved that S.B. No. 2234, SD 2, HD 1, be recalled from the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Djou.

At 6:06 o'clock p.m., the Chair declared a recess for the purpose of verifying that twenty days had lapsed since said measure had been referred to the Committee on Judiciary and Hawaiian Affairs, subject to the call of the Chair.

The House of Representatives reconvened at 6:31 o'clock p.m.

At this time Representative Fox withdrew his motion that S.B. No. 2234, SD 2, HD 1, be recalled from the Committee on Judiciary and Hawaiian Affairs.

Representative Djou withdrew his second.

#### STANDING COMMITTEE REPORTS

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1115-02) recommending that S.B. No. 996, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 996, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE 1, SECTION 10, OF THE HAWAII CONSTITUTION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1116-02) recommending that S.B. No. 997, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 997, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1117-02) recommending that S.B. No. 2149, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2149, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1118-02) recommending that S.B. No. 1320, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1320, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I will be very brief and will save most of my comments for Third Reading.

"This bill proposes to allow private individuals to bring antitrust claims. I believe that this is something that should remain under the purview of the Attorney General's Office. We should not be opening up antitrust law suits to private citizens. I believe Hawaii already has far too much litigation. We have far too hostile an environment for small business in the State. I believe this will make it only more difficult to do and conduct business in the State of Hawaii. I don't think this is a good move and that is why I am standing in opposition. Thank you."

Representative Souki rose to speak in support of the measure with reservations and asked that the remarks of Representative Djou be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Souki continued, stating:

"Mr. Speaker, I have strong, strong reservations on this measure. Thank you."

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

"I rise in support and I will brief too. I will save my comments for Third Reading.

"Just for everyone's information, this bill was requested by the Attorney General's Office. This is a good measure. It strengthens our antitrust laws.

"Mr. Speaker, there is nothing more destructive to our capitalistic economic system than the practice of price fixing that prevents true market competition and true market pricing of essential goods and services. As we have seen in our recent oil lawsuit, Hawaii consumers and businesses are easy prey for those who restrict competition here in Hawaii. This practice will continue until we do something about it and I believe that this measure is a step in the right direction. Thank you."

Representative Meyer rose in opposition to the measure and asked that the remarks of Representative Djou be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. I am in opposition. I know I voted with reservations when this passed out of Committee, but I am concerned about the class action provision, which is really what the proponents are after. I think there is no more destructive force on the competitive marketplace than over-regulation by government. Thank you."

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

Mr. Speaker, a vote for me for the same reasons as my colleague from Kaneohe please."

Representative Jaffe rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

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

"Mr. Speaker, I will be casting a no vote. I believe that this measure does not really slow down the onslaught of antitrust lawsuits. Yes, it will go to the Attorney General in the first place, but if the Attorney General decides not to pursue the case, then the private party will simply proceed on their own. You will have a slew of lawsuits and it will simply chase away business from Hawaii."

Representative Fox rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Auwae rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Leong rose and asked that the Clerk record 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. 1320, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," passed Second Reading and was placed on the calendar for Third Reading with Representatives Djou, Fox, Gomes, Jaffe, Leong, Marumoto, Meyer, Moses, Ontai and Thielen voting no, and with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1119-02) recommending that S.B. No. 2681, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2681, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1120-02) recommending that S.B. No. 941, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 941, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1121-02) recommending that S.B. No. 2432, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2432, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIANAE COAST COMPREHENSIVE HEALTH CENTER," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1122-02) recommending that S.B. No. 2526, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2526, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1123-02) recommending that S.B. No. 2824, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2824, SD 2, 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 Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1124-02) recommending that S.B. No. 3048, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3048, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1125-02) recommending that S.B. No. 2786, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2786, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1126-02) recommending that S.B. No. 2478, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2478, HD 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 Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1127-02) recommending that S.B. No. 2775, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2775, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2775, 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 Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1128-02)

recommending that S.B. No. 2274, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2274, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2274, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUPPORT FOR THE CASE MANAGEMENT PROGRAM OF THE MAUI AIDS FOUNDATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1129-02) recommending that S.B. No. 2118, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2118, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I would like a no vote for me please on Standing Committee Report 1129, the Worker Retention bill.

"I have a question. I've looked at the bill and it may be that it is in another section of the law, but I can't find a provision that says how long these workers must be retained. I was wondering if the Finance Committee Chair would answer that question?"

The Chair addressed Representative Takamine, stating:

"Representative Takamine, would you yield to a question or would you like to have a recess?"

At 6:37 o'clock p.m. Representative Takamine requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:40 o'clock p.m.

Representative Thielen rose to continue, stating:

Thank you, Mr. Speaker. I appreciated the Chair of the Finance Committee and the Chair of Labor explaining that there is no provision. The bill is silent on how long an employee would need to remain employed by that business.

"You can look at it two ways, Mr. Speaker. That it is either 'till death do us part' or a perpetual marriage. Or it would be that the employer, after a year, might be able to let go the employee. The point is Mr. Speaker, there will be a lawsuit. There is no way that there wouldn't be a lawsuit once any employee under this provision is terminated. I think that the bill itself is defective since it doesn't have a period of time in



which the employee shall be retained, since there is no sunset period after which the employer would be free to make those management decisions on her own or his own. I think that makes the bill even more severely defective, and I double my no vote on this."

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

"Mr. Speaker, first I would like to request that the Clerk enter a no vote for all Republican members present on this measure, and I also would like to have a few comments in opposition.

"Mr. Speaker, I am rising in opposition to this measure, Standing Committee Report 1129, S.B. 2118.

"Mr. Speaker, this bill proposes to demand that any entity, which comes into the State of Hawaii and acquires a Hawaii company, retain at least 50% of the workers. Mr. Speaker, this Legislature and this Body passes a number of what I consider, very anti-business legislation. This however is one of the most offensive.

"If we want to pass a bill which says to investors outside of the State, 'Don't come to Hawaii. Don't invest in Hawaii.' At a time when the Hawaii economy is struggling, at a time when we need that outside investment, this bill does the trick. Mr. Speaker, I cannot state any further how bad this bill is to business, to investment, and how much this bill will add to Hawaii's already terrible reputation as an anti-business state. Thank you."

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

"I rise in support of the measure, merely at this point just to clarify, I guess, the Representative from Kailua remarks. I believe that they are misplaced.

"Certainly while the bill does require employment or retention, once the employee is retained, I believe, the employer like any other employer pursuant to its own management rights, would have the right to terminate the employee for just cause or for justifiable reason. Therefore, the alarm about a suit will be filed, I don't think that anyone can prevent anybody from filing a suit, but without justification, certainly it would not be in that employee's best interest. Thank you."

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

"Just a couple of comments in opposition to the Worker Retention Act. Once you've passed this you've completely eliminated management rights because the first right of management is the ability to select your employees. Employees are not interchangeable. If you are changing the business from a lower tech to higher tech, or you are changing the type of employees or service that you are giving, you've got to be able to choose your own employees. To mandate that somebody, who is an investor coming in, has to retain employees that may not have the skills or abilities to do what he wants, is just incredible. Does this take away the right to the pay scale? Does this say that you have to hire them at the same pay scale? I don't know how the bill reads, but it is not really worth researching, because this is absolutely, incredibly stupid to do this.

"This is going to kill business. It is going to render Hawaii's businesses worthless. You are not going to be able to sell your business if the employees have to go with it. What do you have to pay them? Supposing the skills are not something that you

want. Can you just pay that employee that you got to retain minimum wage just to carry him on as an employee? I mean, this is one of those things where it is probably just tinkering around the edges. The real intent is probably just go ahead and nationalize all the industries and have everybody work for the State. It should be a lot simpler in the long run."

Representative Bukoski rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2118, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Auwae, Bukoski, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker, Thielen and Whalen voting no, and with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1130-02) recommending that S.B. No. 2698, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2698, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"I rise in support with reservations, mainly because I have many questions regarding this bill. We were not able to see this until a few minutes before we went into Session. It was not available to us. I realize it must have been available to the attorneys who looked at. But we were not privy to it until a few minutes ago. We did not have a hearing on some of the provisions of this measure. It was sort of added in for purposes of Conference Committee deliberation at the last minute by the Chairman. I would hope that the Chairman could answer the questions in my mind when we vote on this upon Third Reading. But I do not understand exactly what 'soft money' is. The definition for 'soft money' is..."

The Chair addressed Representative Marumoto, stating:

"Representative Marumoto, are you on Standing Committee Report 1130 or 1131?"

Representative Marumoto responded, stating:

"Oh I am sorry. I am on the wrong one. What I read, I am sorry, I should be addressing the next measure."

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

"Thank you, Mr. Speaker. I am rising in support on Standing Committee Report 1130. I just have a concern on the 4th page of the bill, line 11. One of the factors that the court, in making its determination, with regard to the question of notice and posting notice, is what if the victim was 12 years of age or younger at the time of the offense. I think if there is going to be any references to age limits, that ought to be the age of the consent. That is my only suggestion to make this bill a little stronger."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2698, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1131-02) recommending that S.B. No. 2431, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 2431, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Once again with reservations on this measure. The first page of the bill refers to 'soft money' and there is a reference to a national congressional campaign committee and I am wondering if that is in the right place. I just don't think that our State will cover any congressional races. I do not understand the definition of 'soft money.' But I have not read this very carefully and would like some clarification of that.

"There is also a section in here, which coordinates campaign activity. I would hope that the Chairman would be able to give us a clear explanation from page 22 through 25. Again there is a reference to federal offices at the bottom of page 25. I think I'll address all the points on it when we vote on this on Third Reading. Thank you."

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

"I would also like to vote with reservations and reserve my comment for Third Reading, if it makes it."

Representative Auwae rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Djou rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Bukoski rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record 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. 2431, SD 2, 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 Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1132-02) recommending that S.B. No. 706, SD 1, as amended in HD 1,

pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 706, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"I would like to request that the Clerk enter a no vote for the entire all Republican Caucus members present on this particular measure, and very brief comments in opposition.

"Mr. Speaker, again I know we've had a lot of debate on this and it is whether or not we should use the Hawaii Hurricane Relief Fund, whether or not it is appropriate to tap into it at this time.

"I still continue to believe we do not, we should not, tap into this. The public has made their voices very, very clearly heard. That this is not what we should be doing."

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

"May I have a no vote please. I have brief remarks. Actually, I would like to incorporate by reference, a very good article in the *Honolulu Advertiser* this morning, the editorial page, which captures some of my thoughts on this."

At 6:51 o'clock p.m. Representative Leong requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:52 o'clock p.m.

Representative Djou rose to clarify his statement, stating:

"Mr. Speaker, my apologies to the Representative from Manoa for interrupting him. May I respectfully ask the Clerk to make a correction, and note that Representative Leong votes with reservations rather than a no on this measure."

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

"Thank you, Mr. Speaker. My no vote is already recorded. I want to make a point. This is very, very difficult for me because it contains things that my district desperately needs, like the last phase of the 12th grade classrooms for the high school, which has been a prime thing that I have fought for since I came here. In fact, that is one of the reasons why I did come here. Another thing is the overcrowding in our schools and the multi-track funding is in this bill. There are many good things in the bill, and as a separate measure, I would vote for probably, 99% of these things, if it was in the budget and under the general fund. But I cannot contend with taking the Hawaii Hurricane Relief Fund money after all of my constituents also told me that not only do they want the high school and multi-track, but they don't want me to touch the HHRF.

"Last night I called the principal of our high school and said the money is in they're for our classrooms that we need so desperately. He said, 'Great.' And I said, 'Unfortunately it is tied the Hurricane Fund.' I ask him, 'What do you tell your children to do? What is good for them, or what is right?' He said, 'You have to do what is right.' That is what I am doing. Thank you Mr. Speaker."

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

"This approach to budgeting is certainly arbitrary and belligerent, and it is not worth it. It doesn't support the dignity of this Body. Thank you."

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

"Just simply, a no vote to be consistent. And also I would like to reference the Representative from Manoa's floor remarks on Third Reading on the House measure."

Representative Thielen rose in opposition to the measure and asked that the remarks of Representative Case be entered in the Journal as her own and the Chair, "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. It is very hard for me to vote no because we have the Waianae Comprehensive Health Center in there, and the Waianae Courts. This is something we really need out there, and it is very hard for me to vote no. But I have to because a lot of our constituents who are homeowners feel that we should leave the money for the next hurricane that might hit Waianae. 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. 706, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Auwae, Bukoski, Case, Djou, Fox, Gomes, Halford, Jaffe, Marumoto, McDermott, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker, Takai, Thielen and Whalen voting no, and with Representatives Ahu Isa, Davis, Ito, Kanoho and Yoshinaga being excused.

#### RECALL FROM COMMITTEE

At this time the Chair addressed the Body, stating:

"Members, S.B. No. 2077, SD 1, was recalled from the Committee on Transportation and the Committee on Judiciary and Hawaiian Affairs on Monday, April 1st, and further consideration was deferred to the end of today's calendar."

At 6:56 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:27 o'clock p.m.

At this time, Representative M. Oshiro moved that S.B. No. 2077, SD 1 be laid on the table, seconded by Representative Lee.

The Chair then announced that the motion that said measure be laid on the table was a non-debatable secondary motion.

The motion was put to vote by the Chair and carried and S.B. No. 2077, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTO TRAFFIC ENFORCEMENT," was laid on the table with Representatives Ahu Isa, Davis, Ito, Kanoho, Ontai, Pendleton, Stonebraker, Whalen and Yoshinaga being excused.

Representative Djou then called for a division of the house.

Representative Gomes rose, stating:

"Mr. Speaker, what just happened? Are we still in Session? I know you hit the gavel, but you did not announce anything."

The Chair responded, stating:

"What just happened was we voted. The motion has passed. The motion before this House was to table S.B. 2077, SD 1."

Representative Djou rose to a point of order, stating:

"Mr. Speaker, point of order. I call for a division of the house."

The Chair responded, stating:

"Your motion is late."

Representative Djou: "Well, Mr. Speaker. I called it before you ruled."

Speaker Say: "I called for the question. All those in favor of the motion. Are you appealing the Chair's decision?"

Representative Djou then appealed the Chair's decision that S.B. No. 2077, SD 1 be laid on the table.

The Chair addressed Representative Djou, stating:

"At this time, there is no need Representative Djou, since the motion has already been adopted.

The appeal of the Chair's decision that S.B. No. 2077, SD 1 be laid on the table was put to vote by the Chair and upon a show of hands, the appeal was upheld.

Representative Gomes rose to a point of inquiry, stating:

"Point of inquiry. Two things. What was it that the vote just affirmed that the Speaker said?"

"But even before that, you pounded the gavel and you don't normally do that unless we are adjourning or something, and I don't quite understand what that signified or meant?"

The Chair responded, stating:

"That the motion had been passed."

Representative Gomes rose to respond, stating:

"I am sorry. Normally I don't recall you doing that on various motions. You just announce it and we move on. That is why I was a little confused when you pounded the gavel, and it looked like we were about to run out the Body."

The Chair addressed the Body, stating:

"At this point members, we are on number 8. The Chair's decision has prevailed. Are there any announcements this evening?"

Representative Bukoski rose, stating:

"Yes, Mr. Speaker. I don't know if this is out of order or not, but I think what just happened, I am really disappointed at your decision and how you handled this whole issue. And I just want to say for the record that I am really disappointed in the Majority's decision."

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

"Point of order Mr. Speaker. This is out of order."

Representative Fox rose to a point of inquiry, stating:

"Thank you, Mr. Speaker. I simply don't understand why, when somebody asks for the division of the house, you don't grant it?"

The Chair responded, stating:

"It is the prerogative of the Chair, at this point, when the motion was already adopted and passed."

Representative Moses rose to a point of information, stating:

Thank you, Mr. Speaker. I don't understand why we delayed the debate on this bill to the end of calendar tonight, when specifically, you said we would debate it tonight. And now when we try to talk about the bill, we are not allowed to."

At 7:32 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:33 o'clock p.m.

At this time, the Chair addressed the Body, stating:

"The Chair would like to correct himself and will now recognize Representative Djou's call for the division of the house and a roll call vote."

Representative Thielen rose to a point of inquiry, stating:

"Excuse me, Mr. Speaker. Just a second. Before we start the roll call vote, I have a point of inquiry. As I understand it, you're calling a roll call vote on whether or not we should table our attempt to bring the bill, relating to Photo Traffic Enforcement, the camera vans, back to the floor for action?"

The Chair responded, "No."

Representative Thielen: "No? Well all right then. If you could please explain to me."

Speaker Say: "The motion before this House when we went on a voice vote, was the motion to table S.B. 2077, SD 1."

Representative Thielen: "And that is the Traffic Photo Enforcement bill, which will repeal the traffic photo..."

Speaker Say: "But there is no debate on the motion to table."

Representative Thielen: "Excuse me. Pardon me."

Speaker Say: "Representative Thielen, on the motion to table, there is no debate."

Representative Thielen: "No, I understand that. But I am just trying to figure out. My point of inquiry is that we are trying to bring the photo enforcement bill to the floor, and that bill will repeal the traffic cameras. You're saying then... I am just trying to find out where we are on this procedure."

Speaker Say: "Representative Thielen, the bill was recalled, and then there was a motion to table S.B. 2077, SD 1, seconded by Representative Lee. The Chair then asked for a voice vote, all those in favor say aye, those opposed, nay. Then the Minority Floor Leader asked for a division of the House in trying to get the recorded votes by individual members. This is where the Chair, at this point, is saying to all of you, I made a

mistake by not recognizing the Minority Floor Leader for the division of the house and for the votes to be recorded."

Representative Thielen: "Then the vote that we will be taking is if the vote to table passes, it means that we will not be able to repeal the traffic cameras?"

Speaker Say: "I can't say that."

Representative Thielen: "It will essentially..."

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

"Mr. Speaker, this is highly improper and is out of order, and I think I will ask for a recess at this time."

At 7:36 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:41 o'clock p.m.

Representative Bukoski rose to a point of inquiry, stating:

"I would just like to clarify that we are getting a roll call vote."

The Chair responded, "Yes we are."

Representative Fox rose to a point of inquiry, stating:

Mr. Speaker, I understand that this is a non-debatable motion and that the result of this motion is that we will not be discussing the traffic cam issue this evening, and a vote to table is to eliminate discussion of the traffic cam issue. Is that correct, Mr. Speaker?"

The Chair responded, stating:

"I don't believe so. There is no debate, but at the end of April, there will an opportunity once more."

Roll call having been previously requested, and by unanimous consent, granted, the motion that S.B. No. 2077, SD 1 entitled: "A BILL FOR AN ACT RELATING TO PHOTO TRAFFIC ENFORCEMENT," be laid on the table carried by the following show of ayes and noes:

30 Ayes: Representatives Abinsay, Arakaki, Cabrerros, Case, Chang, Espero, Garcia, Hale, Hamakawa, Hiraki, Kahikina, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Souki, Suzuki, Takai, Takamine, Takumi, Yonamine, and Yoshinaga.

15 Noes: Representatives Auwae, Bukoski, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses, Ontai, Rath and Thielen.

6 Excused: Representatives Ahu Isa, Davis, Ito, Pendleton, Stonebraker and Whalen.

## ANNOUNCEMENTS

Representative Takai reminded the Committee on Education members that they would be hearing three resolutions on Monday at 9:30 a.m. in room 312.

Representative Gomes: "Just real briefly. The Chili Cook-off is on Monday, so bring your chili and bring your water."

Representative Lee 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 Djou and carried. (Representatives Ahu Isa, Davis, Ito, Pendleton, Stonebraker and Whalen were excused.)

At 7:45 o'clock p.m., on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives stood in recess. (Representatives Ahu Isa, Davis, Ito, Pendleton, Stonebraker and Whalen were excused.)

#### STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Rep. Nos. 1133-02 through 1260-02) were received by the Clerk prior to 12:00 midnight this legislative day and the following actions were taken:

Stand. Com. Rep. No. 1133-02 (CPC) and S.B. No. 2106, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1134-02 (CPC) and S.B. No. 2490, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1135-02 (CPC) and S.B. No. 2890, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1136-02 (CPC/JHA) and S.B. No. 233, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1137-02 (JHA) and S.B. No. 2701, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1138-02 (JHA) and S.B. No. 1575, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1139-02 (JHA) and S.B. No. 2934, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1140-02 (JHA) and S.B. No. 3040, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1141-02 (JHA) and S.B. No. 2309, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1142-02 (FIN) and S.B. No. 2500, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1143-02 (FIN) and S.B. No. 2139, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRESCHOOLS OPEN DOORS PROGRAM," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1144-02 (FIN) and S.B. No. 2708, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1145-02 (FIN) and S.B. No. 2867, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1146-02 (FIN) and S.B. No. 2026, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASED MEDICAID REIMBURSEMENT," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1147-02 (FIN) and S.B. No. 2568, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1148-02 (FIN) and S.B. No. 2769, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1149-02 (FIN) and S.B. No. 2765, SD 2, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1150-02 (FIN) and S.B. No. 2782, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1151-02 (FIN) and S.B. No. 2944, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH-CARE PROVIDERS OF THE MEDICALLY UNDERSERVED," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1152-02 (FIN) and S.B. No. 2721, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1153-02 (FIN) and S.B. No. 2904, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FUNDING A SECOND AMBULANCE TO SERVICE THE WAIANAE COAST," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1154-02 (FIN) and S.B. No. 2768, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS FOR PERSONS WITH DISABILITIES," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1155-02 (FIN) and S.B. No. 720, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITION OF DISCRIMINATION BY PUBLIC ENTITIES TOWARDS INDIVIDUALS WITH

DISABILITIES," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1156-02 (FIN) and S.B. No. 2052, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1157-02 (FIN) and S.B. No. 2227, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NEIGHBOR ISLAND DENTAL CARE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1158-02 (FIN) and S.B. No. 3047, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIPAHU COMMUNITY ADULT DAY HEALTH CENTER AND YOUTH DAY CARE CENTER PILOT PROJECT," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1159-02 (FIN) and S.B. No. 2881, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1160-02 (FIN) and S.B. No. 2075, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1161-02 (FIN) and S.B. No. 594, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1162-02 (FIN) and S.B. No. 3053, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1163-02 (FIN) and S.B. No. 2763, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1164-02 (FIN) and S.B. No. 2302, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1165-02 (FIN) and S.B. No. 2416, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1166-02 (FIN) and S.B. No. 3011, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXPENSES OF THE LEGISLATURE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1167-02 (FIN) and S.B. No. 2246, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII ISLAND VETERANS MEMORIAL INC," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1168-02 (FIN) and S.B. No. 2819, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY,"

were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1169-02 (FIN) and S.B. No. 2816, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1170-02 (FIN) and S.B. No. 2457, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOUSE EMBRYONIC STEM CELL RESEARCH," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1171-02 (FIN) and S.B. No. 2069, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII EDUCATIONAL POLICY CENTER," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1172-02 (FIN) and S.B. No. 2067, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1173-02 (FIN) and S.B. No. 2184, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1174-02 (FIN) and S.B. No. 2121, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAPAYA RESEARCH," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1175-02 (FIN) and S.B. No. 2132, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1176-02 (FIN) and S.B. No. 2136, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF FIREWEED," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1177-02 (FIN) and S.B. No. 2666, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A SEAL OF QUALITY FOR FRESH AND PROCESSED AGRICULTURAL PRODUCTS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1178-02 (FIN) and S.B. No. 2931, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR VARIOUS STATE IRRIGATION SYSTEMS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1179-02 (FIN) and S.B. No. 2228, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1180-02 (FIN) and S.B. No. 2438, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII VICTIMS' ECONOMIC SECURITY AND SAFETY ACT," were placed on the calendar for Third Reading on April 9, 2002.



Stand. Com. Rep. No. 1181-02 (FIN) and S.B. No. 2043, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1182-02 (FIN) and S.B. No. 2737, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1183-02 (FIN) and S.B. No. 2817, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1184-02 (FIN) and S.B. No. 2750, SD 1, 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 9, 2002.

Stand. Com. Rep. No. 1185-02 (FIN) and S.B. No. 2682, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1186-02 (FIN) and S.B. No. 2476, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1187-02 (FIN) and S.B. No. 2477, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1188-02 (FIN) and S.B. No. 3060, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE SAFETY EDUCATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1189-02 (FIN) and S.B. No. 2422, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1190-02 (FIN) and S.B. No. 2488, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARKING FOR PERSONS WITH DISABILITIES," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1191-02 (FIN) and S.B. No. 3049, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BONDS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1192-02 (FIN) and S.B. No. 2306, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1193-02 (FIN) and S.B. No. 3028, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF

WARRANTORS OF VEHICLE PROTECTION PRODUCTS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1194-02 (FIN) and S.B. No. 2805, entitled: "A BILL FOR AN ACT RELATING TO SOIL AND WATER CONSERVATION DISTRICTS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1195-02 (FIN) and S.B. No. 2667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1196-02 (FIN) and S.B. No. 2242, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1197-02 (FIN) and S.B. No. 2802, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LEASING OF PUBLIC LANDS TO RENEWABLE ENERGY PRODUCERS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1198-02 (FIN) and S.B. No. 2804, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBLEASING OF PUBLIC LANDS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1199-02 (FIN) and S.B. No. 2810, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1200-02 (FIN) and S.B. No. 2702, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1201-02 (FIN) and S.B. No. 2007, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1202-02 (FIN) and S.B. No. 3010, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1203-02 (FIN) and S.B. No. 2078, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1204-02 (FIN) and S.B. No. 2715, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1205-02 (FIN) and S.B. No. 2784, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1206-02 (FIN) and S.B. No. 2757, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO ACT 253,

SESSION LAWS OF HAWAII 2000," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1207-02 (FIN) and S.B. No. 2964, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1208-02 (FIN) and S.B. No. 2111, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1209-02 (FIN) and S.B. No. 2112, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1210-02 (FIN) and S.B. No. 23, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1211-02 (FIN) and S.B. No. 2127, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1212-02 (FIN) and S.B. No. 2787, entitled: "A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1213-02 (FIN) and S.B. No. 2669, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROJECTS ON THE ISLANDS OF MAUI AND HAWAII," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1214-02 (FIN) and S.B. No. 2900, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1215-02 (FIN) and S.B. No. 2615, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1216-02 (FIN) and S.B. No. 2774, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROGRAM FINANCING," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1217-02 (FIN) and S.B. No. 3063, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1218-02 (FIN) and S.B. No. 484, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1219-02 (FIN) and S.B. No. 2505, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1220-02 (FIN) and S.B. No. 2179, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1221-02 (FIN) and S.B. No. 2266, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1222-02 (FIN) and S.B. No. 2635, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1223-02 (FIN) and S.B. No. 2331, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1224-02 (FIN) and S.B. No. 2382, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NATIONAL KOREAN WAR MUSEUM," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1225-02 (FIN) and S.B. No. 2709, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1226-02 (FIN) and S.B. No. 2350, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1227-02 (FIN) and S.B. No. 2094, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1228-02 (FIN) and S.B. No. 2729, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1229-02 (FIN) and S.B. No. 2730, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MERGERS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1230-02 (FIN) and S.B. No. 2732, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1231-02 (FIN) and S.B. No. 2733, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1232-02 (FIN) and S.B. No. 2883, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

INSURANCE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1233-02 (FIN) and S.B. No. 2885, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1234-02 (FIN) and S.B. No. 2724, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1235-02 (FIN) and S.B. No. 251, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1236-02 (FIN) and S.B. No. 2723, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1237-02 (FIN) and S.B. No. 940, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE UNFAIR PRACTICES," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1238-02 (JHA) and S.B. No. 2336, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1239-02 (JHA) and S.B. No. 2337, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1240-02 (JHA) and S.B. No. 2898, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAVE PROTECTION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1241-02 (JHA) and S.B. No. 2628, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1242-02 (JHA) and S.B. No. 2231, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO KAHŌLAWĒ ISLAND RESERVE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1243-02 (FIN) and S.B. No. 2270, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1244-02 (FIN) and S.B. No. 2284, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1245-02 (FIN) and S.B. No. 2680, 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 9, 2002.

Stand. Com. Rep. No. 1246-02 (FIN) and S.B. No. 2068, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN

ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1247-02 (FIN) and S.B. No. 2097, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL IMPACT AID," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1248-02 (FIN) and S.B. No. 2792, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1249-02 (FIN) and S.B. No. 2926, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1250-02 (FIN) and S.B. No. 3041, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1251-02 (FIN) and S.B. No. 2512, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1252-02 (FIN) and S.B. No. 2036, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1253-02 (FIN) and S.B. No. 2102, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1254-02 (FIN) and S.B. No. 3018, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1255-02 (FIN) and S.B. No. 2540, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1256-02 (FIN) and S.B. No. 3021, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTION PICTURE AND FILM PRODUCTION," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1257-02 (FIN) and S.B. No. 2831, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EXTENSION OF THE RESIDENTIAL CONSTRUCTION AND REMODELING INCOME TAX CREDIT," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1258-02 (FIN) and S.B. No. 2383, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," were placed on the calendar for Third Reading on April 9, 2002.

Stand. Com. Rep. No. 1259-02 (FIN) and S.B. No. 2907, 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 9, 2002.

Stand. Com. Rep. No. 1260-02 (FIN) and S.B. No. 2985, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT," were placed on the calendar for Third Reading on April 9, 2002.

#### **ADJOURNMENT**

At 12:00 o'clock midnight, the House of Representatives adjourned until 9:00 o'clock a.m. on Tuesday, April 9, 2002.